



General Assembly

Distr.: General
23 August 2010
English
Original: French

Human Rights Council
Working Group on the Universal Periodic Review
Ninth session
Geneva, 1–12 November 2010

National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1*

Mauritania

* The present document was not edited before being sent to the United Nations translation services.

Contents

| | <i>Page</i> |
|---|-------------|
| I. Methodology for preparation of the report | 5 |
| II. General legal and institutional framework | 5 |
| A. General framework | 5 |
| B. Legal and institutional framework | 6 |
| C. The constitutional framework for human rights | 8 |
| D. Legal protection of human rights | 8 |
| E. The institutional framework for human rights | 9 |
| 1. Commission on Human Rights, Humanitarian Action and Relations with Civil Society | 9 |
| 2. Ministry of Social Affairs, Children and the Family | 10 |
| 3. Ombudsman of the Republic | 10 |
| 4. National Commission for Human Rights | 10 |
| III. Promotion and protection of human rights | 11 |
| A. Freedom of opinion and expression and freedom of the press | 11 |
| B. Human trafficking | 12 |
| C. Death penalty | 12 |
| D. Torture and other cruel, inhuman or degrading treatment or punishment | 12 |
| E. Rights of migrant workers | 13 |
| F. Freedom of conscience and worship and cultural rights | 13 |
| G. Social welfare | 13 |
| H. Right to health | 14 |
| I. Right to education | 15 |
| J. Rights of the child | 15 |
| K. Women's rights and the gender issue | 17 |
| L. Activities of national human rights institutions | 17 |
| M. Human rights awareness-raising | 18 |
| N. Cooperation with human rights mechanisms | 18 |
| 1. Measures to implement the recommendations of the Committee on the Elimination of Racial Discrimination | 19 |
| 2. Measures to implement the recommendations of the Committee on the Elimination of Discrimination against Women | 19 |
| 3. Measures to implement the recommendations of the Committee on the Rights of the Child | 19 |
| 4. Measures to implement the recommendations of the Working Group on Arbitrary Detention | 20 |

| | | |
|-----|--|----|
| 5. | Measures to implement the recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance | 20 |
| IV. | Initiatives, priorities, voluntary commitments, constraints and challenges, and needs for assistance | 21 |
| A. | Initiatives..... | 21 |
| B. | Priorities | 21 |
| 1. | National unity | 21 |
| 2. | Repatriation of refugees | 21 |
| C. | The “humanitarian liability” | 22 |
| D. | Eradication of the legacy of slavery | 22 |
| E. | Constraints and challenges | 23 |
| 1. | Constraints..... | 23 |
| 2. | Challenges | 23 |
| F. | Needs for assistance..... | 23 |

List of abbreviations and acronyms

| | |
|----------|--|
| ANAIR | National Agency for Refugee Assistance and Reintegration |
| SIA | Supplementary Immunization Activities |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CRC | Committee on the Rights of the Child |
| CDHAHRSC | Commission on Human Rights, Humanitarian Action and Relations with Civil Society |
| CNDH | National Commission for Human Rights |
| CNSS | National Social Security Fund |
| CP | Criminal Code |
| CPP | Code of Criminal Procedure |
| FAPONG | Support Fund for the Professionalization of Non-governmental Organizations |
| UNFPA | United Nations Population Fund |
| HAPA | High Authority for the Press and Audiovisual Communication |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| UNHCR | Office of the United Nations High Commissioner for Refugees |
| IEC | Information, Education, Communication |
| ARI | Acute Respiratory Infections |
| MASEF | Ministry of Social Affairs, Children and the Family |
| FGM | Female genital mutilation |
| OEV | Vulnerable orphans and children |
| MDGs | Millennium Development Goals |
| ONS | National Office of Statistics |
| UN | United Nations |
| UNODC | United Nations Office on Drugs and Crime |
| WFP | World Food Programme |
| PASOC | Civil Society Support Programme |
| EPI | Expanded Programme on Immunization |
| IMCI | Integrated Management of Childhood Illness |
| PESE | Programme to Eradicate the Legacy of Slavery |
| PNDPE | National Early Childhood Development Policy |
| PNDSE | National Programme for Educational Development |
| UNDP | United Nations Development Programme |
| UNICEF | United Nations Children's Fund |

I. Methodology for preparation of the report

1. The preparation of this report was the result of close cooperation between the Commission on Human Rights, Humanitarian Action and Relations with Civil Society (CDHAHRSC) and all the ministerial departments concerned, working together in the framework of an interministerial technical committee.
2. Following the establishment of the interministerial technical committee, a national consultation was carried out by means of a workshop which brought together all the stakeholders: representatives of the two chambers of the parliament, judges, ulemas, the National Commission for Human Rights, trade unions, human rights organizations and the United Nations country team. That process confirms, if further demonstration was necessary, Mauritania's commitment to the dialogue and concerted action called for under the universal periodic review (UPR) procedure.
3. It also demonstrates the desire of the Mauritanian authorities to review the country's human rights situation by taking into account both the progress accomplished and the constraints, obstacles and inadequacies that sometimes prevent the full enjoyment of certain rights.
4. The present report, validated by an interministerial committee established to that end, has been prepared pursuant to the recommendations contained in resolution 5/1 of the Human Rights Council concerning guidelines for the presentation of national reports under the universal periodic review.

II. General legal and institutional framework

A. General framework

5. The Islamic Republic of Mauritania lies between lat. 15' and 27'N and long. 6' and 19'W, with a surface area of 1,030,700 km². The country is bounded by the Atlantic Ocean to the west, Senegal to the south, Mali to the south and east, Algeria to the north-east, and Western Sahara to the north-west. Mauritania's geographic position as a bridge between North Africa and sub-Saharan Africa has made it a melting pot of civilizations, with a rich sociocultural heritage.
6. The population of Mauritania is estimated at 3,340,627 inhabitants, most of whom live in Nouakchott, the country's administrative capital, and in Nouadhibou, its economic capital.
7. Mauritania is an multiethnic and multicultural country. Arabs make up the majority of the population, which also includes Pulaar, Soninke and Wolof minorities.
8. Foreigners represent 2.2 % of the population. They mainly reside in Nouakchott and Nouadhibou and are active in the fields of industry, construction, service industries and bilateral and multilateral cooperation.

| | |
|-------------------------|-------------------------------|
| <i>Total population</i> | <i>3 340 627 inhabitants</i> |
| Urban population | 38.1% |
| Growth | 2.4% per year |
| Young people aged 20 | 56% are under 20 years of age |

| | |
|-------------------------|------------------------------|
| <i>Total population</i> | <i>3 340 627 inhabitants</i> |
| Employed | 57% |
| School enrolment | 57% |
| Religion | 100% Muslim |

Source: National Office of Statistics (ONS).

B. Legal and institutional framework

9. In accordance with article 1 of the Constitution of 20 July 1991, re-established and amended by Constitutional Act No. 2006-014 of 12 July 2006, Mauritania is “an Islamic, indivisible, democratic and social Republic”. The Republic ensures “all its citizens equality before the law, without distinction as to origin, race, sex or social condition”.

10. Article 3 of the Constitution enshrines the principle of democracy: “sovereignty belongs to the Mauritanian people, who shall exercise it through their representatives or by referendum”.

11. The republican State is characterized by a clear separation of the executive, legislative and judicial branches.

12. The President of the Republic is elected by direct universal suffrage for a term of five years, renewable once. The President defines national policy, which is implemented by the Government, led by a Prime Minister.

13. Legislative power is exercised by the parliament which adopts laws and is responsible for oversight of government action. The parliament is divided into a lower house, the National Assembly, and an upper house, the Senate.

14. Mauritania has a decentralized and devolved administrative structure. Its territory is organized into several administrative levels: wilayas (13), moughataas (54) and districts (216). The manner in which authority is assigned to the different administrative levels ensures that central and local government work together on political, economic and social development.

15. The new powers granted to districts under Act No. 2001-27 of 7 February 2001 has made it possible to strengthen the capacities of local authorities to resolve local development problems, and to compensate for the lack of local governance.

16. The Mauritanian system of justice is based on the second-hearing principle: trial courts at the level of the moughataas and wilayas, and higher courts (three appeal courts at Nouakchott, Nouadhibou and Kiffa, and a Supreme Court).

17. The Government has made significant efforts to improve the performance of the judiciary by providing easier access to it for citizens; establishing a High Court of Justice responsible for trying the highest State authorities (President of the Republic, members of the Government); improving the living and working conditions of judges; and developing the national court infrastructure. To that same end, the Government has granted several presidential pardons, reduced sentences for hundreds of detainees and taken steps to improve prison conditions.

18. Faithful to its international commitments, Mauritania has transformed its attachment to human values into a vehicle for the protection and promotion of human rights.

19. Since gaining its independence, Mauritania has taken part in the codification of international human rights law by participating in the elaboration of, *inter alia*, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the African Charter on Human and Peoples' Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

20. To give full effect to the international treaties and conventions ratified by Mauritania, article 80 of the Constitution establishes their primacy over national law.

21. Mauritania has ratified the principal human rights instruments and their additional or optional protocols, as set out in the table below:

| <i>Principal legal instruments for the protection of human rights</i> | <i>Date of adoption</i> | <i>Date of ratification</i> |
|--|-------------------------|---|
| ILO Convention No. 29 concerning Forced or Compulsory Labour | 1930 | 20/06/1961 |
| Convention on the Political Rights of Women | 1953 | 20/06/196 |
| Slavery Convention amended by the Protocol of 7 December 1953 | 1926 | 06/06/1986 |
| Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery | 1956 | 06/06/1986 |
| African Charter on Human and People's Rights | 1981 | 26 June 1986 The Charter was incorporated into the preamble to the Constitution of 20 July 1991, re-established and modified by Constitutional Act No. 211 of July 2006. |
| Convention relating to the Status of Refugees | 1951 | 05/05/1987 |
| Protocol relating to the Status of Refugees | 31/12/1967 | 05/05/1987 |
| International Convention on the Elimination of All Forms of Racial Discrimination | 1965 | 13/12/1988 |
| Convention on the Rights of the Child | 20/12/1989 | 08/04/ 1991 |
| ILO Convention No. 105 concerning the Abolition of Forced Labour | 1957 | 03/04/1997 |
| Convention on the Elimination of All Forms of Discrimination against Women | 1979 | 2000 |

| <i>Principal legal instruments for the protection of human rights</i> | <i>Date of adoption</i> | <i>Date of ratification</i> |
|--|-------------------------|-----------------------------|
| ILO Convention No. 98 on the Right to Organise and Collective Bargaining | 1949 | 03/12/2001 |
| ILO Convention No.100 concerning Equal Remuneration | 1951 | 03/12/2001 |
| ILO Convention No.182 on the Worst Forms of Child Labour | 1999 | 03/12/2001 |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography | 25/06/2000 | 12/06/2002 |
| Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict | 25/05/2000 | 12/06/2002 |
| International Covenant on Civil and Political Rights | 1966 | Ratified in 2004 |
| International Covenant on Economic, Social and Cultural Rights | 16/12/1978 | 14/07/2004 |
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | 1984 | 14/07/2004 |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | 1990 | 2004 |
| African Charter on the Rights and Welfare of the Child | 1990 | 21/09/2005 |

Source: Human Rights Office/CDHAHRSC.

C. The constitutional framework for human rights

22. The Mauritanian constitutional system enshrines human rights values in the preamble and body of the Constitution.

23. The preamble to the Constitution proclaims Mauritania's attachment to "the principles of democracy as they have been defined by the Universal Declaration of Human Rights and the African Charter on Human and People's Rights of 28 June 1981 and by the other international conventions to which Mauritania has subscribed".

D. Legal protection of human rights

24. The main bodies concerned are the Constitutional Council and the national courts.

25. The Constitution establishes a mechanism for referring matters to the Constitutional Council that is intended to protect human rights. Thus, under the Constitution, the President of the Republic, or one-tenth of the members of the National Assembly or of the Senate may bring before the Constitutional Council action seeking to declare a law unconstitutional.

26. In terms of guarantees of the right to a fair trial, defendants have the following rights:

- (a) Presumption of innocence;
- (b) Principle of legality of the offence and the punishment;
- (c) Guarantee of due process;
- (d) Access to counsel as from placement in police custody, and the right to make contact with family members.

27. Article 138 of the Code of Criminal Procedure, which establishes the pretrial detention regime, provides that such detention may only be ordered by the investigating magistrate and when it is justified by:

- The gravity of the facts
- The need to prevent proofs of the offence from disappearing
- Flight of the accused or commission of new offences

28. Once a person has been placed in pretrial detention, the investigating magistrate is obliged to expedite the procedure. The magistrate is responsible, at the risk of being held liable, for any negligence that would have pointlessly slowed down the investigation and prolonged the detention.

29. Human rights are central to the Constitution and the institutional framework.

E. The institutional framework for human rights

30. Mauritania's commitment to the promotion and protection of human rights has led it to bolster its institutional framework through the establishment of several ministerial departments and national institutions.

1. Commission on Human Rights, Humanitarian Action and Relations with Civil Society (CDHAHRSC)

31. The Commission on Human Rights, Humanitarian Action and Relations with Civil Society is the ministerial division in charge of human rights.

32. Pursuant to Decree No. 247-2008 defining its powers, the Commission is responsible in the field of human rights for:

- (a) Drafting and implementing national policy for the promotion, defence and protection of human rights;
- (b) Coordinating national human rights policy;
- (c) Providing human rights education and awareness-raising;
- (d) Preparing periodic reports pursuant to the requirements of the international and regional human rights instruments ratified by Mauritania;
- (e) Harmonizing national legislation with the provisions of the international and regional human rights conventions ratified by Mauritania;

(f) Drafting and translating action plans and programmes for vulnerable social groups, for better promotion and protection of their rights.

2. Ministry of Social Affairs, Children and the Family

33. Pursuant to Decree No. 189-2008, the Ministry of Social Affairs, Children and the Family is responsible for:

(a) Proposing projects and programmes to guarantee the promotion of the family, the integration of women in the development process, and the promotion and protection of disabled persons;

(b) Helping to evaluate the impact of programmes and projects on the situation of women, children and the family;

(c) Contributing to the preparation and follow-up of national programmes, strategies and policies, and development projects having an impact on women, children and the family;

(d) Promoting measures to ensure respect for women's rights in order to guarantee equality of opportunity in the political, economic, social and cultural spheres;

(e) Raising public awareness with regard to the rights of women, children and the family;

(f) Monitoring the application of international conventions ratified by Mauritania in the field of women's and children's rights.

3. Ombudsman of the Republic

34. The Ombudsman of the Republic is an independent administrative body established by Act No. 93-27 of 27 July 1993.

35. Aside from the traditional prerogatives granted to the Ombudsman under the 1993 Law, individuals may lodge a complaint, through their elected officials, with the Ombudsman and the President of the Republic may refer matters to it. The Ombudsman plays a vital role of intermediary between the Government and citizens who consider that their rights or interests have been violated or infringed.

4. National Commission for Human Rights

36. Established in 2006, the National Commission for Human Rights is currently governed by Act No. 2010-031 of 20 July 2010.

37. The Commission is an independent body and is responsible for:

(a) Issuing, at the request of the Government or on its own initiative, a consultative opinion on general or specific questions concerning the promotion and protection of human rights and respect for individual and collective freedoms;

(b) Examining, and issuing consultative opinions on, national law in the area of human rights, and on draft legislation concerning human rights;

(c) Contributing, by all appropriate means, to the dissemination and acceptance of a human rights culture;

(d) Promoting human rights research, education and teaching at all levels of education and in socio-professional milieux;

(e) Raising awareness of human rights and of the combat against all forms of discrimination and violations of human dignity, in particular racial discrimination, slavery-

like practices and discrimination against women, by sensitizing the public through information, communication and education and by using the media in all its forms;

(f) Promoting national legislation and ensuring that it is in harmony with the international legal instruments ratified by Mauritania.

III. Promotion and protection of human rights

A. Freedom of opinion and expression and freedom of the press

38. Article 10 of the Constitution guarantees public and individual freedoms, in particular:

- Freedom of movement and freedom to settle in any part of the territory of the Republic
- Freedom to enter and leave the national territory
- Freedom of opinion and thought
- Freedom of expression
- Freedom of assembly
- Freedom of association and freedom to belong to the political organization or trade union of one's choice
- Freedom of trade and industry
- Freedom of intellectual, artistic and scientific creation

39. In the political sphere, Mauritania has held several free and transparent elections since 2005 the outcome of which has been welcomed by the international community.

40. With respect to freedom, no one in Mauritania has ever been arrested for expressing his or her opinion, and the Government encourages citizens to form political groups and associations. The Government recognizes 78 political parties and over 3700 non-governmental organizations, which carry out their work in complete freedom.

41. A legal framework for freedom of the press is laid down in Order No. 017-2006, which decriminalizes press offences, abolishes censorship and establishes the principle of a declaration: "Any newspaper or periodical may be published, without prior authorization and without bond, following the declaration provided for under article 11..." (article 9 of the Order).

42. In terms of the institutional framework, the High Authority for the Press and Audiovisual Communication is responsible for:

- (a) Ensuring the application of the law concerning the press and audiovisual communication, under objective, transparent and non-discriminatory conditions;
- (b) Guaranteeing the independence and freedom of information and communication;
- (c) Ensuring respect for the terms of reference of public and private television and radio broadcasts;
- (d) Ensuring equitable access of political parties, trade unions and recognized civil society organizations to public media, under the conditions established by law and regulations;

(e) Fostering and promoting free and healthy competition between public and private, printed and audiovisual, organs of the press.

43. Similarly, freedom of association, assembly and demonstration are guaranteed to all political stakeholders, trade union confederations, and civil society organizations.

44. There is no obstacle to the exercise of freedoms in Mauritania.

45. Human rights organizations are a national priority. The State is therefore carrying out, in cooperation with development partners, ambitious programmes aimed at building the capacities of those organizations. Noteworthy among these programmes are the Civil Society Support Programme (PASOC), backed by the European Union; the Support Fund for the Professionalization of Non-governmental Organizations (FAPONG); and the Japanese donation to provide access to justice for the poor, overseen by the Commission on Human Rights, Humanitarian Action and Relations with Civil Society.

46. By providing financial support to civil society organizations, these programmes contribute to the development of a human rights culture.

B. Human trafficking

47. Poverty and the breakdown of the family are fertile ground for the exploitation of vulnerable groups.

48. In order to prevent and penalize trafficking in women and children, the Government took the following measures:

- Adoption of Order No. 2005-015 of 5 December 2005 on defence of children in criminal matters
- Establishment of investigating magistrates and criminal chambers for children
- Adoption and implementation of the National Strategy for Protection of Young Children in 2009
- Establishment of a special police force in 2006 to combat offences against minors
- Adoption of Act No. 2003-025 penalizing human trafficking
- Adoption of Act No. 2007-048 criminalizing slavery and penalizing slavery-like practices

C. Death penalty

49. Article 13 of the Constitution affirms the principle of the inviolability of the human person. While capital punishment is legal, the death sentence has not been pronounced in over 20 years.

D. Torture and other cruel, inhuman or degrading treatment or punishment

50. Article 13 of the Constitution proscribes all forms of moral or physical violence.

51. Pursuant to its commitment to human dignity under the Constitution, the Government ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2004.

52. Consequently, certain national legislation, such as the Criminal Code and the Act on the status of the national police, prohibits any violation of the physical or moral integrity of the human person.

53. The new reform of the Code of Criminal Procedure has made it possible to protect the rights of persons in police custody more effectively through access to counsel and family, and limits on the custody period, which may only be extended by the public prosecutor.

E. Rights of migrant workers

54. Mauritania acceded on 17 July 2003 to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and has urged as many States as possible to ratify it.

55. Immigration law in Mauritania is laid down in Decree No. 64-169 of 15 December 1964, article 25 of which provides that foreign immigrants must be authorized to run a trade or business or to engage in a professional activity. A minimum presence of two years on the national territory is also required by law.

56. Mauritania is a very large country, which makes it difficult to control migratory flows and contributes to the development of transborder criminality.

57. Mauritania has become a gateway for illegal immigration, mainly towards Europe, and has, for several years, been faced with the difficulty of handling the flow of illegal immigrants and controlling networks of smugglers.

F. Freedom of conscience and worship and cultural rights

58. Article 5 of the Constitution proclaims that "Islam is the religion of the people and of the State". There are, nevertheless, places of worship in Mauritania for non-Muslims.

59. The Islam practised in Mauritania is the Malikite rite of Sunni Islam, which preaches tolerance and repudiates all forms of violence.

60. Cultural rights figure prominently in the Constitution, which provides for freedom of intellectual, artistic and scientific creation under article 10.

61. Mauritania also possesses a rich and varied cultural heritage, part of which is included in the World Heritage List (historical villages of Chinguetti, Oualata, Tichit and Oquadane).

62. Since gaining independence, Mauritania has chosen to place special emphasis on culture as a vehicle for bringing peoples together.

63. Regarding culture as a valuable means of promoting brotherhood between peoples, Mauritania fosters cultural exchanges, under cultural cooperation agreements, with friendly countries possessing greatly varied civilizations and cultures.

G. Social welfare

64. The social security system, funded by the National Social Security Fund (CNSS), provides old age, disability, death (survivors), industrial accident and professional illness coverage, as well as family benefits.

65. Pursuant to the right to work, employers are obliged to provide health care to employees and members of their family and to pay daily benefits in case of illness. Daily maternity benefits are covered under the family benefits system.
66. Men may collect an old-age pension at the age of 60 and women at 55.
67. To be eligible for an old-age pension, the following criteria must be met:
- At least 20 years registration with the social security system
 - At least 60 months of effective participation in the system during the previous 10 years and cessation of all paid employment
68. Persons meeting those conditions may, in the case of premature physical decline, claim early retirement, starting at the age of 55 for men, and 50 for women.
69. Mauritania has made substantial efforts to promote the rights of the disabled, including its ratification in January 2010 of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.
70. The Government's interest in promoting and protecting the disabled also resulted in the adoption, in 2006, of Order No. 2006-043 on the promotion and protection of disabled persons, the establishment of a central office for the disabled in 2008, and reinforcement of the capacities of national disabled persons organizations.
71. The Government has set up a multisectoral national council to deal with the many challenges facing disabled persons.
72. Considerable work has been done in the area of special education and infrastructure development for disabled persons.
73. A number of centres for the disabled were thus opened in 2009 and 2010.
74. Social policy has yielded satisfying results. In that framework, the Government has drawn up a draft global social protection strategy, which aims to bolster social welfare and social development services for persons or groups living temporarily or permanently in difficult situations and which, once implemented, will play a major role in the combat against poverty and exclusion. In respect of access to health care for the poor, the Ministry of Social Affairs, Children and the Family provides treatment to all destitute patients.

H. Right to health

75. The Government accords special priority to primary health care and strives to ensure optimal allocation of health facilities.
76. While national health services cover 67 % of people living at least five kilometres from an operational health facility, service quality is undermined by lack of staff and equipment.
77. National vaccination coverage reached 74% in 2008. Among the country's 54 moughatas, 12 have greater than 80% coverage, 34 have between 80% and 50% coverage and the remaining eight have less than 50% coverage. Introduction of the pneumococcal vaccine is planned for 2011.
78. Supplementary Immunization Activities (SIA) against measles reduced morbidity by 99%, with cases declining from 5,509 in 2004 to 22 in 2007.
79. The Strategy for Integrated Treatment of Childhood Disease (PECIME) is one of the approaches used to reduce infant mortality. The PECIME national strategic plan is now being piloted in three regions of the country, each with 50% coverage.

80. Maternal mortality is a major public health problem, and in 2001 Mauritania registered a rate of 686 deaths per 100,000 live births (source: EDMS). The Government has made great efforts to reduce the rate since then, including widespread use of obstetrical packages, improvement of urgent obstetrical care, fitting out of maternity hospitals, transfer of specialists to the interior, and establishment of a high-quality centre for mothers and children. A multi-indicator national survey will be conducted in 2010 to quantify progress in this domain.

81. Communicable diseases remain the most frequent cause of mortality, morbidity and disability. Populations most vulnerable to communicable diseases are those living in precarious conditions with regard to income, housing, crowding, access to potable water, illiteracy, lifestyle, poor hygiene and inadequate sanitation.

82. The most prevalent health problems are acute renal failure, diarrhoea and malaria, together with, *inter alia*, the endemoepidemic diseases (tuberculosis, HIV/AIDS, EPI target diseases, schistosomiasis, hepatitis and potentially epidemic diseases). Each of these problems is targeted by a specific programme.

83. Important measures have also been taken for the treatment and prevention of chronic and emerging diseases, including the establishment of national centres for cardiology, oncology and haemodialysis and a mother-child hospital centre.

I. Right to education

84. Mauritania has taken significant steps in the field of education in recent years. In 1999, it began a major structural reform of its education system, bolstered by the implementation between 2002 and 2010 of the National Programme for Educational Development.

85. The programme's principal aim has been to build a coherent educational development framework for the entire system, from preschool to higher education.

86. The programme has brought about significant gains in terms of access and equity. The primary school attendance rate in rural and peri-urban areas is approximately 92%, one of the highest in Africa. Efforts to develop local schools and campaigns to draw attention to and disseminate legal texts, especially those relating to compulsory education, have been undertaken to guarantee access to and universal coverage of high-quality basic education.

87. Pursuant to its international commitments, Mauritania has made education compulsory by law. Act No. 2001-054, under which education is compulsory for children from 6 to 14 years of age, also penalizes parents who contravene it. That law reflects the Government's desire to protect the rights of children and to promote their access to education.

J. Rights of the child

88. Mauritania ratified the Convention on the Rights of the Child on 8 April 1991 and has initiated a number of programmes and projects to bolster child welfare, including elaboration of a national child welfare strategy and a national early childhood development policy, establishment of a National Council on Children and reinforcement of legal protection for children.

89. To involve civil society in the process of raising awareness about the rights of the child, the Government has created, in cooperation with various associations, a number of thematic groups including:

- The parliamentary group on childhood
- Imams and ulemas in defence of the rights of the child
- The journalists' association to defend the rights of the child
- The network of religious leaders, traditional leaders, physicians and journalists for child development and survival
- The mayors' network for promotion of the rights of the child

90. During the period 2006–2010, public authorities worked to improve the overall framework for childhood development and to define strategic guidelines for the protection and promotion of the rights of the child. The significant steps taken to that end resulted in improved preschool education coverage for all types of education and care, rising from 5% in 2005 to 7% in 2009.

91. Those efforts were supplemented by the adoption in 2006 of a national early childhood development plan, which involved:

- (a) Construction and fitting out of premises for the Early Childhood Training Centre;
- (b) Recruitment and training of trainers;
- (c) Construction, renovation and fitting out of regional early childhood resource centres;
- (d) Preparation of a national preschool education programme adapted to the needs of the Mauritanian child.

92. The Government has also implemented a strategy for changing eating behaviour, based on campaigns at the local level aimed at children under five, and pregnant and breastfeeding women. Each month 18,500 children are seen for nutritional follow-up at 193 local nutrition centres. In 2008, the Government drew up and adopted a national child survival strategy, now being followed in 16 of the country's 54 moughataas, and implemented through several programmes which include combating childhood malnutrition, disease immunization, combating malaria, promoting breastfeeding and encouraging sound eating and health practices.

93. Protection of children in difficulty or victims of mistreatment was reinforced in 2007 by the establishment of a centre for child protection and social integration.

94. The centre now provides supervision and care for children in difficulty and has been able to integrate children lacking a family structure or who have totally or partially broken off relations with their family.

95. Several regional platforms for concerted action on protecting children's rights have been established.

96. As part of its child protection efforts, the Government has, in cooperation with the United Arab Emirates and UNICEF, set up a programme to integrate former child jockeys into society.

97. In the health field, the results of the National Action Plan against HIV/AIDS, which covers orphans and children rendered vulnerable by HIV/AIDS, have been satisfactory with regard to the children targeted.

98. In another area, the Government has drawn up and adopted a National Early Childhood Development Policy (PNDPE), the aims of which are preschool development, child protection and improvement of basic services.

99. The results of the policy have been satisfactory in terms of school enrolment.

K. Women's rights and the gender issue

100. Mauritania has ratified most of the international instruments relating to women's rights, including the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and People's Rights concerning the Rights of Women in Africa.

101. During the period 2006–2010, the Government turned its attention to promoting the status of women, mainstreaming gender equality and ensuring family protection by:

- (a) Strengthening women's participation in the economy;
- (b) Improving women's access to basic social services;
- (c) Promoting women's rights to political and social participation;
- (d) Developing behaviour change strategies.

102. Mauritania has developed a conciliatory justice mechanism the purpose of which is to provide a community-based framework better adapted to women.

103. A number of policies, strategies and action plans for the promotion of women have been drawn up:

- National strategy for the promotion of women (2006–2008)
- National family policy (2006)
- National strategy to eliminate female genital mutilation (FGM), adopted in 2007
- National strategy for gender mainstreaming and rural women's action plan, adopted in 2008

104. Significant progress has been made in promoting the status of women, especially in the areas of:

- Political participation
- Gender mainstreaming
- Protecting women against violence and fostering their access to education
- Vocational training

105. To help women gain access to electoral mandates and elected office, Mauritania adopted Order No. 2006-029 which establishes a 20% quota for women. As a result, women won 30.33% of municipal council seats during the most recent local elections and 19% of the seats in the National Assembly and the Senate.

L. Activities of national human rights institutions

106. As part of its mission to promote human rights, the National Commission for Human Rights organized a 15-day series of countrywide commemorative activities for the celebration of Human Rights Day in 2008, focusing in particular on children, law enforcement officers, civil society organizations and the public at large.

107. The events included a conference on the rights of the child, organized jointly with UNICEF, which helped to raise public awareness of mechanisms for the promotion and protection of children's rights.

108. As part of the same series of activities, the Commission held training sessions for prison staff on the theme of torture and mistreatment in prison; conducted an awareness-raising campaign on economic, social and cultural rights, in particular the right to food and health; and ran an awareness-raising campaign on the rights of women in rural areas.

109. The Commission has reviewed the country's human rights situation with international mandate holders and special procedure mandate holders appointed by the Human Rights Council on the occasion of their visits to Mauritania.

110. Since its inception, the Commission has prepared annual reports on the human rights situation in the country.

M. Human rights awareness-raising

111. The Government and national human rights institutions have carried out various activities to raise public awareness about human rights, including:

- Seminars to raise awareness about the scope of Mauritania's treaty commitments in the human rights field
- Annual celebration of Human Rights Day, with activities commemorating the Universal Declaration of Human Rights
- Awareness-raising campaigns within the framework of the programme on conflict prevention and consolidation of social unity in Mauritania
- Workshops, backed by external partners, on respect for basic human rights principles in the Mauritanian court system
- Celebration of International Press Freedom Day
- Dissemination by human rights organizations of human rights principles and values as part of information, education and communication campaigns on practices injurious to the health of women and children (female genital mutilation, early marriage, forced feeding) and other human rights themes (rights of disabled persons, rights of migrants, human trafficking)

N. Cooperation with human rights mechanisms

112. As part of its international commitments, Mauritania has submitted reports to United Nations treaty bodies and has received visits from several Human Rights Council mandate holders. It submitted reports to the Committee on the Elimination of Racial Discrimination (CERD) in 1999 and 2004, the Committee on the Rights of the Child (CRC) in 2001 and 2009, and the Committee on the Elimination of Discrimination against Women (CEDAW) in 2007.

113. In the framework of cooperation with Human Rights Council mechanisms, Mauritania hosted:

(a) The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène, from 20 to 24 January 2008;

(b) The Working Group on Arbitrary Detention, chaired by Ms. Leila Zerrougui, from 19 February to 3 March 2008;

(c) The Special Rapporteur on contemporary forms of slavery, Ms. Gulnara Shahinian, from 24 October to 4 November 2009.

114. The measures taken by Mauritania to implement the recommendations of treaty bodies are set out below.

1. *Measures to implement the recommendations of the Committee on the Elimination of Racial Discrimination*

- (a) Repatriation of Mauritians who sought refuge in Senegal following the events of 1989;
- (b) Criminalization of slavery and penalization of slavery-like practices;
- (c) Recognition in 2005 of non-governmental human rights organizations, previously unrecognized by the national authorities;
- (d) Establishment in 2006 of an independent National Commission for Human Rights, in accordance with the Paris Principles;
- (e) Implementation of action to assist populations affected by traditional slavery practices and the legacy of slavery through the Programme to Eradicate the Legacy of Slavery, created in 2009.

2. *Measures to implement the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW)*

- (a) Drawing the attention of government officials, judges, representatives of the law, imams, Faqih, women, and the public to the provisions of the Convention;
- (b) Establishment of a gender equality office within the new Department of Social Affairs, Children and the Family;
- (c) Improvement of rural women's access to health care through recent efforts in the health sector (providing regional hospitals with ambulances and essential infrastructure and equipment; running awareness-raising campaigns on family planning, HIV/AIDS and other diseases);
- (d) Broad dissemination of the Committee's recommendations to all the stakeholders concerned.

3. *Measures to implement the recommendations of the Committee on the Rights of the Child*

- (a) Reform of Mauritanian law to bring it into harmony with legal protection principles concerning minor children;
- (b) Declaration of a *fatwa* (religious decree) against the practice of female genital mutilation;
- (c) Adoption of a law on prevention, treatment and control of HIV/AIDS.

115. Other initiatives include:

- Establishment of a Children's Parliament
- Drafting and implementation in January 2007 of a national strategy to combat female genital mutilation
- Establishment of a national commission to combat gender-based violence
- Campaigns to disseminate the Personal Status Code as part of the combat against early marriage
- Reform of the Labour Code, under which the minimum age for child labour is 14

- Establishment of an office for children and a centre for child protection and social integration
- Adoption of alternatives to custody for children in conflict with the law, which emphasize placement for children during the pretrial, investigation and trial phases, and where custody is regarded as a last resort

116. Visits carried out by mandate holders gave them an opportunity to evaluate the situation falling within their remit in complete independence, and enabled Mauritanian authorities to improve the country's human rights situation, in accordance with the mandate holders' recommendations.

117. The measures taken by the Government in response to those recommendations are set out below.

4. *Measures to implement the recommendations of the Working Group on Arbitrary Detention*

- (a) Revision of the Code of Criminal Procedure, which now defines the police custody regime;
- (b) Arrangements for monitoring and surveillance by public prosecutors of premises used for police custody;
- (c) Article 4 of Act No. 2010-031 of 20 July 2010, rescinding and replacing Order No. 2006-015 establishing the National Commission for Human Rights, authorizes the Commission, which is an independent body, to make unscheduled visits to places of detention (police stations, detention centres, rehabilitation centres);
- (d) Ongoing improvement of living conditions in places of detention and prohibition of any inhuman, cruel or degrading treatment of detainees;
- (e) Building the knowledge base of judges, lawyers and other representatives of the law in the field of international standards and fair trial procedures.

5. *Measures to implement the recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*

118. Implementation by the Government, in partnership with United Nations agencies (UNDP, UNFPA, WFP, UNODC), of a national programme for conflict prevention and greater social unity, financed by the Millennium Development Goals Achievement Fund.

119. The object of the programme is to build social unity through citizenship training and the equitable distribution of resources to vulnerable populations, in particular Mauritians repatriated from Senegal and populations affected by traditional practices of slavery and its consequences.

120. In respect of Mauritania's relations with international non-governmental organizations and human rights bodies and organizations, the Government has responded positively to requests for a visit from Amnesty International, Reporters without Borders and the African Commission on Human and Peoples' Rights and has signed an agreement with the International Committee of the Red Cross (ICRC) which will enable it to visit all the country's detention centres.

121. In visiting the country, international NGOs and other bodies have had an opportunity to conduct full and free investigations into the human rights situation in Mauritania.

122. The foregoing illustrates the interest accorded by the highest State authorities to dialogue and cooperation with all the mechanisms for the promotion and protection of human rights.

IV. Initiatives, priorities, voluntary commitments, constraints and challenges, and needs for assistance

A. Initiatives

123. Pursuant to the commitments it made in the declaration supporting its candidacy for the Human Rights Council, Mauritania has pledged to work for the promotion and protection of human rights internationally, in conjunction with the Arab and African countries, and nationally. To that end, Mauritania has taken a series of steps to implement its international commitments and further its participation in human rights promotion and protection efforts.

124. Mauritania has consequently initiated procedures for withdrawal of the general reservation it made on accession to the Convention on the Elimination of All Forms of Discrimination against Women.

125. It has accelerated work on the reports to be submitted to the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Elimination of Racial Discrimination and the Committee against Torture.

126. It has participated in international forums on the promotion and protection of human and peoples' rights at the international level, and in conjunction with the Arab and African countries, in order to support respect for human dignity.

B. Priorities

1. National unity

127. Dealing with the human rights violations that have affected national unity and cohesion during the past decade has been one of the Government's main concerns.

128. The result has been the voluntary, dignified and organized return to the country of Mauritians who sought refuge in Senegal following the regrettable and painful events of 1989, and the start of a process to settle the "humanitarian liability" associated with the armed forces and the security forces.

129. The impetus to achieve unity and build social cohesion has also given rise to programmes to improve the living conditions of vulnerable groups, in particularly populations affected by the legacy of slavery.

2. Repatriation of refugees

130. The situation of Mauritians who sought refuge in Senegal following the events of 1989 was resolved by a tripartite agreement signed on 12 November 2007 between Mauritania, Senegal and the Office of the United Nations High Commissioner for Refugees (UNHCR).

131. The agreement, which is designed to facilitate the organized return of Mauritanian refugees in Senegal, under the supervision of UNHCR, enshrines the following principles: right of return (article 1), voluntary repatriation (article 2), preservation of family unity (article 3) and repatriation under conditions of dignity and security (article 4).

132. Under the terms of the agreement, Mauritania is responsible for taking charge of the returnees by guaranteeing their security and dignity and ensuring that they are reintegrated into the country's economic and social fabric (article 9).

133. Pursuant to its commitments, the Government took the necessary steps to ensure the voluntary and organized repatriation of the refugees and their economic and social reintegration after arrival. To that end, it set up the National Agency for Refugee Assistance and Reintegration (ANAIR) in 2008 to help receive and reintegrate the returnees.

134. The agreement has also mobilized central and territorial administrations, which have played a major role in helping returnees to become property owners (homes and agricultural lands and resolution of conflicts involving them).

135. To date, 19,048 people have been repatriated and settled in 117 sites located in the regions of Trarza, Brakna, Gorgol, Guidimagha and Assaba.

| <i>Number of convoys</i> | <i>Number of host sites</i> | <i>Number of families repatriated</i> | <i>Number of persons repatriated</i> |
|--------------------------|-----------------------------|---------------------------------------|--------------------------------------|
| 79 | 117 | 4 723 | 19 048 |

Source: ANAIR (2010).

136. The Government has also set up a national commission to public conduct a census of public employees and State contract workers affected by the events of 1989.

137. The commission is compiling an inventory of all the public employees and State contract workers concerned, at home and abroad, with a view to helping them find employment.

C. The “humanitarian liability”

138. The matter of the abuses committed within the armed forces and the security forces was resolved through a consultation process in 2008 between the Government and the legal successors to the victims, which led to a settlement in accordance with Mauritanian law, Islamic values and international conventions and treaties.

139. The settlement involved the award of compensation (*diya*) to the legal successors, and the invocation by the Government of the duty of memory and forgiveness on the occasion of the Day of National Reconciliation, celebrated on 25 March 2009 at Kaédi (prayer in memory of the victims and speech by the President of the Republic).

D. Eradication of the legacy of slavery

140. Since 2008, the Government has been implementing a vast national Programme to Eradicate the Legacy of Slavery (PESE), aimed at reducing socio-economic inequalities by improving the livelihood and furthering the emancipation of populations affected by the consequences of slavery.

141. With a view to reducing socio-economic inequalities and improving the living conditions of populations affected by the consequences of slavery, the programme carries out work in five main areas:

- Participatory planning
- Basic social services (education, health, water)
- Strengthening the means of production of the populations concerned
- Building the economic capacities of beneficiary populations
- Awareness-raising campaigns and reinforcing the administrative and technical capacities of the populations concerned

Programme to eradicate the legacy of slavery (2009–2010)

| | |
|----------------------------------|-------------------------|
| <i>Total programme budget</i> | <i>1 000 000 000 UM</i> |
| Number of activities implemented | 1,105 activities |
| Number of beneficiary villages | 282 villages |
| Total beneficiary population | 93,358 |

Source: Programme to eradicate the legacy of slavery (PESE) (2010).

142. The programme also provides legal and humanitarian assistance to persons affected by the legacy of slavery through a support fund.

143. In respect of implementation of Act No. 2007-048, criminalizing slavery and penalizing slavery-like practices, while cases are pending before them, the national courts have not yet been able to consider the allegations of slavery-like practices brought to their attention.

E. Constraints and challenges*1. Constraints*

144. The fact that Mauritania is an underdeveloped country marked by persistent extreme poverty is a major obstacle to the full enjoyment of economic and social rights.

145. Despite the country's enormous difficulties, the Government, with the help of its technical and financial partners, is carrying out ambitious anti-poverty programmes with a view to achieving the Millennium Development Goals.

2. Challenges

146. The principle challenges facing Mauritania in its efforts to ensure full enjoyment of human rights are:

- Failure to harmonize its legislation with provisions of the international conventions ratified
- Failure of the stakeholders concerned to assimilate the contents of legal texts relating to human rights
- Inadequacy of human rights organizations' human and financial resources
- Absence of specialized judges with a consequent lack of jurisprudence in the field of human rights

F. Needs for assistance

147. Pursuant to the host Government agreement signed in New York between the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Mauritanian Government, an OHCHR national bureau will be opening soon in Mauritania to provide technical assistance to the relevant national bodies (Commission on Human Rights, Humanitarian Action and Relations with Civil Society; National Commission for Human Rights; Ombudsman of the Republic; national courts; civil society organizations).

148. Mauritania also needs financial support for its priority national programmes to combat poverty, reduce youth unemployment and develop economic growth initiatives.

149. Mauritania wishes to take this opportunity to thank all friendly countries and its technical and financial partners for their contribution to its development efforts, and appeals to the international community for greater cooperation in service of the promotion and protection of human rights.
