



## Economic and Social Council

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### Committee on Economic, Social and Cultural Rights

#### **Concluding observations on the initial report of Mauritania, adopted by the Committee at its forty-ninth session (12-30 November 2012)**

1. The Committee on Economic, Social and Cultural Rights considered the initial report on the implementation of the International Covenant on Economic, Social and Cultural Rights in Mauritania (E/C.12/MRT/1) at its 36th to 38th meetings, held on 15 and 16 November 2012 (E/C.12/2012/SR.36-38), and adopted, at its 58th meeting, held on 30 November 2012, the following concluding observations.

#### **A. Introduction**

2. The Committee welcomes the submission of the initial report of Mauritania. The Committee also welcomes the dialogue it had with the delegation of the State party, but regrets the absence of experts from relevant ministries and departments. The Committee would have wished more precise and complete answers to the questions posed during the dialogue.

3. The Committee regrets that the report did not provide any information on the implementation of article 3 on the equal right of men and women to the enjoyment of all economic, social and cultural rights. The Committee also regrets the paucity of information supplied on the implementation of article 6 on the right to work, article 7 on the right to the enjoyment of just and favourable conditions of work, and article 8 on union rights.

4. The Committee thanks the State party for the written replies to the list of issues (E/C.12/MRT/Q/1/Add.1), but regrets that the replies did not cover all the issues.

#### **B. Positive aspects**

5. The Committee notes with satisfaction the ratification by the State party of several human rights treaties in the past five years.

6. The Committee notes with appreciation:

(a) The expansion of public infrastructure in recent years which has opened up some remote areas and brought public services nearer to the population;

(b) The upgrading of slums in Nouakchott;

(c) The adoption of the National Health Policy, the 2012 National Plan for the Health Development, and the creation of the faculty of medicine at the University of Nouakchott;

(d) The notable improvement of the enrolment rate at the primary level of education since the adoption of Act 2001-054 on compulsory basic education and the implementation of the 2001-2010 National Programme for the Development of the Education Sector.

### C. Principal subjects of concern and recommendations

7. The Committee is concerned that the provisions of the Covenant have not been invoked by the State party's courts, in spite of the constitutional guarantee of the primacy of international agreements ratified by the State party over domestic laws. The Committee is also concerned that the Covenant was never published in the Official Gazette. (art. 2, para. 1)

**The Committee calls on the State party to ensure that the Covenant is published in the Official Gazette. The Committee also calls on the State party to raise awareness of economic, social and cultural rights, as contained in the Covenant, and their justiciability among the professionals of the justice system and the general public and to take necessary measures, such as the effective provision of legal aid, to promote access to justice. The Committee requests the State party to submit in its next periodic report detailed information on cases before the courts in which the provisions of the Covenant have been invoked. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.**

8. The Committee is concerned at the negative impact of extractive and mining activities in the State party on the environment and on the population's enjoyment of the right to health, as illustrated by the serious public health problems encountered in mining towns such as Akjoujt. The Committee is concerned that this is indicative of insufficient regulatory measures and weak enforcement capacity. The Committee is further concerned that these extractive and mining activities have hitherto generated little employment for the local population (arts. 2 and 11).

**The Committee calls on the State party to (a) implement the Extractive Industries Transparency Initiative; (b) ensure that adequate sanctions are applied for breach of environmental clauses in extractive and mining contracts; (c) take corrective measures to address environmental and health hazards caused by extractive and mining activities; (d) ensure that the free, prior and informed consent of the population is obtained in decision-making processes on extractive and mining projects affecting them; and (e) ensure that these activities as well as the resources generated, bring about tangible benefits to the enjoyment of economic, social and cultural rights by the population.**

9. The Committee is concerned that corruption affects all sectors of the State, including the judiciary, which results in a considerable loss of resources for the implementation of economic, social and cultural rights.

**The Committee calls on the State party to expedite the establishment of the national anti-corruption observatory and recommends that the State party intensify its efforts to combat corruption and impunity associated with it and ensure the transparency of the conduct of public affairs, in law and in practice. It also recommends that the State party take steps to raise the awareness among politicians, parliamentarians, and national and local civil servants on the economic and social costs of corruption, as well**

**as among judges, prosecutors, and law enforcement officers on the strict application of anti-corruption legislation.**

10. The Committee is deeply concerned that, under the Personal Status Code of 2001, adult women are placed under guardianship, 'hadhana,' if unmarried. The Committee is also deeply concerned about the other provisions of the Code assigning different roles, duties and rights to the husband and the wife in family matters, and different treatment to girls and to boys, resulting in inferior social status to women and girls and the deprivation of their equal rights provided in the Covenant. The Committee is further concerned at the State party's reluctance, invoking religious grounds, to take steps to amend the 2001 Code (arts. 3 and 10).

**Recalling the reaffirmation in the Vienna Declaration of the obligation of States to counter religion or belief-based practices of discrimination on the ground of gender and the obligations of the State party under the Covenant to guarantee the equal right of men and women to the enjoyment of economic, social and cultural rights, the Committee urges the State party to take steps towards the amendment of the provisions of the 2001 Personal Status Code which are discriminatory on the ground of sex, especially against women. In particular, it calls on the State party to raise awareness among the population, including religious leaders, of the discriminatory nature of the guardianship as well as of the differentiated roles and responsibilities of the spouses in family matters, as far as they contravene the Covenant. It also calls on the State party to define and prohibit all forms of discrimination against women in its legislation. In this regard, the Committee refers the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and rights.**

11. The Committee notes with concern that more than half of the female population of the State party is illiterate. Moreover, the Committee is concerned that only a small percentage of women in the State party is employed in salaried work and few women occupy high positions in the Government and in elected bodies, in spite of the introduction of quotas. The Committee is further concerned at the reluctance of the State party to bring about changes, as illustrated by the statement made by the delegation, that women's place in society is not fulfilled through employment or a professional career (arts. 3 and 6).

**The Committee urges the State party to address the root causes of unemployment among women, including by (a) carrying out awareness-raising campaigns to change the society's perception of gender roles; (b) ensuring that girls pursue their education at all levels and have access to secondary and higher education; (c) effectively enforcing the quotas provided for by the law; and (d) eliminating other forms of discrimination against women in employment, such as their ineligibility for a position in the magistracy.**

12. The Committee is concerned that, in spite of the implementation of the 2008-2012 national strategy for employment, unemployment rate remains high in the State party, especially among young people (art. 6).

**The Committee urges the State party to pursue its efforts aimed at reducing unemployment, especially among the youth, and to ensure that the scope of measures taken and resources invested are commensurate with the scale of unemployment in the State party, with a view to securing the progressive fulfilment of the right to work. The Committee also calls on the State party to adopt a human rights-based approach in the implementation of the 2011-2015 priorities. In this regard, the Committee calls on the State party to take into consideration its general comment No. 18 (2005) on the right to work.**

13. The Committee is concerned that a large number of persons and families are employed in situations of de facto slavery, in spite of the adoption in 2007 of the Slavery Act. The Committee is also concerned at the very low number of prosecutions under the Act despite the fact that it entered into force in 2007 (arts. 6, 7 and 11).

**The Committee urges that the State party to take vigorous measures with a view to eliminating slavery and to implement the provisions of the Slavery Act. In this regard, the Committee calls on the State party to commit to the action plan for the implementation of the recommendations made by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, following her mission to the State party in 2009. The Committee should also raise awareness that all work should be entered into freely and respect the fundamental rights of the human person as well as the rights of workers in terms of safe and healthy conditions and remuneration.**

14. The Committee is concerned at the lack of any form of monitoring of conditions of work in the informal economy and at the absence of opportunity for social security affiliation for workers therein. The Committee is also concerned that the informal economy still employs the majority of the working population, in spite of the measures introduced by the State party to encourage the registration of businesses and to regulate domestic work (art.7).

**The Committee recommends that the State party intensify efforts aimed at the progressive reduction of the level of informal employment, including by affording individual workers the opportunity to register themselves and to subscribe to social security schemes, irrespective of the registration of the employer. It also recommends that the State party raise awareness among the population that labour rights, and just and favourable working conditions of work in particular, also apply to the informal economy.**

15. The Committee regrets that the State party has not ascertained whether the level of the national minimum wage enables a decent living for the workers and their families (art.7).

**The Committee calls on the State party to take steps to ensure that the amount of the national minimum wage is sufficient to enable a decent standard of living for all workers and their families.**

16. The Committee is concerned that the establishment of a trade union is subject to authorization, as stipulated by articles 275 and 276 of the 2004 Labour Code. Moreover, the Committee is concerned that the exercise of trade union rights is not fully guaranteed in practice, as exemplified by the exclusion of trade unions from social dialogues as well as reports of anti-union actions by multinational companies established in the State party (art.8).

**The Committee urges the State party to bring its legislation on union rights into conformity with article 8 of the Covenant and the provisions of ILO Conventions 87 (1948) and 98 (1949). It also urges the State party to protect trade union rights, especially in the private sector, and to effectively investigate all allegations of violations of trade union rights brought to its attention.**

17. The Committee is concerned that the social security system of the State party is targeted at the segment of the population with stable employment. It is also concerned that no scheme is currently available to the majority of population which is most vulnerable to loss of income or without income. Moreover, the Committee is concerned that the existing system does not provide coverage for unemployment and old age benefits (art.9).

The Committee calls on the State party to take the necessary measures to improve the coverage of the social security system. In particular, it recommends that the State party (a) improve the management of existing social protection institutions; (b) expand the coverage of the system to include unemployment and old age and develop non-contributory schemes; (c) adopt necessary legislative or regulatory measures enabling the setting up of other forms of contributory schemes, such as privately-run schemes and community-based or mutual schemes; and (d) support the establishment of schemes which are affordable, locally-based, and accommodate irregular incomes. The Committee refers the State party to its general comment No.19 (2008) on the right to social security.

18. The Committee notes with concern that early marriage remains common in the State party and that a person without legal capacity may be entered into a marriage contract without his or her consent if found to be in his or her interest by the guardian (art. 10).

**The Committee urges the State party to prevent early marriage under the legal minimum age of 18 and to amend article 6 of the Personal Status Code so as to ensure that marriage is entered into with the free consent of the intending spouses.**

19. The Committee is concerned that a large number of births are not registered in the State party and that the reform of civil status introduced in 2010 places additional obstacles to birth registration, including by requiring the marriage documents of parents (art. 10).

**The Committee urges the State party to simplify birth registration procedures so as to take account of the constraints faced by the population, such as geographical barriers and the difficulty in obtaining or producing official documents, including in respect to children born out of wedlock. The Committee also calls on the State party to facilitate birth registration by allowing late registration without fines as well as through the health-care system and by coupling regular vaccination campaigns with campaigns for birth registration.**

20. The Committee is concerned about the vulnerable conditions of children who live in the street as well as those who are engaged in labour in the State party (art.10).

**The Committee recommends that the State party (a) strictly enforce existing legislation against child labour and expedite the adoption of the draft law on the prohibition of child labour; (b) consider the extension of mandatory education to the secondary level as a means to prevent child labour and keep children away from living in the street; (c) address the root causes of child labour and the situation of street children in the State party's poverty reduction strategy; and (d) expand the capacity of the *Centre de Protection et d'Intégration Sociale des Enfants*. The Committee requests the State party to provide in its next periodic report information, including statistical data, on the prosecution of child labour offences.**

21. The Committee notes with concern that the practice of female genital mutilation (FGM) remains highly prevalent in the State party, in spite of the measures taken (art.10).

**The Committee calls on the State party to effectively implement the national strategy for the elimination of FGM. The Committee also recommends that the scope of the new criminal law on rape comprise all forms of sexual violence, including marital rape and provide for adequate protection of victims against additional trauma during the various stages of the legal proceedings. The Committee also recommends that adequate assistance and rehabilitation services be provided to victims of sexual violence.**

22. The Committee notes with concern that, despite the progress achieved in poverty reduction, a large proportion of the population, especially women, former slaves and descendants of slaves, still lives in poverty, including extreme poverty. The Committee is particularly concerned that disparities among the various wilayas remain significant, in spite of the implementation of Regional Programmes for Poverty Reduction (art. 11).

**The Committee recommends that the State party take all necessary measures to further reduce poverty and, in particular, eliminate extreme poverty, by paying particular attention to women, former slaves and descendants of slaves as well as disadvantaged and marginalized individuals and groups living in the wilayas most affected by poverty. The Committee requests the State party to include in its next periodic report disaggregated and comparative data, by year and by wilaya, on the percentage of the population living in poverty and extreme poverty. The Committee draws the State party's attention to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights.**

23. While acknowledging the severe draught that often affects the State party, the Committee notes with concern the frequent food crises occurring in the State party as well as the chronic food insecurity which has affected some 500,000 to 2 million persons over the last five years. Moreover, the Committee is concerned that, in spite of the measures taken by the State party to respond to food shortages such as rapid action programmes, it did not receive information about steps taken to address the structural causes of food insecurity, as identified by the *Commissariat à la Sécurité Alimentaire* (art. 11).

**The Committee urges the State party to strengthen its food security mechanisms, from production to distribution. The Committee requests the State party to include, in its next periodic report, information on the measures taken in this regard and the results achieved. The Committee refers the State party to its general comment No. 12 (1999) on the right to adequate food.**

24. The Committee regrets that the State party has not provided information on the occurrence of homelessness, forced evictions or on the shortage of social housing, nor on the measures taken to address them (art. 11).

**The Committee requests the State party to include in its next periodic report detailed information on measures taken to address the issues of homelessness, forced evictions, and the shortage of social housing, including both in urban and rural areas.**

25. The Committee is concerned that, in spite of the implementation of the 2009-2011 National Action Plan, access to basic health services remains limited in rural and remote areas. Moreover, the Committee expresses concern at the shortages of qualified staff and medical equipment. The Committee is also concerned that health care is unaffordable for the majority of the population while only civil servants and parliamentarians can enrol in the State party's medical insurance scheme (art. 12).

**The Committee recommends that the State party pursue the decentralization of health-care resources and activities with a view to achieving universality of health-care services. The Committee also calls on the State party to implement the national human resources plan with emphasis on the quality of medical training and continuing education for health-care professionals and the retention of staff in remote areas. The Committee also urges the State party to devise health-care insurance schemes so as to ensure that payment for health-care services is affordable for all and that poorer households are not disproportionately burdened by health expenses. The Committee refers the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health.**

26. The Committee is concerned at the inadequate monitoring and control exercised by the State party over the functioning of private medical service providers as well as the pricing and the quality of medical supplies on the market. The Committee is also concerned at the absence of adequate laws regulating the practice of traditional medicine (art. 12).

**The Committee urges the State party to take appropriate measures for the effective enforcement of existing laws applicable to health care in the private sector as well as to the pricing and quality of medical supplies on the market. The Committee also calls on the State party to regulate traditional medicine so as to meet the requirements of quality and acceptability of the right to health. The Committee draws the attention of the State party to its general comment No. 14 (2000).**

27. The Committee is concerned that, in spite of the State party's success in containing the spread of HIV/AIDS, its prevalence is exceptionally high among sex workers and detainees. The Committee is also concerned at risk factors such as the limited knowledge of methods of prevention among women and the very low use of condoms especially among sexually active young males (art. 12).

**The Committee encourages the State party to pursue its efforts aimed at combating HIV/AIDS and calls on it to take specific protective measures targeted at sex workers and detainees and to disseminate information as to how HIV/AIDS can be effectively prevented, including by using condoms. The Committee also recommends that the State party decentralize the provision of antiretroviral treatment to regional hospitals and health centres.**

28. The Committee notes with concern that maternal and infant mortality remains high in spite of improvement in the provision of maternal health services. The Committee is also concerned at the very low rate of contraception use in the State party (art. 12).

**The Committee calls on the State party to continue to expand the provision of obstetrical and neonatal care as well as of sexual and reproductive health services, in particular in rural and remote areas.**

29. The Committee is concerned that access to safe drinking water remains a problem, in spite of the considerable investments made by the State party. The Committee is further concerned that the lack of adequate sanitation systems has led to the contamination of the State party's scarce water resources in some areas (art. 12).

**The Committee calls on the State party to invest more resources for the improvement of access to safe drinking water and to take measures to protect water sources from contamination and to ensure the safety of water supplied to the population. The Committee also recommends that the State party improve access to safe sanitation services, particularly in rural areas, by the most disadvantaged and marginalized groups. Furthermore, the Committee calls on the State party to ensure that water and sanitation policies take account of the increase in demand in the near future in urban areas as a result of sedentarization of nomadic people and rural exodus. The Committee refers the State party to its general comment No. 15 (2002) on the right to water and its statement on the right to sanitation.**

30. The Committee remains concerned at the high school dropout rate and the poor quality of education, in spite of the increase in enrolment rate in primary education. The Committee is concerned at the resulting low level of literacy in the State party. Moreover, the Committee is concerned that fewer children, especially girls, have access to secondary education (art.13).

**The Committee calls on the State party to continue to address the various obstacles to the enjoyment of the right to education, including the distance to school, the cost of**

education and the social and cultural factors involved such as girls' duties at home. The Committee also calls on the State party to intensify its efforts for the reintegration in school of children who have dropped out, to invest in the training of teachers, to improve the accessibility of secondary and higher education as well as vocational training, and to put into place scholarship schemes. The Committee encourages the State party to take this recommendation into account at the upcoming education review.

31. While noting the Arabic-French bilingualism in education in the State party, the Committee is concerned that the teaching and use of the other national languages – the Pulaar, Soninke and Wolof – are not sufficiently promoted.

**The Committee calls on the State party to promote the teaching of the Pulaar, the Soninke and the Wolof in school as well as their use in official proceedings so as to avoid discrimination against non-Arabic speakers.**

32. The Committee regrets that it has not been provided with information on concrete measures taken to promote the specific cultural heritages of the State party's ethnic minorities, namely, the Pulaar, the Soninke and the Wolof (art. 15).

**The Committee requests the State party to provide, in its next periodic report, information on measures taken for the promotion of the cultural heritage of ethnic minorities, and the share of the public budget for culture invested therein, In this regard, the Committee refers the State party to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.**

33. The Committee encourages the State party to continue to promote the participation of the population in the realization of economic, social and cultural rights, including by introducing a declaratory system permitting the free registration of non-governmental organisations so that they can function in independence, and by lifting the restrictions imposed on non-profit radio broadcasting stations by the law on the liberalization of radio broadcasting.

34. The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

35. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage all relevant actors, including the national human rights institution, non-governmental organizations and other members of civil society, in the process of discussion at the national level prior to the submission of its next periodic report.

36. The Committee requests the State party to submit its second periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 November 2017.

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