



Economic and Social Council

Distr.: General
16 November 2021
English
Original: French
Arabic, English, Spanish and
French only

Committee on Economic, Social and Cultural Rights

List of issues in relation to the second periodic report of Mauritania*

I. General information

1. Please provide information on the measures taken to ensure the justiciability of economic, social and cultural rights in the State party's domestic legal order and the availability of judicial, administrative and other remedies for persons who allege violations of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights. In view of article 80 of the Constitution establishing the superiority of international treaties over laws, please provide examples of judicial decisions in which domestic courts have invoked or applied the provisions of the Covenant.
2. Please provide information on measures taken to protect human rights defenders, in particular those working on economic, social and cultural rights including land issues and the fight against discrimination and slavery and slavery-like practices, against any acts of reprisal, including harassment, threats and arbitrary detention, and also on the impact of these measures.
3. Please provide information on legislative, administrative and other measures taken to ensure that business entities respect the economic, social and cultural rights of all persons and all groups and that they apply the principle of due diligence throughout their operations. Please provide information on adaptation measures taken to address climate change, including its adverse effects on the enjoyment of economic, social and cultural rights, particularly among persons living in rural and coastal areas and persons working in fishing, farming and traditional herding. Please also describe measures taken by the State party to reconcile its energy and agricultural policies with its commitments under the Paris Agreement adopted under the United Nations Framework Convention on Climate Change.

II. Issues relating to the general provisions of the Covenant (arts. 1 to 5)

Right to freely dispose of natural wealth and resources (art. 1 (2))

4. Taking account of the details provided by the State party in its second periodic report¹ (paras. 14 to 28), please provide precise information on and specific examples of: (a) penalties applied in cases of non-compliance with national legislation and environment- and health-related clauses contained in extractive and mining contracts, based on, inter alia, the Mining Code (Act No. 99,013) of 23 June 1999 and the Environmental Framework Act (Act No. 200-045); (b) measures taken to prevent and mitigate adverse effects on the environment and health and on the exercise of economic, social and cultural rights in communities affected

* Adopted by the pre-session working group at the sixty-ninth session (18 to 22 October 2021).

¹ E/C.12/MRT/2.



by extractive and mining projects, including statistical data on compliance with these measures at gypsum, quartz and salt extraction sites; and (c) environmental impact assessments related to the enjoyment of Covenant rights carried out by the State party in connection with extractive and mining projects, and the results thereof.

5. In the light of the State party's second periodic report (paras. 29 and 30), please describe the mechanisms in place to ensure that the communities affected are able to participate in decisions that have implications for access to the natural resources on which they depend for their food and livelihood, in the context of the award of concessions for extractive and mining projects. In addition, please provide a comprehensive list of consultation processes conducted over the past 10 years in connection with the award of such concessions, and indicate the results of these processes. Please provide information on the results of the measures outlined in the State party's second periodic report (paras. 32 to 34) that are intended to ensure that the exploitation of natural resources and the resources derived therefrom bring tangible benefits for local communities, in particular with regard to economic, social and cultural rights.

Obligation to take steps to the maximum of available resources (art. 2 (1))

6. In order for the Committee to assess the extent to which the State party takes steps to the maximum of available resources to give effect to the Covenant rights, please provide information, for the past 10 years, on:

(a) The proportion of the population living below the poverty line and levels of inequality, as determined by the ratio between the total income of the richest decile of the population and the total income of the poorest 40 per cent;

(b) The share of government revenue financed by taxes, separating out income from mining royalties;

(c) The tax rates levied on company profits and on personal income, value-added tax (exclusive of value-added tax on luxury items, tobacco, alcohol, sugary drinks and snacks, and on petrol and diesel) and the percentage of total revenue from personal income taxes that is collected from the richest 10 per cent of the population;

(d) Public expenditure expressed as a percentage of gross domestic product, and the proportion of the State budget that is allocated to social expenditure (employment, education, food, health, water and sanitation, social security, housing and culture), expressed as a percentage of total public expenditure;

(e) The percentage of public expenditure allocated to defence and public security;

(f) Absolute levels of social spending, adjusted for inflation.

7. Please provide information on the results of the measures adopted by the State party to combat the widespread practice of corruption, particularly in the exploitation of natural resources, in public procurement and in the management of public finances and funds. In this connection, please provide information on the impact of the anti-corruption measures described in the State party's second periodic report (paras. 36 to 43), including statistical data on the number of cases of corruption that have given rise to prosecutions under Act No. 2016-014 of 15 April 2016 concerning the fight against corruption, on the penalties imposed on perpetrators, and on assets resulting from corruption that have been recovered. Please also specify the measures taken to ensure the protection of whistle-blowers and persons engaged in anti-corruption activities.

Non-discrimination (art. 2 (2))

8. Please provide information, including statistical data, on the impact of the measures taken by the State party to prevent, and, where necessary, to remedy, the social exclusion, stereotypes and prejudices to which the Haratine and black African (Halpular, Soninke and Wolof) communities are subjected, and which further exacerbate the discrimination they encounter when attempting to access their economic, social and cultural rights, particularly in terms of health care, education, employment, decent housing and access to land ownership. Please describe the specific measures taken to remove legal, administrative and financial

obstacles to birth registration and access to identity documents for the Haratine and black African communities, and detail the impact of these measures.

9. Please provide information on the steps taken or planned towards repealing article 308 of the Criminal Code, which criminalizes and punishes sexual relations between consenting adults of the same sex, as also recommended by the Human Rights Committee.² Please indicate the measures taken to prevent and combat all forms of discrimination based on gender identity or sexual orientation in the enjoyment of economic, social and cultural rights, including access to employment, education and health services. Please also provide information on the steps taken or planned towards rectifying the legal vacuum that exists in respect of rape of the male population, which is not punishable under the Criminal Code.

10. Please provide information on measures taken to address discrimination faced by migrants, asylum seekers and refugees in the enjoyment of their economic, social and cultural rights, and specifically in access to education, housing and health care, including in the context of the coronavirus disease (COVID-19) pandemic.

Equal rights of men and women (art. 3)

11. In the light of the Committee's previous concluding observations,³ please provide information on steps taken or planned towards amending: (a) the provisions of the 2001 Personal Status Code that discriminate against women, including, inter alia, those relating to marriage, divorce, the guardianship of unmarried adult women, custody and guardianship of children, division of property and inheritance; and (b) the 1961 Nationality Code, to allow Mauritanian women to pass on their nationality to their children and foreign spouses in the same way as Mauritanian men. Furthermore, please provide information on specific measures taken by the State party to put an end to harmful customary practices that prevent women and girls from fully enjoying their rights, including access to land.

III. Issues relating to the specific provisions of the Covenant (arts. 6 to 15)

Right to work (art. 6)

12. Please provide updated statistics on the unemployment rate in the State party, disaggregated by age, sex, urban/rural area and wilayah. Please provide information on the impact of the measures taken to address youth unemployment, in particular among young women, that are outlined in the State party's second periodic report (paras. 56 to 59 and 171). Please also provide information on measures taken to combat discrimination in access to employment for different ethnic groups, especially in the formal sector. Please state the rate of women's participation in the labour market in the various sectors of economic activity and describe the steps taken to amend the prohibition established under articles 166 and 247 of the Labour Code that prevents women from doing certain jobs. Please provide information on the measures adopted by the State party to combat illiteracy, particularly among women and girls, and to increase women's participation in the labour market.

13. Please provide information on the impact of the measures to combat slavery and slavery-like practices that are outlined in the State party's second periodic report (paras. 60 to 65). Indicate whether steps have been taken to collect data on the extent of slavery situations and, if so, provide related statistical data. Please also provide information on the measures taken to ensure that victims of slavery can effectively file complaints, and indicate the number of prosecutions brought and convictions obtained, the penalties imposed and the reparations afforded to victims over the past 10 years. Please provide information on the measures taken to address the difficulties that persons subjected to slavery and former slaves encounter when attempting to reintegrate into society and ensure that they can exercise their economic, social and cultural rights, including in the areas of employment and social security.

² CCPR/C/MRT/CO/2, paras. 12 and 13.

³ E/C.12/MRT/CO/1, para. 10.

Right to just and favourable conditions of work (art. 7)

14. In the absence of an official system of indexation and periodic adjustment, please describe how the State party ensures that the national minimum wage provides a decent standard of living for workers and their families. Please specify the factors that are taken into account in setting the minimum wage and the reason why it has not been adjusted since 2011 even though consumer prices have increased. Please provide information on measures taken to ensure equal pay not only for equal work but also for work of equal value, specifying the legislative amendments and enforcement mechanisms that are envisaged. In addition, please describe the steps that the State party has taken to protect the jobs, wages and social security benefits of all workers, including those active in the informal sector, in the context of the COVID-19 pandemic.

15. Given the size of the informal economy in the State party, please provide information, including disaggregated statistics covering the last 10 years, on the impact of measures taken to promote the formalization of informal employment. Please also describe the mechanisms in place to ensure respect for the economic and social rights of workers in the informal economy. Please elaborate on the measures adopted to make labour inspections more effective, including through the allocation of adequate human and financial resources, and to enforce regulations, including in the informal economy.

Trade union rights (art. 8)

16. With reference to the information provided in the State party report (paras. 69, 70 and 176 to 179), please provide details of the safeguards established to guarantee, in law and in practice, the right to form a trade union and the right to strike without restriction or risk of reprisals. With regard to paragraph 180 of the State party's second periodic report, please provide additional information on the list of essential services for which the right to strike is restricted. Please provide information on measures taken to ensure that trade unions are representative, particularly in rural areas.

Right to social security (art. 9)

17. Please provide information on the specific steps taken or planned towards achieving universal social security coverage, including guaranteed social security cover for disadvantaged and marginalized persons and groups. Please describe the measures adopted to ensure that social security benefits are sufficient to enable beneficiaries to enjoy a decent standard of living and to allow informal workers to join the social security system. In addition, please describe the social protection measures introduced to alleviate the adverse effects of the COVID-19 pandemic on the enjoyment of economic, social and cultural rights, including the coverage and the amount of social security benefits and the assistance provided to this end.

Protection of the family and children (art. 10)

18. Please provide updated information on the scale of exploitative child labour in the State party, particularly in the informal and domestic service sectors, and in agriculture, fishing and construction. Please detail the results of the measures taken to prevent, combat and punish exploitative child labour that are outlined in the State party's second periodic report (paras. 86 to 89 and 93 to 98), including statistical data disaggregated by age and sex and examples of court decisions that have resulted in the conviction of those responsible. Please also describe the impact of the measures adopted to prevent the economic exploitation of children in street situations and to increase the capacity of centres specializing in the protection, training and reintegration of these children.

19. In the light of the Committee's previous concluding observations (para. 18), please provide information on the measures taken to combat early marriage and to raise awareness among the general public of the harmful effects of this practice on women and girls. The Committee also looks forward to receiving the information that the State party will provide to the Committee on the Elimination of Discrimination against Women in its responses to the

list of issues and the questions related to the fourth periodic report.⁴ Please also provide information on measures taken to combat violence against children, including statistical data on the extent to which corporal punishment is used against children, and on measures taken by the State party to expressly prohibit corporal punishment in all settings in its legislation.

Right to an adequate standard of living (art. 11)

20. Please provide information on the impact of the measures described in the State party's second periodic report (paras. 115, 127 and 130), and in particular on changes over the past five years in the proportion of the population that is living in poverty or extreme poverty, including data disaggregated by sex, age and wilayah and for disadvantaged and marginalized groups including the rural population and the Haratine and black African (Halpular, Soninke and Wolof) communities. Please provide information on the measures taken to offset the impact of the COVID-19 pandemic in increasing poverty, inequality and vulnerability to sexual and gender-based violence.

21. In the light of paragraphs 224 to 226 of the State party's second periodic report, please provide information, including statistical data disaggregated by age and sex, on the incidence of child undernutrition and malnutrition in the State party over the past 10 years and on the impact of the measures taken to give effect to the right to adequate food. Please also provide information on the measures adopted, in addition to subsidizing the prices of basic foodstuffs and distributing food free of charge, to address the frequent food crises and to strengthen the mechanisms intended to ensure food security for the country's population. Please provide information on the measures taken to regulate the inflation in the price of food staples caused by the COVID-19 pandemic.

22. Please provide information and statistical data for the last 10 years on the measures adopted to ensure access to safe drinking water and sanitation, in particular in informal settlements and rural areas, and on the impact of the programmes and projects referred to in paragraph 145 of the State party's second periodic report. Please provide information on the measures taken to prepare for increases in demand for water in urban areas. Please also indicate the specific measures taken to ensure access to safe drinking water and sanitation, in particular for vulnerable and marginalized groups, during the COVID-19 pandemic.

23. Please describe the specific measures taken to ensure access to decent and affordable housing, including social housing programmes, particularly for disadvantaged persons and families living in slums, and on the impact of these measures. Please provide statistical data on the number of homeless persons, and on measures taken to address evictions. Please provide information on the steps taken to revise the legal framework regulating the land tenure system, based on consultations with the communities and persons affected, including on the question of returnees whose land has been reassigned or confiscated.

Right to physical and mental health (art. 12)

24. Please provide information, including statistical data, on the impact of measures to ensure the accessibility, availability, affordability and quality of health services, especially in rural and remote areas and for the most disadvantaged and marginalized groups, including persons with low incomes. In particular, include information on measures taken to secure a sufficient number of medical professionals and to improve medical equipment and infrastructure, especially in rural areas. Please provide information on the measures taken to regulate traditional medicine and to effectively monitor and supervise the private health sector. Please provide information on the availability and accessibility of tests, treatments and vaccines for COVID-19 and on the measures taken to disseminate reliable information about the COVID-19 pandemic to the public, and indicate how the State party ensures that such information is culturally and linguistically sensitive.

25. Please provide information on the measures taken to ensure the availability and accessibility of contraceptives and to increase the use of contraception in the State party, and on the results of these measures. Please provide details of the specific measures adopted to

⁴ CEDAW/C/MRT/Q/4.

ensure care for women during delivery and the post-natal period, notably with a view to reducing the maternal mortality rate.

26. In the light of paragraph 138 of the State party's second periodic report, please provide information on the results of the national strategic plans to combat HIV/AIDS, including statistical data for the past 10 years on the prevalence of the disease and the number of people who have access to antiretroviral therapy. Please provide information on specific HIV/AIDS prevention, testing and care measures in place for categories of persons who are exposed to a risk of HIV/AIDS that is higher than the national average, including sex workers and persons in detention. Please also provide information on the steps taken to combat discrimination against persons living with HIV/AIDS.

Right to education (arts. 13 and 14)

27. Please provide information on the impact of measures taken to increase enrolment in primary and secondary education, reduce the school dropout rate, increase the primary school completion rate, guarantee the quality of education and improve educational outcomes. Please give details of measures taken to improve the quality of teaching, learning environments and infrastructure. Please also describe measures taken to mitigate the impact of the COVID-19 pandemic on education at all levels, particularly in compulsory education, and on the results of these measures.

28. Please provide information, including statistical data, on progress towards reducing the persistent disparities in access to education, according particular attention to children from low-income households, children living in rural and deprived urban areas, and children from Haratine and black African (Halpular, Soninke and Wolof) communities. To this end, please describe the measures in place to facilitate the enrolment in public schools of children who are not registered with the Civil Registry. In this connection, please state the measures taken to tackle the sociocultural stereotypes that impede girls' access to and full integration in the education system, and describe the impact of these measures. Please specify the measures adopted to increase literacy rates among women and girls and improve access to secondary and higher education for girls, and provide statistical data on the results of these measures, including school attendance and completion rates.

29. Please provide detailed information on specific measures taken to ensure that schools are protected against armed groups. Please provide information on the measures being taken or being considered with a view to the signature of the 2015 Safe Schools Declaration.

Cultural rights (art. 15)

30. With reference to the Committee's previous concluding observations (paras. 31 and 32), please provide further information on the measures adopted by the State party to expand the teaching of the Pulaar, Soninke and Wolof languages, particularly in public education, and on the measures taken and the amounts allocated from the culture budget to promote the cultural heritage of ethnic minorities. Please provide information on the measures taken by the State party to facilitate access to the fields of science and technology, including access to science education for girls and women, and describe the impact of these measures. Please describe the steps taken by the State party to ensure affordable access to the Internet for disadvantaged and marginalized persons and groups, including in rural areas.
