



**International Convention for  
the Protection of All Persons  
from Enforced Disappearance**

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**Committee on Enforced Disappearances**

**Consideration of reports submitted by States  
parties under article 29 (1) of the Convention**

**Reports of States parties due in 2014**

**Mauritania\***

[Date received: 29 December 2020]

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\* The present document is being issued without formal editing.



## I. Introduction

1. Mauritania acceded to the International Convention for the Protection of All Persons from Enforced Disappearance on 19 July 2012. The Government notes with regret the late submission of its initial report, which was due in July 2014.
2. The present report, submitted pursuant to article 29 of the Convention, was prepared in accordance with the harmonized reporting guidelines of the Committee on Enforced Disappearances and discusses primarily the measures taken by the Government to implement the Convention.
3. The submission of the report reflects the commitment of Mauritania to fulfil its treaty obligations in the field of human rights and implement the provisions of the Convention.
4. The Government of Mauritania takes this opportunity to assure the Committee of its readiness to engage with the Committee in an ongoing constructive dialogue on the implementation of the Convention.
5. It also takes this opportunity to reiterate its commitment to work towards the respect, promotion and protection of human rights in general and of the rights associated with protecting persons from enforced disappearance in particular.

## II. Part One: General information

### A. Demographic and socioeconomic characteristics

#### 1. Demographic data

6. Mauritania is a multi-ethnic and multicultural country. The population is predominantly Arab, with Fulani, Soninke and Wolof minorities. It has a population of 4,173,080 inhabitants, of whom 1,237,217 reside in the capital, Nouakchott.<sup>1</sup>

Table 1  
Population by age group and sex

Age group	2013			2020		
	Male	Female	Total	Male	Female	Total
0–4	316 217	298 475	614 692	301 690	289 482	591 172
5–9	263 263	256 839	520 102	297 643	282 606	580 249
10–14	212 838	216 667	429 505	279 819	270 019	549 838
15–19	176 116	185 288	361 404	228 510	229 679	458 189
20–24	144 478	157 962	302 440	185 832	194 502	380 334
25–29	121 586	135 767	257 353	152 352	165 539	317 891
30–34	99 834	113 691	213 525	126 692	141 574	268 266
35–39	83 578	95 379	178 957	104 916	119 378	224 294
40–44	72 108	79 228	151 336	86 196	99 313	185 509
45–49	60 297	64 516	124 813	72 829	82 354	155 183
50–54	50 739	51 751	102 490	60 651	66 772	127 423
55–59	41 075	40 645	81 720	49 530	52 755	102 285
60–64	31 660	30 459	62 119	39 227	40 412	79 639
65–69	24 120	23 055	47 175	28 755	28 981	57 736

<sup>1</sup> Source: National Statistics Office.

Age group	2013			2020		
	Male	Female	Total	Male	Female	Total
70–74	18 167	17 129	35 296	19 746	19 724	39 470
75 or older	26 998	27 443	54 441	27 517	28 085	55 602
<b>Total</b>	<b>1 743 074</b>	<b>1 794 294</b>	<b>3 537 368</b>	<b>2 061 905</b>	<b>2 111 175</b>	<b>4 173 080</b>

## 2. Socioeconomic data

7. The Government adopted the Strategy for Accelerated Growth and Shared Prosperity for the period 2016–2030, consisting of three strategic focuses: (i) the promotion of strong, sustainable and inclusive growth; (ii) the development of human capital and access to basic social services; and (iii) the strengthening of all aspects of governance.

8. The economic record for 2018 was more positive than forecast, due in part to the unexpected recovery of the mining sector and a boost in non-extractive economic activity. Consequently, gross domestic product grew at an overall real rate of 3.6 per cent, despite the cessation of production at the Chinguetti oilfield. Growth in sectors other than the extractive industry was 6.3 per cent. However, the current account deficit worsened, reaching 18.4 per cent of gross domestic product, but was covered by a nearly 48 per cent increase in foreign direct investment, spurred by gas exploration, and by a rise in financial flows from the extractive industry. Gross reserves reached US\$ 919 million, the equivalent of five months of imports. The increase in State revenue resulting from the economic reactivation and controlled expenditures led to a budget surplus, excluding grants, of 3 per cent of gross domestic product, excluding the extractive industries, and the inflation rate was kept at 3.1 per cent thanks to a prudent monetary policy.<sup>2</sup>

9. Concerning public finances, reforms have led to substantially improved performance by the tax authority and the streamlining of public expenditures. An anti-corruption strategy was adopted, leading to a shift in attitudes towards public funds. In addition, civil status rules have been overhauled and biometric indicators have been introduced following the establishment of the National Agency for the Population Register and Secure Identity Documents.

10. The analysis of the data collected through the 2014 continuous survey of household living standards shows that 16.6 per cent of the population lives below the extreme poverty line, which in 2014 was set at 126,035 ouguiyas. It also shows that disparities remain between rural areas, where 25.1 per cent of the population lives in extreme poverty, and urban areas, where the extreme poverty rate is 7.5 per cent. The same trend applies at the household level, with 17.6 per cent of households in rural areas living in extreme poverty compared to 4 per cent in urban areas.

11. Despite the progress made in recent years in access to education, the quality of instruction remains a challenge, and many steps have been taken by the relevant authorities to address the situation.

12. In order to guarantee that everyone gets at least nine years of basic education, including more widely available, quality preschool education, the strategy on preschool education focuses on broadening access, especially in rural areas and for children from disadvantaged areas, and on providing teachers with training in curricula and teaching tools.

13. Steps were taken in 2018 to improve access to primary education by increasing infrastructure and human resources and to enhance the quality of instruction by training and motivating staff, developing and distributing teaching manuals and strengthening pedagogical support at the community level.

14. As for improving the quality of and access to secondary education, the focus has been on building new secondary schools and classrooms. Seven new lower secondary schools and

<sup>2</sup> 2018 report on the implementation of the action plan on the Strategy for Accelerated Growth and Shared Prosperity.

four upper secondary schools are under construction, and the number of centres of academic excellence rose with the opening of two such centres at the upper secondary level in Rosso and Kaédi. In order to resolve human resource shortages, 195 graduates of the National Teachers College have been recruited.

15. Several infrastructure projects and vital reforms have been carried out to improve the accessibility, quality and pertinence of higher education.

16. Regarding the development of technical and vocational training, efforts have centred on updating the relevant strategy, revising the relevant legal framework and organizing certificate courses. In terms of traditional teaching, several schools known as *mahadras* have been piloted.

17. With respect to access to health-care services, significant progress has been made towards providing universal coverage. There have been marked improvements in reproductive health services and in maternal and child health as a result of vaccination campaigns and treatment for acute malnutrition. Disease prevention and the management of public health emergencies have also improved thanks to the provision of medicines and training in epidemiological surveillance. There have been continuous efforts in the field of human resource development and planning, for instance the elevation of the National Public Health School in Nouakchott to the status of college. Investments have been made in infrastructure and equipment with a view to improving health-care services.

18. Concerning job creation, a national employment strategy has been developed for the period until 2030. The biggest challenge lies in the job shortage – 443,000 in 2017 – which primarily affects women and young people, despite the efforts of institutions working on the recruitment and integration of young people into the world of work.

19. The development of the youth and sports sector is guided by a sectoral strategy in line with the Strategy for Accelerated Growth and Shared Prosperity. The multisectoral nature of this issue has led to collaboration among various sectors in order to achieve the goals of protecting and empowering young people.

20. Regarding social protection, gender equality, children and family affairs, various measures have been undertaken to guarantee social protection for the most vulnerable groups and to build their resilience.

21. As for food security, the monitoring of the food situation and the implementation of special programmes are among the measures that have improved the resilience of vulnerable groups and the capacity to withstand climate shocks.

22. The introduction of social safety nets and the national cash transfer programme known as Tekavoul has considerably enhanced the resilience of vulnerable groups in several regions of the country. In that connection, 30,512 poor households (or 205,911 individuals) have received quarterly cash transfers to help improve the welfare of women and children.<sup>3</sup>

23. The main achievements in the areas of gender equality, children and family affairs involve empowering women, raising awareness and mobilizing communities to end gender-based violence, particularly female genital mutilation, and changing attitudes towards the empowerment of women. In addition, there is a strong female presence in elected office and positions of power.

24. Considerable efforts and important gains have been made with regard to access to drinking water and sanitation services. Works carried out between 2015 and 2018 brought the national access rate to 70 per cent, according to estimates of the Ministry for Water and Sanitation. The ongoing large-scale hydraulics projects in Dhar and Aftout, which are intended to provide access to drinking water for vulnerable groups, have been expanded to cover more rural villages and areas in the vulnerable regions of the country known as the Triangle of Hope and Hodh ech Charghi. As part of the expansion, over 54 drinking water

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<sup>3</sup> See the implementation report on the action plan on the Strategy for Accelerated Growth and Shared Prosperity.

supply systems equipped with solar panels have been installed for the most disadvantaged populations in Hodh ech Charghi, Hodh el Gharbi, Brakna and Gorgol *wilayas* (governorates).

25. Regarding access to electricity and the supply of oil and gas, according to the department responsible for petroleum, energy and mines, 42 per cent of households had access to electricity in 2018 (target 7.1.1 of the Sustainable Development Goals). In urban areas, the percentage of the population that has access to electricity is far higher, estimated at 76 per cent on average in 2018. In rural areas, however, the rate remains low at 6 per cent on average. With regard to target 7.2, on increasing substantially the share of renewable energy in the energy mix, renewable energy accounts for 42 per cent of end consumption.<sup>4</sup>

26. Efforts have been made in recent years in the building and housing domain, leading to crucial results in the development of plots and access to more stable housing and homeownership, though the amount of substandard housing remains a concern, especially in rural areas, where 56.7 per cent of households live in such housing (shacks, huts, tents). In urban areas, 21.3 per cent of the population lives in slums, informal settlements or inadequate housing (2013 general population and housing census).

27. Data from the Ministry of Housing, Urban Development and Land Management shows that important infrastructure has been put in place over the past 10 years, thereby increasing the availability of social housing. This includes the construction of: (i) 600 low-income housing units in Zouerate; (ii) 148 social housing units in the resettlement area reserved for the victims of the fire in the Kebba du Wharf district in Nouakchott; (iii) 50 units in the new city of Chami; and (iv) 706 social housing units, by Tadamoun, for 706 poor families (4,236 persons) from deprived neighbourhoods in Nouadhibou.

28. In addition, the following programmes of varying scale have been implemented, thus markedly improving access to property (target 11.1): (i) the Disadvantaged Neighbourhoods Eradication Programme (146,382 households have been given access to free property in redeveloped areas); (ii) the City Expansion and Modernization Programme (31,586 plots have been prepared and developed for residential and commercial purposes); (iii) the Tintane Rehabilitation and Renovation Project, which saw the erection of a brand new town where the population was given access to prepared and developed plots (33 collective buildings and facilities, a 14 linear km long network of dense-graded asphalt roads, a water network measuring 100 linear km and an electrical grid).

29. The legal framework on political and electoral governance is composed chiefly of: Ordinance No. 27.289 of 20 October 1987, on communes; Ordinance No. 91.027 of 7 October 1991, on the election of the President of the Republic; Ordinance No. 91.028 of 7 October 1991, on the election of Members of Parliament; and subsequent amendments to these ordinances. Other laws and regulations have been adopted to improve electoral operations (Decree No. 2006-090 of 18 August 2006 introducing single ballots), strengthen democracy (Act No. 2009-017 of 5 March 2009 establishing the Independent National Electoral Commission) and promote diversity (Ordinance No. 2006-029 of 22 August 2006 on women's access to elected office). In recent years, significant improvements have been made to the electoral system.

30. These include:

- The increase of the share of seats in the parliament that are allocated on the basis of the principle of proportionality
- The establishment of an independent electoral commission
- The promotion of women's access to elected office

31. Political parties are governed by Ordinance No. 91-024 of 25 July 1991, as amended in 2012 and 2018, whereby parties must announce their creation by filing a disclosure form with the Ministry of the Interior, which then issues a receipt proving legal recognition. A party's founding members, of which there can be no fewer than 20, must be 25 or older and live within the national territory. Article 4, while stressing the sacred nature of religion, bans any one party from declaring itself to be its sole representative. Political parties are prohibited

<sup>4</sup> Source: Ministry of Oil, Energy and Mining.

from engaging in any propaganda that is contrary to the principles of Islam, and Islam may not be the preserve of a political party. Political parties are prohibited from engaging in any propaganda that undermines the integrity of the territory or the unity of the nation. This ordinance recalls that no political party or grouping may identify with a particular race, ethnicity, region, tribe, gender or brotherhood. Political parties are also prohibited from cooperating or collaborating with a foreign entity for reasons that are incompatible with current laws and regulations. To avoid the proliferation of political parties, the last paragraph of article 20 provides that any party that puts forward candidates in two general municipal elections and obtains less than 1 per cent of votes in both elections, or that refrains from participating in two consecutive general municipal elections, is deemed to be dissolved. The dissolution is certified by order of the Ministry of the Interior. In the light of the final results of the 2018 municipal elections, 78 parties were dissolved by decision No. 00113 of 5 March 2019.<sup>5</sup>

32. There are various organizations responsible for managing elections.

#### *Ministry of the Interior*

33. Under Decree No. 357-2019 of 1 October 2019, on the powers of the Ministry of the Interior and Decentralization and the organization of that ministry's central administration, the Minister of the Interior and Decentralization is responsible for developing the electoral roll and providing technical support to the Independent National Electoral Commission.

#### *Independent National Electoral Commission*

34. The Independent National Electoral Commission, established pursuant to Act No. 2012-027 of 12 April 2012, is an independent authority. The Commission has full powers to prepare, run and supervise the entire election process, from the validation of the electoral roll to the provisional certification of results and their transmission to the Constitutional Council for final certification, in the case of presidential elections and referendums, or to the certification of results, in the case of other types of elections.

35. The Commission is responsible for all the other phases of the electoral process, including:

- Validating the electoral roll
- Drawing up the election list on the basis of the roll and determining the number and location of polling stations
- Registering candidacies and issuing provisional and final receipts for candidacy announcements after the competent bodies have confirmed the validity of the candidacies, apart from candidacies in presidential elections
- Overseeing the candidates' choice of campaign colours, emblems, logos or acronyms and designing, printing and distributing voter registration cards and ballots
- Monitoring campaigns
- Storing electoral materials in facilities it owns or is responsible for and conveying them, at its own risk and expense, to polling centres and stations in a timely manner
- Setting up polling stations, including their number, composition and location, the training of their members and the number of registered voters per station

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<sup>5</sup> Available statistics:

Recognized parties prior to 2019: 103.

Parties dissolved: 78.

Parties that decided to dissolve themselves: 2.

Parties that lodged an appeal with the Administrative Division of the Supreme Court: 20.

Parties whose dissolution was cancelled: 7.

Parties that obtained a suspension of operation of the dissolution decision: 1.

Recognized parties: 33.

- Organizing polling operations, vote counts and the drawing up and transmission of ballot records
- Centralizing, announcing and transmitting the provisional results to the Constitutional Council in presidential elections and referendums
- Centralizing and announcing the results in other types of elections

*High Authority for the Press, Radio and Television*

36. The High Authority for the Press, Radio and Television is an independent administrative body mandated to monitor the implementation of laws and regulations concerning the press, radio and television in an objective, transparent and non-discriminatory manner. With regard to elections, it is mandated to ensure equitable access of political parties, candidates, trade unions and recognized civil society organizations to public media, under the conditions established by law and regulations.

37. All legally recognized political parties participated in the 2018 legislative elections, submitting a total of 724 candidate lists across all electoral districts, as shown in the tables below.

Table 2  
**2018 municipal election results**

<i>Sex</i>	<i>Councillors</i>		<i>Mayors</i>	
Men	2 446	63.85%	214	97.72%
Women	1 385	36.15%	4	2.28%
<b>Total</b>	<b>3 831</b>	<b>100%</b>	<b>219</b>	<b>100%</b>

Table 3  
**Regional election results**

<i>Sex</i>	<i>Councillors</i>		<i>Chairs of Regional Councils</i>	
Men	186	65.26%	12	92.31%
Women	99	34.74%	1	7.69%
<b>Total</b>	<b>285</b>	<b>100%</b>	<b>13</b>	<b>100%</b>

Table 4  
**Legislative election results**

<i>Sex</i>	<i>Members of Parliament</i>	
Men	123	80.39%
Women	30	19.61%
<b>Total</b>	<b>153</b>	<b>100%</b>

38. Concerning the public service, an analysis of human resources by sex indicates that there are only 11.5 per cent women in category A (senior posts). There are also fewer women middle managers, who represent 27.8 per cent of total staff at that level. Only in category C, which accounts for less than 19 per cent of public servants, are women more represented (nearly 60 per cent).<sup>6</sup>

<sup>6</sup> Report by the Ministry of Social, Children's and Family Affairs and the United Nations Development Programme on gender and the labour market, Nouakchott, 2011.

## B. Constitutional and judicial institutions

39. The Constitution of 20 July 1991, amended in 2006, 2012 and 2017, established several constitutional institutions, including the Constitutional Council, the Economic, Social and Environmental Council, the Court of Auditors, the High Council for Fatwas and Administrative Appeals and the National Human Rights Commission.

40. Article 1 of the Constitution states that “Mauritania is an indivisible, democratic and social Islamic republic. Mauritania guarantees all citizens equality before the law, without distinction as to origin, race, sex or social status.” Article 3 enshrines the principle of democracy, stating that “sovereignty belongs to the Mauritanian people, who shall exercise it through their representatives or by referendum”.

41. The republican State is founded on the principle of the separation of powers. 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 the Prime Minister.

42. Legislative power is exercised by the parliament, which adopts laws and is responsible for oversight of government action. The parliament is made up of the National Assembly.

43. Mauritania has a decentralized and devolved administrative structure. Its territory is organized into several administrative levels: 15 *wilayas* (governorates), 58 departments *moughataas*, 13 regions and 219 communes. The different administrative levels work together to ensure the political, economic and social development of the country.

44. The judicial system is based on the second-hearing principle (the same case may be tried at first and second instance). The system comprises courts at the level of the department and *wilaya*, courts of appeal and a supreme court. The High Court of Justice is responsible for trying the most senior State officials (the President of the Republic and the members of the Government). The Constitutional Council rules upon constitutional matters.

45. The Supreme Council for Fatwa and Administrative Appeals guides users of the justice system towards solutions that comply with Islamic law.

46. The Government has improved the efficiency of the justice system by making justice more accessible through the establishment of courts, including a court of appeal in Aleg, two regional courts in Nouakchott Nord and Nouakchott Sud, a labour court in Zouerate and three specialized anti-slavery courts. It has also established a national anti-corruption strategy, while sectoral plans to combat corruption are implemented by Government departments, in collaboration with civil society, to ensure compliance with national anti-corruption legislation.

## C. General framework for the protection and promotion of human rights

### 1. Acceptance of international human rights norms

Table 5

#### Principal international human rights instruments ratified by Mauritania

No.	Instruments	Adoption date	Ratification date	Reservations/comments
1	Universal Declaration of Human Rights	1948		Incorporated into the preamble to the Constitution of 20 July 1991
2	United Nations Convention against Corruption	2003	2006	



<i>No.</i>	<i>Instruments</i>	<i>Adoption date</i>	<i>Ratification date</i>	<i>Reservations/comments</i>
3	International Convention on the Elimination of All Forms of Racial Discrimination	1965	1988	Reservation: Art. 14: Mauritania has not made the declaration under article 14 recognizing the competence of the Committee to receive individual complaints
4	Convention on the Elimination of All Forms of Discrimination against Women	1979	2001	Reservations: Art. 13 (a) Art. 16
5	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	1990	2007	
6	Convention on the Rights of the Child	1989	1991	Reservation: Mauritania approved all parts of the Convention that are not contrary to Islamic law
7	Convention on the Rights of Persons with Disabilities	2006	2012	
8	International Convention for the Protection of All Persons from Enforced Disappearance	2006	2012	
9	International Covenant on Civil and Political Rights	1966	2004	Reservation: Art. 18 (2–4) and art. 23 (4) The Government of Mauritania declared that the application of these provisions would be without prejudice to sharia law
10	International Covenant on Economic, Social and Cultural Rights	1966	2004	
11	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment		2012	
12	Optional Protocol to the Convention on the Rights of Persons with Disabilities	2006	2012	
13	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1984	2004	Reservations: Art. 20 (1–5), concerning the competence of the Committee; and art. 30 (1), concerning the International Court of Justice

## 2. Nature and scope of reservations

### (a) Scope of reservations

47. Mauritania has entered general or specific reservations on the following agreements:

- Convention on the Elimination of All Forms of Discrimination against Women: reservations to articles 13 (a) and 16
- Convention on the Rights of the Child: Mauritania has approved all parts of the Convention that are not contrary to sharia law
- International Covenant on Civil and Political Rights: reservations to articles 18 (2–4) and 23 (4)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: reservations to articles 20 (1–5), concerning the competence of the Committee, and article 30 (1), concerning the International Criminal Court

**(b) Reasons for the reservations**

48. These reservations were deemed necessary because they concern provisions that are contrary to sharia, the sole source of law under the Constitution.

**(c) Effect of the reservations**

49. Only the provisions to which the reservations relate are not applied; the other provisions retain their full legal force pursuant to article 80 of the Constitution.

**(d) Follow-up to declarations emanating from conferences**

50. Mauritania, through its participation in international human rights conferences, has given effective support to the declarations, recommendations and commitments adopted by those conferences.

51. Pursuant to the declarations and recommendations of the international conferences, notably the World Conference on Human Rights (Vienna, 1993), Mauritania withdrew and replaced its general reservation to the Convention on the Elimination of All Forms of Discrimination against Women and is contemplating similar action in respect of its general reservation to the Convention on the Rights of the Child.

**(e) Derogations, restrictions and limitations**

52. Other than the reservations it has entered, Mauritania has not restricted, limited or derogated from the international instruments it has ratified.

Table 6

**Principal International Labour Organization (ILO) conventions ratified by Mauritania**

<i>No.</i>	<i>Instruments</i>	<i>Adoption date</i>	<i>Ratification date</i>	<i>Reservations/comments</i>
1	Discrimination (Employment and Occupation) Convention (No. 111)	1958	8 November 1963	
2	Equality of Treatment (Accident Compensation) Convention (No. 19)	1925	8 November 1963	
3	Equal Remuneration Convention (No. 100) (Agriculture)	1951	3 December 2001	
4	Equality of Treatment (Social Security) Convention (No. 118)	1962	15 July 1968	Accepted in respect of the branches of social security referred to in art. 2 (1) (d) to (g) and (i)
5	Abolition of Forced Labour Convention (No. 105)	1957	3 April 1997	
6	Forced Labour Convention (No. 29)	1930	20 June 1961	
7	Maternity Protection Convention (No. 3)	1919	8 November 1963	

<i>No.</i>	<i>Instruments</i>	<i>Adoption date</i>	<i>Ratification date</i>	<i>Reservations/comments</i>
8	Night Work (Women) Convention (No. 4)	1919	20 June 1961	Denounced on 2 August 1965
9	Night Work (Women) Convention (Revised) (No. 41)	1934	20 June 1961	Denounced on ratification of Convention No. 89
10	Night Work (Women) Convention (Revised) (No. 89)	1948	8 November 1963	
11	Worst Forms of Child Labour Convention (No. 182)	1999	3 December 2001	
12	Minimum Age (Industry) Convention (No. 5)	1919	20 June 1961	Denounced on ratification of Convention No. 138
13	Night Work of Young Persons (Industry) Convention (No. 6)	1919	20 June 1961	
14	Minimum Age (Trimmers and Stokers) Convention (No. 15)	1921	8 November 1963	
15	Minimum Age (Non-Industrial Employment) Convention (No. 33)	1932	20 June 1961	
16	Minimum Age (Sea) Convention (Revised) (No. 58)	1936	8 November 1963	
17	Night Work of Young Persons (Industry) Convention (Revised) (No. 90)	1948	8 November 1963	
18	Minimum Age (Fishermen) Convention (No. 112)	1957	8 November 1963	
19	Minimum Age Convention (No. 138)	1973	3 December 2001	Minimum age specified: 14 years
20	Holidays with Pay Convention (No. 52)	1936	8 November 1963	
21	Paid Vacations (Seafarers) Convention (Revised) (No. 91)	1949	8 November 1963	
22	Right to Organise and Collective Bargaining Convention (No. 98)	1949	3 December 2001	
23	Holidays with Pay (Agriculture) Convention (No. 101)	1952	8 November 1963	
24	Social Security (Minimum Standards) Convention (No. 102)	1952	15 July 1968	Accepted Parts V to VII, IX and X
25	White Lead (Painting) Convention (No. 13)	1921	20 June 1961	
26	Weekly Rest (Industry) Convention (No. 14)	1921	20 June 1961	
27	Workmen's Compensation (Accidents) Convention (No. 17)	1925	8 January 1963	
28	Workmen's Compensation (Occupational Diseases) Convention (No. 18)	1925	20 June 1961	

<i>No.</i>	<i>Instruments</i>	<i>Adoption date</i>	<i>Ratification date</i>	<i>Reservations/comments</i>
29	Seamen's Articles of Agreement Convention (No. 22)	1926	8 November 1963	
30	Repatriation of Seamen Convention (No. 23)	1926	8 November 1963	
31	Minimum Wage-Fixing Machinery Convention (No. 26)	1928	20 June 1961	
32	Officers' Competency Certificates Convention (No. 53)	1936	8 November 1963	
33	Safety Provisions (Building) Convention (No. 62)	1937	8 November 1963	
34	Labour Inspection Convention (No. 81)	1947	8 November 1963	
35	Freedom of Association and Protection of the Right to Organise Convention (No. 87)	1948	20 June 1961	
36	Labour Clauses (Public Contracts) Convention (No. 94)	1949	8 November 1963	
37	Protection of Wages Convention (No. 95)	1949	20 June 1961	
38	Fee-Charging Employment Agencies Convention (Revised) (No. 96)	1949	31 March 1964	Accepted the provisions of Part II
39	Fishermen's Articles of Agreement Convention (No. 114)	1959	8 November 1963	
40	Final Articles Revision Convention (No. 116)	1961	8 November 1963	
41	Employment Policy Convention (No. 122)	1964	30 July 1971	
42	Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	1975	23 September 2019	
43	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	1976	23 September 2019	

Table 7

**Ratification of instruments relating to international humanitarian law and refugees**

<i>No.</i>	<i>Instruments</i>	<i>Adoption date</i>	<i>Ratification date</i>	<i>Reservations/comments</i>
1	Convention relating to the Status of Refugees	1951	1987	
2	Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	1949	1962	
3	Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	1949	1962	

<i>No.</i>	<i>Instruments</i>	<i>Adoption date</i>	<i>Ratification date</i>	<i>Reservations/comments</i>
4	Geneva Convention relative to the Treatment of Prisoners of War	1949	1962	
5	Geneva Convention relative to the Protection of Civilian Persons in Time of War	1949	1962	
6	Protocol Additional to the Geneva Conventions of 1 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)	1977	1980	
7	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)	1977	1980	
8	Convention relating to the Status of Refugees	1951	1987	
9	Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa	1969	1972	
10	Protocol relating to the Status of Refugees	1967	1987	
11	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction	1997	2000	

Table 8  
**Ratification of regional human rights instruments**

<i>No.</i>	<i>Instruments</i>	<i>Adoption date</i>	<i>Ratification date</i>	<i>Reservations/comments</i>
1	African Charter on Human and Peoples' Rights	1981	1986	Incorporated into the preamble to the Constitution of 20 July 1991
2	African Charter on the Rights and Welfare of the Child	1990	2005	
3	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	2003	2005	
4	African Charter on Democracy, Elections and Governance	2011	2008	
5	Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	1998	2005	
6	Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa	1969	1972	

<i>No.</i>	<i>Instruments</i>	<i>Adoption date</i>	<i>Ratification date</i>	<i>Reservations/comments</i>
7	Arab Charter on Human Rights	2004	2019	

### 3. Legal framework for the protection of human rights at the national level

#### (a) Constitutional guarantees

53. The Constitution enshrines human rights in its preamble: “The Mauritanian people, by virtue of their spiritual values and the influence of their civilization, solemnly proclaim their attachment to Islam and to the principles of democracy, as defined by the Universal Declaration of Human Rights of 10 December 1948 and the African Charter on Human and Peoples’ Rights of 28 June 1981 and by the other international conventions to which Mauritania is a party.” The Constitution protects all the rights and freedoms set forth in the aforementioned instruments.

#### (b) Incorporation of human rights treaties into national legislation

54. Under the country’s monist legal system, the international human rights treaties ratified by Mauritania are incorporated into the domestic legal order in accordance with article 80 of the Constitution.

55. Mauritania has ratified almost all international and regional legal instruments on human rights, including those of the United Nations, ILO and the African Union, and has implemented a series of measures aimed at eradicating slavery and its legacy.

56. In terms of the harmonization of domestic laws with the international legal framework, the following are noteworthy:

- The Constitution of 20 July 1991, revised in 2006, 2012 and 2017, which provides, in article 1, that “Mauritania is an Islamic, indivisible, democratic and social republic. The Republic guarantees all citizens equality before the law, without distinction as to origin, race, sex or social status.”
- The amendment of the Constitution through the adoption of a new article 13, the first paragraph of which defines slavery and slavery-like practices as crimes against humanity.<sup>7</sup>
- Act No. 2003-025 of 17 July 2003 on the punishment of trafficking in persons, which the State employs to combat and punish all practices involving exploitation of human beings. This Act places certain trafficking in persons offences, which previously had been treated as ordinary offences or misdemeanours, in the category of serious offences.
- The constitutional principle of equality of citizens before the law is embodied in all legislative texts, including those on labour, trade, investment, land ownership and elections.
- Act No. 2018-023 of 21 June 2018 on the Criminalization of Discrimination, which incorporates the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination in the domestic legal order.
- Act No. 2015-031 of 10 September 2015 on the Criminalization of Slavery and Punishment of Slavery-like Practices.
- Act No. 2018-024 of 21 June 2018 on the General Child Protection Code.
- Order No. 797 of 18 August 2011, repealing and replacing Order No. 362 of 25 August 1953, as amended by Order No. 10.289 of 2 June 1965 determining the general conditions of domestic employment, governs the employment of men and women as domestic servants, defines forms of employment that violate labour laws – including

<sup>7</sup> New article 13: “No one may be enslaved or held in any form of bondage, or be subjected to torture or other cruel, inhuman or degrading treatment. These practices constitute crimes against humanity and are punishable as such by the law.”

the various conventions ratified by Mauritania and the Labour Code – and protects children from such forms of employment.<sup>8</sup>

- The international human rights treaties ratified by Mauritania are incorporated directly into national legislation in accordance with article 80 of the Constitution, whereby all the provisions on human rights derived from duly ratified conventions can be invoked before the courts, and judges are required to apply them.

57. The Government has made overcoming the legacy of slavery and eradicating its contemporary forms a priority. To this end, on 6 March 2014, it adopted a road map for the eradication of contemporary forms of slavery and established an interministerial committee chaired by the Prime Minister, with a brief to implement the recommendations of the road map, and a follow-up committee.

58. This committee comprises representatives of ministries, the National Human Rights Commission and civil society organizations, with the Office of the United Nations High Commissioner for Human Rights (OHCHR) country office in Mauritania participating as an observer.

59. The principal authorities with competence in human rights matters are the Constitutional Council, the courts, the Commission on Human Rights, Humanitarian Action and Relations with Civil Society, the National Human Rights Commission, the relevant ministries, the High Council for Fatwas and Administrative Appeals and the national mechanism for the prevention of torture. These institutions are competent at the national level for issues relating to their respective areas of responsibility.

**(c) Invocation before the courts**

60. All the provisions of the conventions ratified by Mauritania can be invoked before the courts, and judges are required to apply them.

**(d) Remedies**

61. Administrative and judicial remedies are available and may result in the award of civil damages and the imposition of administrative or criminal penalties or both on the perpetrator.

**(e) National mechanisms for the protection and promotion of human rights**

62. The Commission on Human Rights, Humanitarian Action and Relations with Civil Society is responsible for drafting and implementing the national policy for the promotion and protection of human rights.

63. The remit of the Ministry of Social Affairs, Children and the Family includes the development of project and programme proposals aimed at furthering the advancement of

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<sup>8</sup> This order requires the formalization of individual employment contracts. The Labour Inspectorate provides employees and employers with model contract forms for domestic work, drawn up by the Ministry of Labour, which must be signed and registered for the employment relationship to be considered valid. The employer must pay for the domestic worker to undergo a medical examination before he or she is recruited. The minimum wages corresponding to domestic worker categories are equal to or higher than the guaranteed interprofessional minimum wage and are set freely by the parties. Accommodation and food are benefits in kind that are not mandatory either for the employer or the employee. Where these benefits are provided, their value, set by agreement between the parties, may be deducted from wages. A domestic worker recruited outside the place of employment or moved from that place by the employer during performance of the contract has the right to payment of travel expenses. Domestic workers are paid on the last day of each month. However, at the request of the employee, wages may be paid every two weeks. The labour inspectorate provides employers with payslips, which are issued to employees and contain relevant information. The labour inspectorate issues work permits to young workers aged 14 years and over, which they require in order to enter domestic employment corresponding to their physical aptitude and state of health, having secured the prior consent of their guardians and ensured their compliance with the other obligations imposed by the laws and regulations in force. Meanwhile, Decree No. 247.2010 of 8 November 2010 establishing the seat and jurisdiction of the juvenile criminal courts and its implementing order have toughened the legislation punishing illegal child labour.

women and their involvement in the development process and promoting and protecting the rights of children, persons with disabilities and older persons.

64. The remit of the National Human Rights Commission, which is an independent body, includes issuing, at the request of the Government or on its own initiative, advisory opinions on general and specific questions concerning the promotion and protection of human rights and respect for individual and collective freedoms. The majority of the Commission's members are representatives of civil society organizations and professional bodies, who have the right to vote; it also includes representatives of the various authorities concerned, who are non-voting members. The Commission is funded from the State budget, which has a separate allocation for it.

65. The authorities and human rights organizations disseminate the various treaties and conventions to which Mauritania is a party through the press, workshops and other media advocacy and ensure that these instruments are accessible by explaining their content in the various national languages, as necessary.

66. The parliament makes laws. The parliamentary group on human rights ensures the promotion and dissemination of human rights principles and the protection of those rights.

67. The national mechanism for the prevention of torture ensures compliance with the relevant legislation in force.

68. The High Council for Fatwas and Administrative Appeals ensures compliance within its own area of competence.

69. Associations are regulated by Act No. 64.098 of 9 June 1964, as amended by Act No. 73.007 of 23 June 1973 and Act No. 73.157 of 2 July 1973. More than 6,028 national and 57 international non-governmental organizations (NGOs) operate in the country. The number of associations has increased markedly since 2008, when there were only 1,106. Associations are active in such fields as human rights, social issues, development, health, the environment, culture, sports and the arts and may, upon request, be granted tax exemptions for the equipment and materials they require to carry out their activities. This exemption is automatic for recognized public-interest associations.

**(f) Recognition of the jurisdiction of a regional human rights court or other such mechanism**

70. Mauritania recognizes the jurisdiction of the African Court on Human and Peoples' Rights.

**(g) Dissemination of human rights instruments**

71. Several conventions have been the subject of information and awareness-raising campaigns, including the following:

*Convention on the Elimination of All Forms of Discrimination against Women*

72. Measures to popularize the Convention have included:

- Translation into the four national languages
- Publication of an explanatory guide to the Convention and the organization of large-scale awareness-raising campaigns in the public media (radio and television)
- Community-based campaigns carried out by NGOs
- Implementation of other programmes, supervised by the communications unit of the Ministry of Social Affairs, Children and the Family through its regional offices

*Convention on the Rights of the Child*

73. Measures to disseminate the Convention have included:

- Preparation and distribution of an explanatory handbook on the Convention and outreach



- Establishment of regional networks to promote the rights of the child, consisting mainly of departmental children's rights units
- Organization of annual awareness-raising campaigns on the rights of the child to mark national children's days
- Provision of training on children's rights for civil society stakeholders

*International Convention on the Elimination of All Forms of Racial Discrimination*

74. Awareness-raising and training of the judiciary and civil society stakeholders on the provisions of the Convention.

*Convention on the Rights of Persons with Disabilities*

75. The following actions have been taken to disseminate the Convention:

- Campaigns in all *wilayas* throughout the country
- Preparation of an explanatory handbook on the provisions of the Convention
- Provision of training for several organizations of persons with disabilities

*Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

76. A number of activities have been organized to raise awareness of the Convention, including the following:

- Awareness-raising and training seminars are held for law enforcement officers on the subject of prohibition of torture and other cruel, inhuman or degrading treatment or punishment.
- Workshops are organized for judges and criminal investigation officers on police custody and torture prevention.
- The administrative and judicial authorities have a duty to systematically undertake investigations as soon as an allegation of torture is made.
- The penalties imposed in cases of torture are stipulated in Act No. 2015.033 of 10 September 2015 on the prohibition of torture.

77. All the international instruments ratified by Mauritania that are subject to monitoring by the human rights treaty bodies have been published in the Official Gazette.

**(h) Raising human rights awareness among public officials and other professionals**

78. Plans of action to raise awareness and train officials on respect for human rights have been implemented. Seminars for law enforcement officers have been organized by the Ministry of Justice, the Commission for Human Rights and Humanitarian Action and the National Human Rights Commission, with technical support from the OHCHR country office and the Association for the Prevention of Torture.

**(i) Raising awareness through educational programmes and the dissemination of information with the support of the authorities**

79. Human rights education is included in the civics and religious instruction syllabus. There are mandatory annual modules, and human rights is one of the topics covered in assessed coursework and in the examinations that students must pass if they are to move up to the next year.

80. Primary school provides the ideal environment for citizenship training. Open to all children, it is a fitting place for the transmission of fundamental values. In universities, human rights modules have been introduced into the curricula of the various branches (law, economics, medicine and others).

81. Human rights education in primary schools is provided through two channels:
- Official programmes (on civics, citizenship and so forth), which are taught in Arabic from year 5
  - Experimental programmes incorporating the rights of the child, which are offered in certain primary schools, including through their hygiene, health and environment clubs
  - Initial training programmes at teacher training colleges for primary-school teachers (École normale des instituteurs) and secondary-school teachers and inspectors (École normale supérieure)
  - In-service training programmes, including awareness-raising campaigns and ad hoc courses

**(j) Promotion of human rights awareness through the media**

82. State and private media are asked to provide national coverage of activities to promote and protect human rights. Radio and television programmes on topics relating to human rights are broadcast periodically.

**(k) Role of civil society**

83. Civil society works with the authorities on human rights awareness-raising programmes for the general public.

**(l) Budget allocations and trends**

84. Budget allocations are made annually to ministerial departments, institutions and other bodies and NGOs working in the field of human rights.

**(m) Development cooperation and assistance**

85. Technical assistance for the promotion and protection of human rights is provided by the OHCHR country office, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund and other partners.

**D. Obstacles to the fulfilment of international human rights obligations**

86. The following are the main obstacles preventing the country from achieving full enjoyment of human rights:

- Inadequate human and financial resources of human rights institutions and organizations
- Lack of specialist knowledge among human rights actors

**E. Reporting process**

**Technical committee responsible for preparing State reports relating to international legal instruments in the field of human rights**

87. The Government has set up a technical committee to draft reports and follow up on the implementation of recommendations made by treaty bodies and during the universal periodic review. The committee includes representatives of all ministerial departments concerned and the National Human Rights Commission. The OHCHR office in Mauritania sits on the committee as an observer.

**Transmission of reports to stakeholders prior to submission to the treaty bodies**

88. National reports are made available to parliamentary bodies and civil society organizations for comment prior to their submission to the treaty bodies or working groups.

### **Participation of non-governmental and independent bodies**

89. The reports take account of recommendations made during workshops held for the purposes of consulting and exchanging views with civil society and parliamentary bodies.

## **F. Follow-up to concluding observations of human rights treaty bodies**

90. The various concluding observations and recommendations are shared and discussed at workshops, and the conclusions reached are then transmitted to the competent authorities. This process is followed for the concluding observations of the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Committee against Torture, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. Sectoral action plans for implementing the concluding observations are in place. A national action plan is currently being drawn up, with the cooperation of the OHCHR country office, covering the recommendations of treaty bodies and those made during the universal periodic review.

## **G. Measures to ensure wide dissemination of the concluding observations or recommendations issued by treaty bodies following consideration of the State party's report**

91. The technical committee responsible for drafting reports to treaty bodies shares those documents – and the conclusions and recommendations made by treaty bodies and during the universal periodic review process – with the parliament. They are also disseminated through the media.

### **1. Follow-up to international conferences**

92. Mauritania ensures systematic follow-up to the declarations adopted at the various world conferences, in particular the Human Rights Council, the African Commission on Human and Peoples' Rights, the Arab Human Rights Committee, the Organization of Islamic Cooperation, the Vienna World Conference on Human Rights (1993), the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001), the Beijing Fourth World Conference on Women (1995) and the United Nations World Conference on Women. The Government implements the commitments entered into at the various conferences through its ministries and institutions.

### **2. Information on non-discrimination and equality and effective remedies**

#### **(a) Non-discrimination and equality**

93. The principle of non-discrimination is established in the Constitution. It is incorporated in legislation and has been given effect in many areas, including equality of treatment in taxation and in access to justice, equal pay for work of equal value and equal access to public services.

94. The Constitution guarantees women the right to participate in political and public life. It also recognizes for women all civil, political, economic, social and cultural rights, as proclaimed in the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981.

95. Article 1 (2) of the Constitution states that “the Republic guarantees all citizens equality before the law, without distinction as to origin, race, sex or social status”. Article 12 provides that “all citizens may accede to public office or employment without any conditions other than those determined by law”.

96. The Act on the Criminalization of Discrimination defines discrimination in all of its forms. This law characterizes the act of discrimination as an offence under criminal law and prescribes appropriate penalties that take into account its gravity. Article 11 of the Act prohibits discrimination on the basis of origin, ethnicity or race and provides that persons

found guilty of this offence are punishable by 6 to 12 months' imprisonment and a fine of 50,000 to 100,000 Mauritanian ouguiyas. The perpetrators of such acts may receive an additional penalty of demotion or total or partial disqualification from exercising their civic, civil or family rights for a period of five years.

97. Positive discrimination and temporary special measures have been applied with regard to elections and elected office. The quota reserved for women in those areas has risen significantly. In all recruitment exercises, posts are set aside for women.

- The 2001 Personal Status Code sets the legal age for marriage at 18 years.
- The 2005 Code governing the judicial protection of children prohibits and penalizes female genital mutilation (art. 12).
- The 2001 Act on Compulsory Primary Education sets the school age at 6 to 14.
- The Ordinance concerning the Organic Act on Women's Access to Elective Posts and Elected Office sets a 20 per cent quota for women.
- The Legal Aid Act provides for assistance to indigent persons subject to trial.
- The Ordinance on the protection and promotion of the rights of persons with disabilities provides for benefits for such persons.
- The Labour Code and the Act governing the Pension Fund's civilian pension scheme authorize the payment of a pension to the beneficiaries of female civil servants on the same terms as for male civil servants.
- Pensions are granted to the survivors of deceased female civil servants.
- The retirement age has been equalized at 60 for women whose conditions of employment are governed by the collective agreement.

98. The authorities have put in place an institutional framework to ensure that women's rights are promoted and gender is mainstreamed into public policy. This framework includes:

- The Ministry of Social Affairs, Children and the Family, which is responsible for promoting and protecting the rights of women, families and children
- The National Gender Monitoring Group and its regional counterparts
- The network of women ministers and parliamentarians
- The National Committee to Combat Gender-based Violence, including Female Genital Mutilation
- Regional and departmental committees to combat gender-based violence
- Centres for addressing and resolving family disputes, follow-up to the recommendations made by the Committee on the Elimination of Discrimination against Women and promotion of human rights

**(b) Measures taken to improve women's political participation and involvement in decision-making**

- Adoption of a national list of 20 women candidates for election as deputies
- Adoption of a national list of 20 women candidates and another list of 18 women candidates for election in the Nouakchott constituency
- Increase in the number of constituencies with three seats to be filled by proportional representation
- Granting of financial incentives for political parties that increase the number of women candidates elected
- Organization of a special competitive procedure that allowed an additional 50 women to gain entry to the National College of Administration, Journalism and the Judiciary
- Creation of eight university teaching posts for women

- Increase in the number of student grants reserved for girls

**(c) Principle of non-discrimination and general binding principle**

99. The Constitution of 20 July 1991, as amended in 2006 and 2012, states that “human freedom, equality and dignity may be assured only in a society that honours the rule of law”. It also guarantees the fundamental principles of non-discrimination.

**(d) Measures taken to prevent and combat discrimination in all its forms**

100. Several institutions contribute to efforts to prevent and combat all forms of discrimination. These include the ministerial departments responsible for human rights issues, the National Agency for the Eradication of the Consequences of Slavery, for Social Integration and for Action to Fight Poverty, known as the Tadamoun Agency, the National Human Rights Commission, the High Council for Fatwas and Administrative Appeals and the courts.

**(e) General information regarding the human rights situation of persons belonging to specific vulnerable groups**

101. The Government’s poverty reduction policy provides for a strong and sustained focus on vulnerable segments of the population.

**3. Specific measures to reduce disparities**

102. Several measures have been put in place to reduce economic, social and geographical disparities, particularly for women. These include the following:

- Development and implementation of a National Action Plan on Gender-Based Violence for the period 2015–2018
- Implementation of standard operating procedures to improve the response to gender-based violence and ensure holistic care for survivors
- Implementation of an action plan to encourage the voluntary abandonment of female genital mutilation in *wilayas* where the practice is very widespread
- Dissemination, via public and private media, of a fatwa on the prohibition of female genital mutilation

103. Organization of campaigns to combat child marriage.

104. Measures have been taken to raise public awareness of stereotypes and practices that are harmful to women. These include the following:

- Observance of the International Day of Zero Tolerance for Female Genital Mutilation
- Implementation of a programme to promote the abandonment of female genital mutilation
- Approval of a bill on the criminalization of female genital mutilation
- Organization of several awareness-raising campaigns to combat other harmful practices such as force-feeding for marriage, forced marriage and early marriage

**4. Equality before the law and equal protection of the law**

105. Mauritania has established a judicial system founded on the second-hearing principle and has facilitated access to justice through the provision of legal assistance.

**H. Effective remedies**

106. The law provides for a sufficient number of effective remedies for all victims of crime. In practice, and in line with the Code of Criminal Procedure, any person who has been a victim of, or harmed by, the commission of an offence may lodge a complaint and bring

criminal indemnification proceedings before a criminal investigation officer, the investigating judge or the trial court. Judicial authorities must ensure that victims are kept informed and that their rights are respected throughout the proceedings (Code of Criminal Procedure, introductory article). Anyone who has personally suffered harm as a direct result of an offence may file a claim for damages in civil proceedings. The law guarantees, under conditions laid down in the Code of Criminal Procedure, that victims have the right and the power to instigate a preliminary investigation by lodging a complaint or by reporting an incident directly to the criminal investigation officer or the public prosecutor.

### **III. Part Two: Information in relation to implementation of the provisions of the Convention**

#### **Article 1**

107. The Constitution guarantees the general protection of all persons from enforced disappearance, with articles 39 and 71 ensuring protection specifically in times of public emergency. These provisions were supplemented in 1959, and further amended in 1973, laying down the rules for states of emergency and states of siege.

108. The first paragraph of article 13 of the Constitution classes enforced disappearance as a crime against humanity, stating that “no one may be enslaved or held in any form of bondage, or be subjected to torture or other cruel, inhuman or degrading treatment. These practices constitute crimes against humanity and are punishable as such by the law.”

109. The laws on combating terrorism and torture guarantee the fundamental rights of any person deprived of his or her liberty, including:

- The right to have a family member or person of his or her choosing immediately informed of his or her detention and place of detention
- The right, at his or her request, to be examined by a physician upon admission, arrest or detention
- The right to have access to a lawyer from the outset of his or her deprivation of liberty or access to the assistance of a person of his or her choosing and prompt access to legal aid, where appropriate
- The right to be brought before a judge without delay and to have the legality of his or her detention examined by a court in accordance with the legislation in force
- The right to be informed, in a language that he or she understands, of the rights listed above and of the possibility of requesting legal aid
- The obligation of the detaining authority to keep an up-to-date register containing the following information: the identity and state of health of the person deprived of his or her liberty; the date, time and reason for the deprivation of liberty; the name of the authority that deprived the person of liberty; the date and time of release or transfer to another place of detention; and the place to which he or she has been transferred and the authority overseeing the transfer

110. Failure to observe these safeguards will result in the imposition of disciplinary sanctions or criminal proceedings, as appropriate.

#### **Article 2**

111. Current domestic legislation does not contain a precise definition of enforced disappearance as set forth in the Convention. However, the Constitution, the Criminal Code and other laws contain the elements that constitute the offence of enforced disappearance. Article 13 of the Constitution provides that no one may be prosecuted, arrested, detained or punished except in the cases and the manner prescribed by law. Articles 319 et seq. of the Criminal Code punish acts of detention, arrest, abduction or confinement when they are

carried out without a legal basis and also the lending of premises for the commission of such acts.

112. Violations of personal freedom that are committed or ordered by government agents or employees are criminalized under article 111 of the Criminal Code.

113. Furthermore, article 13 of Act No. 2015-033 of 10 September 2015 on Combating Torture criminalizes the detention of an arrested or convicted person by a public official in an institution or any other place not registered as a place of deprivation of liberty.

114. Article 7 of the Act on the Criminalization and Punishment of Slavery and Slavery-like Practices criminalizes enslavement and the incitement of another person to forfeit his or her freedom.

### **Article 3**

115. When an offence of abduction, unlawful detention or false arrest or imprisonment or a violation of personal freedom is committed, the Code of Criminal Procedure governs the investigation, examination and trial of the alleged perpetrators.

116. Criminal investigation officers are responsible for deciding whether an offence has been committed, gathering evidence and searching for and apprehending the alleged perpetrators. They carry out this mission under the direction of the public prosecutor, who institutes proceedings.

117. Once an investigation has been opened, criminal investigation officers perform the tasks entrusted to them by the investigating judges and comply with their requests (Code of Criminal Procedure, art. 20).

118. Article 9 of the Act on Combating Torture provides that the competent judicial authorities must immediately open an impartial investigation whenever there are reasonable grounds to believe that an act of torture or ill-treatment, including unlawful and secret detention, has been attempted or committed within their jurisdiction, even when no complaint has been received.

119. Alleged perpetrators are tried by the criminal courts or the criminal divisions of the *wilaya* courts, depending on the nature of the act committed.

120. The Mauritanian courts have not recorded any cases of enforced disappearance since the country's ratification of and accession to the Convention.

### **Article 4**

121. National legislation does not expressly provide for a definition of enforced disappearance in the same terms as defined under article 2 of the Convention. However, acts similar to enforced disappearance are punishable.

122. Having ratified the Convention, the Government intends to enact a specific criminal law on enforced disappearance, which will bring national legislation into line with the Convention.

### **Article 5**

123. The infringement of freedom or disposing of a person's liberty by giving him or her into slavery, and secret detention – as included among the array of legal tools used to combat torture – are provided for and punished as crimes against humanity.

124. Under article 5 of the Act on Combating Torture, deprivation of liberty in places other than those provided for by law is prohibited and classified as a serious offence not subject to a statute of limitations. Article 13 classifies secret detention as a crime against humanity that is punishable by 10 to 20 years' rigorous imprisonment.

## Article 6

125. Article 8 of Act No. 93-09 of 18 January 1993, the Civil Servants and State Contract Workers General Regulations Act, provides that “every civil servant must comply with the general instructions and individual written or verbal orders of his or her superior, except in cases where the order given is both manifestly illegal and likely to seriously jeopardize the public interest, and in particular where the order given would result in his or her committing a criminal offence”. Officials who execute such orders are personally liable for their actions.

126. Article 14 of the Act on Combating Torture specifies that no exceptional circumstances whatsoever, whether a state of war, a state of emergency or any other public emergency, may be invoked as a justification of torture. Nor may an order from a superior officer or a public authority be invoked as a justification of torture. Unlawful detention and secret detention are comparable to enforced disappearance.

127. Under Mauritanian criminal law, persons who commit or attempt to commit offences are held criminally liable, whether they are principals or accessories. Article 53 of the Criminal Code provides that accessories to serious and less serious offences are liable to the same penalties as principals, except where the law provides otherwise.

128. The principle of criminal liability extends to superiors. Articles 111 et seq. of the Criminal Code provide for penalties for violations of personal freedom. Any official or government representative who gives, or is responsible for giving, an order to perform an arbitrary act, or one that is prejudicial to the personal freedom or civic rights of one or more persons, is punishable by deprivation of civil rights.

129. An official or government representative who can prove that he or she was acting on the orders of his or her superiors in matters within their competence and to whom he or she owed a duty of obedience will be exempted from the penalty, which in such cases will be applied only to the superiors who gave the order. Article 112 goes on to state that if a minister orders or commits an act provided for in article 111, he or she is punishable by hard labour for a fixed term.

130. Superiors who are aware of unlawful acts committed by their subordinates are personally liable if they take no action to stop them. Article 116 of the Criminal Code states that public officials responsible for policing or criminal investigation who refuse or neglect to comply with a lawful request to report an unlawful or arbitrary detention, either at a detention facility or elsewhere, and who are not able to prove that they have reported the detention to a higher authority, are punishable by deprivation of civil rights.

## Article 7

131. Article 13 of the Act on Combating Torture provides that perpetrators of secret detention are punishable by 10 to 20 years’ rigorous imprisonment. Article 7 of the Act on the Criminalization and Punishment of Slavery and Slavery-like Practices provides for a penalty of 10 to 20 years’ rigorous imprisonment and a fine of 250,000 to 5,000,000 ouguiyas for anyone who enslaves another person or incites him or her to forfeit his or her freedom or dignity.

132. Articles 319 to 322 of the Criminal Code establish the penalties for arbitrary arrest and detention, false imprisonment and abduction. Article 319 provides that any person who arrests, detains or confines another, without being ordered to do so by the competent authorities, is punishable by hard labour for a fixed term, except in cases in which the law orders that the suspect be detained. The same penalty applies to anyone who lends premises for carrying out such detention or imprisonment, and anyone who concludes an agreement for the purpose of depriving another person of liberty, whether against payment or free of charge. If the arbitrary detention or false imprisonment lasts for longer than 1 month (art. 320) or such acts are carried out by a person or persons wearing a false uniform or using a false name, or on the basis of a forged official order (art. 322), the penalty is hard labour for life.



133. If such detention or imprisonment is followed by physical torture resulting in death, the guilty parties are punishable by death.

134. Articles 54 to 56 of the Code governing the judicial protection of children establish penalties for the same violations of personal freedom committed against children, which carry penalties ranging from 3 to 24 years' imprisonment or rigorous imprisonment, in addition to heavy fines and deprivation of civil rights.

135. Aggravating circumstances are established under articles 321 and 322 of the Code of Criminal Procedure.

136. Under article 11 of the Act on Combating Torture, acts of torture as defined in the Act, including secret detention and unlawful detention, when committed against a minor or a pregnant woman, are punishable by 12 to 24 years' rigorous imprisonment.

137. If the act results in the full or partial disability of the victim or if it is followed by mutilation, deprivation of a sensory organ or loss of a reproductive organ, the penalty will be 30 years' rigorous imprisonment.

138. Lastly, if the act of torture results in death, or involves or is preceded by rape, the penalty will be rigorous imprisonment for life.

## Article 8

139. The rights of victims of offences are guaranteed by law. The introductory article of the Code of Criminal Procedure lays down the principle as follows: "Judicial authorities must ensure that victims are kept informed and that their rights are respected throughout the proceedings."

140. The right of victims to an effective remedy is fully established under criminal law. Indeed, the law guarantees under the conditions specified by the Code of Criminal Procedure that the victim has the right and the power to initiate a prosecution for the enforcement of penalties against the principal and accessories in the same way as the judges of the competent courts and the civil servants who are entrusted by law with bringing the prosecution.

141. Anyone who has personally suffered harm as a direct result of an offence may file a claim for damages in civil proceedings.

142. A victim's waiver may suspend the exercise of the public right of action only under the conditions specified by law. A civil action may be brought at the same time as the public prosecution and before the same court. This action is admissible for all heads of damage, whether material, physical or mental, resulting from the acts for which the prosecution is being brought. It is also admissible for all heads of damage attributable to the person being prosecuted that are connected with the acts for which the prosecution is being brought (Code of Criminal Procedure, arts. 1–5).

143. The victim has the right to institute criminal proceedings before the investigating judge or the president of the court, under the conditions specified in the Code of Criminal Procedure.

144. In accordance with article 124 of the Code, if the investigating judge decides to release a person charged with a crime on bail or place the person under judicial supervision, the judge must specify in his or her order the measures and obligations incurred by the perpetrator of the criminal offence. These measures and obligations include the deposit of a sufficient sum, determined by the investigating judge, or a personal security or a charge on property intended to guarantee the victim's rights.

145. Furthermore, article 21 of the Act on Combating Torture states that victims of acts of torture, including illegal and secret detention, must be adequately compensated by the State, including for the means necessary for their full readjustment and medical and social rehabilitation.

146. Article 21 of the Act on Combating Slavery and Slavery-like Practices requires every competent judge who is informed of facts relating to slavery-like practices, including the

deprivation or voluntary disposal of a person's liberty, to immediately take all appropriate interim measures against the alleged perpetrator while guaranteeing the rights of the victims.

## Article 9

147. The criminal law of Mauritania applies to any crime committed in the national territory, regardless of the nationality of the perpetrator. The national territory of course extends to land, sea and air, in accordance with the principles of international law, and therefore to the aircraft registered in Mauritania and vessels flying its flag.

148. Under article 1 of Ordinance No. 2007-012 of 8 February 2007 on the Organization of the Judiciary, justice is administered in the territory of Mauritania by the Supreme Court, the courts of appeal, the *wilaya* courts, the criminal courts, the commercial courts, the labour courts, the *moughataa* courts and any other court established by law. These courts hear and rule on all cases in accordance with the laws and regulations in force.

149. The Mauritanian criminal courts have jurisdiction over offences committed abroad, under the conditions specified in articles 621 et seq. of the Code of Criminal Procedure. This is the case for crimes committed by Mauritians outside the national territory and for accomplices in the national territory who have allegedly committed crimes abroad.

150. Furthermore, when any element of an offence is committed in Mauritania, the offence itself is considered to have been committed in Mauritania.

151. Article 17 of the Act on Combating Torture provides that the Mauritanian courts are competent to prosecute and try any person who has committed an act of torture, including secret detention, if the victim or complainant is a Mauritanian national.

152. In all cases, if the offence is committed abroad, regardless of the nationality of the perpetrator, the prosecution must be preceded by a complaint from the victim or an official denunciation from the authority of the country where the acts were committed.

153. Mauritania is a party to many treaties providing for mutual judicial assistance and extradition. The criteria of competence established by these instruments are directly incorporated into the national legal system. In accordance with the requirements of article 80 of the Constitution, ratified or approved treaties or agreements have, upon publication, an authority superior to that of laws, subject, for each treaty or agreement, to its application by the other party.

154. In addition to the international, regional and subregional instruments to which Mauritania has acceded, such as those relating to the fight against terrorism and transnational organized crime, the following may be mentioned by way of illustration:

- Agreement on mutual assistance and extradition of the League of Arab States
- General Agreement on Judicial Cooperation, signed in Antananarivo on 12 September 1961
- Agreement on judicial cooperation of the Arab Maghreb Union
- Convention on Judicial Cooperation between States Parties to the Non-Aggression and Defence Assistance Agreement, signed in Nouakchott on 21 April 1987

155. At the bilateral level:

- The Judicial Cooperation Agreement between Mauritania and France, signed in Paris in 1961
- General Convention on Cooperation in Judicial Matters between Mauritania and Mali
- The four agreements on cooperation in judicial matters (extradition, mutual legal assistance, transfer and civil and commercial matters) with Spain

156. In addition, Mauritania is part of the Regional Judicial Platform of the Sahel countries, which includes Burkina Faso, Mali, Mauritania, the Niger and Senegal. It is a member of the

West African Network of Central Authorities and Prosecutors. These organizations aim to strengthen cooperation and mutual legal assistance between the States parties.

157. The State has neither received nor made any request for extradition relating to the offence of enforced disappearance.

## Articles 10–11

158. As a party to the bilateral, regional and international instruments cited above, the pertinent provisions of those instruments apply to Mauritania to ensure the presence of any person in its territory suspected of having committed a serious offence, including enforced disappearance, at the relevant proceedings. These instruments allow for custodial arrest for the purpose of surrender or extradition.

159. The Code of Criminal Procedure authorizes the custodial arrest of any wanted person subject to prosecution or conviction for a criminal offence, under the conditions laid down in book VI on extradition, at the direct request of the judicial authorities of the requesting country.

160. For the purposes of the investigation, the senior police officer investigating a crime may detain any person suspected of having committed a criminal offence. If there is compelling and corroborating evidence against the person in question that is likely to justify formal charges, the senior police officer may hold the person for questioning for the period of police custody specified in article 57 of the Code of Criminal Procedure.

161. Article 13 of the Constitution states: “All persons are presumed innocent until proven guilty by a lawfully established court. No one may be prosecuted, arrested, detained or punished, except in the cases and the manner prescribed by law.”

162. The Code of Criminal Procedure specifies in its introductory article: “Criminal proceedings must be fair, allow due participation of the contending parties and maintain a balance between the rights of the parties. They must guarantee separation between the prosecuting authorities and the judicial authorities. Persons in similar conditions who are prosecuted for the same offences should be judged according to the same rules. Judicial authorities must ensure that victims are kept informed and that their rights are guaranteed throughout the criminal proceedings. Any person suspected or accused of having committed an offence is presumed innocent until found guilty in a court decision that has the authority of *res judicata* following a fair trial fulfilling all legal guarantees. Any doubt must be interpreted in favour of the accused. Any confession obtained under torture, violence or duress is inadmissible.”

163. Pretrial detention of a person suspected of having committed a criminal offence should be ordered by the judge only when it is justified by the seriousness of the acts or the need to prevent the disappearance of evidence, the flight of the accused or the commission of other offences (Code of Criminal Procedure, art. 138).

164. Pretrial detention may not exceed 4 months in cases of minor offences and 6 months in the cases of more serious offences. Except under special conditions defined by law, if continued detention appears necessary, the judge may extend it only once by a reasoned order.

165. In all cases of pretrial detention, the investigating judge is obliged to expedite the conduct of the investigation as quickly as possible. The judge is responsible, on pain of judicial misconduct proceedings, for any negligence that delays the investigation unnecessarily or prolongs the preventive detention (Code of Criminal Procedure, art. 139).

166. A request for pretrial release may be made to the investigating judge at any time during the proceedings. It may be automatically extended for a further six months at the request of the State prosecutor.

167. Decisions denying release pending trial may be challenged in a court of appeal. The indictment division hearing the application for pretrial release is to give a ruling in chambers.

## Article 12

168. Article 12 of the Civil Servants and State Contract Workers General Regulations Act provides that any misconduct committed by a civil servant in the exercise or in connection with the exercise of his or her duties renders him or her liable to disciplinary action, without prejudice, where appropriate, to the penalties provided for under criminal law. The same applies to any misconduct not related to those duties that constitutes a breach of probity, honour, good morals, dignity or the obligation of loyalty to the State and its institutions or that is liable to discredit the Administration. Where the misconduct in question constitutes a criminal offence, particularly if it involves corruption, embezzlement of public funds, forgery of public records or breach of professional secrecy, the matter must be referred without delay to the public prosecutor's office by the official's superior.

169. Article 36 of Act No. 2018-033 of 8 August 2018, which sets forth the statutes pertaining to the national police, specifies that: "Police personnel shall refrain from any act likely to infringe individual or collective freedoms except in cases provided for by law, and, more generally, from any cruel, inhuman or degrading treatment constituting a violation of human rights."

170. Article 1 of Decree No. 2011-283 of 10 November 2011, which sets forth the general disciplinary regulations of the Road Safety Unit, states that the legislative and regulatory provisions relating to disciplinary matters in respect of civil servants and government employees are applicable to the Unit's staff. In addition, that decree provides for a set of procedures to be followed in such cases, along with a series of categories of misconduct and sanctions that may be applied to such staff in the event of serious misconduct, in particular in cases of cruel, inhuman or degrading treatment.

171. Article 46 of Order No. 241 of 24 April 1967 establishing the service regulations of the National Guard provides that "any act of the National Guard that interferes with the exercise of personal freedoms by members of the public constitutes an abuse of power" and that "personnel guilty of such acts shall be liable to disciplinary action, without prejudice to any legal proceedings that may be instituted against them".

172. Disciplinary measures are instituted in respect of the perpetrators of acts of torture as soon as an investigation is launched. The statutes of the National Guard, the National Police, the Road Safety Unit and the civil service, along with the Code of Ethics for public officials, provide for suspension in the event of serious misconduct, without prejudice to criminal proceedings. It goes without saying that torture and ill-treatment are serious forms of misconduct, that they are prohibited and that they constitute criminal offences.

173. The Department for Oversight and Public Relations of the General Directorate of National Security is tasked with performing monitoring and investigative functions in respect of the police force in the event of any form of misconduct such as torture, abuse of power, assault or any other breach of a rule of law. Following the outcome of its investigations, disciplinary measures may be taken without prejudice to subsequent criminal proceedings.

174. Under Organic Act No. 2018-014 on the High Council for Fatwas and Administrative Appeals, the Council, a constitutional institution, receives applications from citizens relating to unsettled disputes in their relations with the public services, local authorities, public institutions and all other entities invested with a public service function. It works for the settlement of cases on the basis of justice and fairness. As such, it is responsible for improving citizens' relations with the public services. Claims may be submitted directly, or through a Member of Parliament or the President of a local authority.

175. The competent authority is always informed of the results of their interventions. If a competent authority does not take disciplinary action against an official who has committed a serious offence against a private citizen, the Council prepares a detailed report on the matter for submission to the President of the Republic.

176. If a final court decision has not been enforced, the Council may order the competent authority to comply with it by a certain deadline. In the event of non-compliance with this order, a special report on the failure to enforce the judicial opinion must also be submitted to

the President of the Republic. Ministers and public authorities are obliged to facilitate the Council in carrying out its functions.

### **Article 13**

177. These provisions are incorporated directly into national law by virtue of the monistic national legal system and in accordance with the provisions of article 80 of the Constitution.

### **Article 14**

178. These provisions are incorporated directly into national law. In addition, article 39 of Act No. 2020-017 on the Prevention and Punishment of Trafficking in Persons and the Protection of Victims provides: “In the absence of a bilateral or multilateral agreement, article 18 of the United Nations Convention against Transnational Organized Crime shall serve as the basis for any request for international judicial cooperation between the Mauritanian State and any State party to that Convention.”

179. Such mutual legal assistance may be requested for the purpose of:

- Taking evidence or statements from persons
- Effecting service of judicial documents
- Executing searches and seizures, and freezing
- Examining objects and sites
- Providing information, evidentiary items and expert evaluations
- Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records
- Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes
- Facilitating the voluntary appearance of persons in the requesting State party
- Providing any other type of assistance that is not contrary to the national law of Mauritania

180. Trafficking in persons offences cannot, under any circumstances, be considered as political or financial offences that do not give rise to extradition.

### **Article 15**

181. These provisions are incorporated directly into national law. In addition, the national authority to combat trafficking in persons established by the above-mentioned Act is responsible for informing victims of the provisions governing judicial and administrative procedures to help them regularize their situation and obtain adequate compensation for the harm suffered in a language that the victim understands or in keeping with their developmental state and understanding in cases involving children. It also follows up their cases with the public authorities, including consular authorities in the cases involving Mauritanian victims abroad and foreign victims in Mauritania, in coordination and collaboration with non-governmental organizations and provides them with assistance, if necessary, to remove obstacles to access to their rights.

### **Article 16**

182. These provisions are incorporated directly into national law.

183. Moreover, as a State party to the conventions on humanitarian law and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Mauritania is bound by the obligation of non-refoulement, non-expulsion and non-extradition inherent in those conventions.

184. Furthermore, article 18 of the Act on Combating Torture provides that no one may be expelled, returned or extradited to a State where he or she would be in danger of being subjected to torture.

185. The law on trafficking in persons specifies that “extradition shall not be granted if there are substantial grounds for believing that the person whose extradition is requested is at risk of torture or that the request for extradition is for the purpose of prosecuting or punishing a person on account of his or her race, colour, origin, religion, sex, nationality, or political opinions”.

186. As part of the capacity-building of judicial and law enforcement personnel in the area of human rights, 31 training and awareness-raising workshops were organized from 2016 to 2019 for 491 persons, including judges, clerks, criminal investigation officers, lawyers and administrators in the areas of legal aid, the fight against slavery and torture, prison management, trafficking in persons, smuggling of migrants, enforced disappearance and the social and judicial care of children.

187. Act No. 2010-036 of 21 July 2010 on extradition supplementing the provisions of the Code of Criminal Procedure lays down the following conditions under which extradition is granted:

- No one may be handed over to a foreign Government unless he or she has been prosecuted or convicted for an offence under the Criminal Code.
- The Mauritanian Government may hand over to foreign Governments, at their request, any non-Mauritanian person who is present in Mauritanian territory who has been prosecuted on behalf of the requesting State or convicted by a court of that State and whose sentence has become enforceable.

188. Articles 719 et seq. of the Code of Criminal Procedure describes the procedures for extradition as follows: “Any request for extradition shall be transmitted to the Mauritanian Government through diplomatic channels and accompanied either by a judgment or sentence, even by default or in absentia, or by a procedural document formally ordering or automatically giving rise to the referral of the accused to a criminal court, or by an arrest warrant or any other document with the same force and issued by the judicial authority, provided that these documents clearly state the act in respect of which they are issued and the date on which it occurred.” Within 24 hours of the arrest, the State prosecutor, or one of his or her deputies, must carry out an examination to establish identity, notify the foreign national of the reasons for the arrest and draw up a report. The foreign national is to be transferred as soon as possible and imprisoned in one of Nouakchott’s prisons. The documents produced in support of the extradition request must at the same time be transmitted to the State prosecutor attached to the Supreme Court, who must within 24 hours carry out an examination, a record of which is to be drawn up. The above-mentioned records and all other documents must be submitted immediately to the Criminal Division of the Supreme Court. The foreign national must appear before the Court within a maximum of eight days of the provision of the documents. At the request of the Public Prosecutor’s Office or the party appearing in court, a further period of eight days may be granted before proceedings begin. An examination, of which a record is drawn up, is then conducted. The hearing is public, unless otherwise decided, at the request of the Public Prosecutor’s Office or the party appearing in court. The prosecution and the defendant are heard. The defendant must be assisted by a lawyer and an interpreter. He or she may be released on bail at any stage of the proceedings in accordance with the rules governing the matter.

189. The Trafficking in Persons Act states: “Any person who is a victim of trafficking in persons may claim compensation for the harm suffered and may sue for damages in criminal proceedings.”

## Article 17

190. According to article 59 of the Code of Criminal Procedure, in all places where a person may be taken into custody, a register in which the entries are numbered and initialled is to be kept, containing a record of the identity of the person taken into custody, the reasons for the detention, the time at which the person was taken in for questioning and time of release, the duration of the interrogation, the hours of rest, the physical condition and state of health of the arrested person and the food provided to him or her.

191. The register is submitted to the State prosecutor for information and verification purposes. The State prosecutor signs the register at least once a month. He or she monitors the conditions of police custody. The prosecutor may at any time order the person being held to be released to appear before him or her.

192. Likewise, in accordance with article 648 of the Code of Criminal Procedure and Decree No. 70-153 of 23 May 1970 establishing the internal regulations of prisons, a detention register signed and initialled by the State prosecutor is to be kept at all prisons. Anyone executing a warrant that is to be followed by pretrial detention, an arrest order or an administrative detention order is required to have the authorization he or she is holding entered in the register.

193. This requirement has been incorporated into article 4 of the Act on Combating Torture. Failure to comply with this requirement lays the perpetrator open to disciplinary action, without prejudice to criminal prosecution, where appropriate.

194. In all cases, the prison governor must mention the date of imprisonment and the number of the detention register on the document transmitted to him or her and immediately send this document to the State prosecutor attached to the court of appeal or to the State prosecutor. The detention register must also mention, according to the record of remand in custody, the prisoner's date of release and, where appropriate, the decision or the law justifying the release.

195. These registers are subject to supervision by the competent authorities and national and international bodies that by law are entitled to visit places of detention, such as the investigating judge, members of the Public Prosecutor's Office, the President of the Indictment Division, the national preventive mechanism, the National Human Rights Commission and others that are authorized to make announced or unannounced visits to places of detention.

196. Article 71 of Decree No. 70.153 establishing the internal regulations of prisons provides that, in the event of the death of a prisoner, the head of the institution must notify the superior authorities and the State prosecutor if there is suicide, a violent death or if the cause of death is unknown or under suspicion.

## Article 18

197. Under article 58 of the Code of Criminal Procedure, all persons deprived of their liberty must be treated with respect for human dignity. It is forbidden to mistreat such persons psychologically or physically or to detain them outside places of detention provided for by law.

198. The criminal investigation officer who takes a person into custody is required to inform the person's spouse, parents or children about the detention and the possibility that he or she has of communicating with members of his or her immediate family. Such communication is to take place in the presence of the criminal investigation officer.

199. Furthermore, article 4 of Act No. 2015-033 on Combating Torture lists some general fundamental guarantees that apply to a person from the moment he or she is deprived of liberty. They include the following rights:

- To have a family member or person of his or her choosing immediately informed of his or her detention and place of detention

- At his or her request, to be examined by a physician upon admission, arrest or detention
- To have access to a lawyer from the outset of his or her deprivation of liberty or access to the assistance of a person of his or her choosing and prompt access to legal aid, where appropriate
- To be brought before a judge without delay and to have the legality of his or her detention examined by a court in accordance with the legislation in force
- To be informed, in a language he or she understands, of these rights

200. This provision of the Convention has been incorporated directly into the domestic legal order for direct application by virtue of constitutional provisions that give primacy to the rule resulting from a duly ratified international or bilateral agreement or treaty.

201. Similarly, the obligation to protect against ill-treatment, intimidation or any other form of punishment for the purpose of obtaining information concerning the person deprived of liberty is a general obligation incumbent on the State that may not be ignored.

202. Article 20 of the Act states that victims and witnesses of torture and their families enjoy protection against violence, threats of violence or any other form of intimidation or reprisals owing to complaints filed, hearings held or statements made.

## **Article 19**

203. A bill on the protection of personal data has been adopted. The bill is aimed at establishing a regulatory and institutional framework on the processing of personal data with a view to guaranteeing better services and preventing and protecting against intrusions of privacy that are liable to be brought about by the use of information and communication technologies. It lays down the conditions under which any processing of personal data in any form whatsoever must respect the fundamental rights and freedoms of citizens.

## **Article 20**

204. See article 17.

## **Article 21**

205. Under article 117 of the Criminal Code, prison authorities who admit a prisoner without a warrant or judicial decision or who detain an individual or refuse to present the prisoner to the police officer or person transmitting his or her orders, without an injunction from a public prosecutor or a judge, and persons who refuse to show their custody registers to a police officer are deemed to be guilty of arbitrary detention.

206. In all places of deprivation of liberty, numbered and initialled registers are kept by the judicial authority. These registers are subject to the supervision of the Office of the Public Prosecutor with regard to investigative services and to the supervision of the Office, the investigating judge and the president of the indictment division with regard to prisons and rehabilitation centres for children in conflict with the law. Furthermore, prison establishments are subject to controls and checks by the services of the Inspectorate General of the Judicial and Prison Authorities. The inspection authorities are required to visit places of detention regularly and to ensure the lawfulness of the detention.

207. In addition, the National Human Rights Commission and the national preventive mechanism routinely make regular and unannounced visits to all places of deprivation of liberty. During these visits, they make inquiries into the lawfulness of detention and the conditions under which deprivation of liberty is carried out.



## Article 22

208. The Code of Criminal Procedure provides that no one may be deprived of liberty except by virtue of a decision of the judicial authority that orders his or her pretrial detention or by virtue of the enforcement of a final court decision in which a sentence of imprisonment, detention or imprisonment for debt has been passed on the person, subject to the provisions of articles 57 and 58 concerning police custody.

209. Detention may take place only in prison institutions under the Ministry of Justice.

210. The preventive detention of persons who have been formally charged, prisoners awaiting trial and defendants is to take effect from the day that they are entered on the prison register regardless of the act that justifies the incarceration.

211. Under article 119 of the Criminal Code, authorities who detain or cause to be detained a person outside places determined by the Government or public service, or who bring a citizen before a court without first formally charging him or her, will be punished by loss of civil rights.

212. In accordance with article 638 of the Code of Criminal Procedure, the judge responsible for the enforcement of sentences is to visit prison establishments. The judge is responsible for monitoring the implementation of legislation on prisons and the legality of the detention of prisoners along with observance of their rights and disciplinary measures.

213. He or she will consult the registers and draw up a report on each visit containing his or her observations for the Minister of Justice and send copies to the public prosecutor's office attached to the court of appeal and the inspector general of the judicial and prison authorities.

214. All prisons are required to keep a detention register, with every page signed and initialled by the State prosecutor.

215. Any person responsible for enforcing a judgment or a sentence, a committal order, a warrant for arrest or an order to appear before the judge when this is to be followed by pretrial detention, an arrest warrant or an administrative detention order issued in accordance with the law is required, prior to handing over the person concerned to the prison governor, to have the document he or she is holding entered into the register. The governor must sign a discharge on receipt of the prisoner.

216. The governor must mention the date of imprisonment and the number of the detention register on the document transmitted to him or her and immediately send this document to the State prosecutor attached to the court of appeal or to the State prosecutor. The detention register must also mention, according to the record of remand in custody, the prisoner's date of release and, where appropriate, the decision or the law justifying the release.

217. Furthermore, no prison governor may, subject to prosecution and punishment for arbitrary detention, receive or detain a person except pursuant to a judgment, a conviction and sentence, a committal order, a warrant for arrest or a warrant to bring a suspect before the judge when the warrant is to be followed by pretrial detention, an arrest warrant or an administrative detention order issued in accordance with the law, or do so without entering the detention in the register provided for article 648 (Code of Criminal Procedure, art. 649).

## Article 23

218. Article 7 of the Act on Combating Torture provides that education and information regarding the prohibition of torture, including illegal and secret detention, will be fully included in the mandatory training of civilian and military law enforcement personnel, particularly the police, the gendarmerie, judges, medical staff, civil servants and other persons who may in any way be involved in the custody, questioning or handling of persons who are arrested, remanded in custody or imprisoned.

219. Likewise, article 20 of the Act on Combating Slavery and Slavery-Like Practices requires civilian and military law enforcement officers to be provided with mandatory training in combating slavery and slavery-like practices.

220. The teaching of human rights in general and of the fight against torture, slavery and slavery-like practices are now compulsory in the training curricula of the National School of Administration, Journalism and the Judiciary, the National Police Academy and the training centres of the gendarmerie and the national guard.

221. With regard to ongoing training and capacity-building for law enforcement officials, the national preventive mechanism, the Office of the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society, the National Human Rights Commission, civil society organizations and development partners have organized a number of training and awareness-raising activities for key justice and civil society actors on various themes involving the protection and promotion of human rights.

222. The prohibition of torture is also incorporated in the rules or instructions enacted in relation to the duties and powers of such persons. Furthermore, the Public Prosecutor's Office systematically monitors the enforcement of the rules, instructions, methods and practices along with arrangements for the custody and treatment of persons who have been arrested, detained or imprisoned.

223. By making provision that no circumstance whatever or superior order or order from a higher authority may justify torture or cruel, inhuman or degrading treatment, the Act on Combating Torture specifies that no one will be punished for disobeying an order to commit an act of torture or equivalent act (art. 15).

224. Under article 36 of the Code of Criminal Procedure: "Any duly constituted authority, public official or civil servant who, in the discharge of his or her duties, is made aware of a serious or lesser offence must report it to the State prosecutor without delay and transmit to him or her all relevant information, official records and documents."

## **Article 24**

225. Anyone who has personally suffered harm as a direct result of an offence may file a claim for damages in civil proceedings.

226. This action is admissible for all heads of damage, whether material, physical or mental, resulting from the acts for which the prosecution is being brought. It is also admissible for all heads of damage attributable to the person being prosecuted that are connected with the acts for which the prosecution is being brought (Code of Criminal Procedure, arts. 1–5).

227. The victim has the right to institute criminal proceedings before the investigating judge or the President of the court, under the conditions specified in the Code of Criminal Procedure.

228. In accordance with article 124 of the Code, if the investigating judge decides to release a person charged with a crime on bail or place the person under judicial supervision, the judge must specify in his or her order the measures and obligations incurred by the perpetrator of the criminal offence. These measures and obligations include the deposit of a sufficient sum, determined by the investigating judge, or a personal security or a charge on property intended to guarantee the victim's rights.

229. Furthermore, article 21 of the Act on Combating Torture specifies that victims of acts of torture, including illegal and secret detention, must be adequately compensated by the State, including for the means necessary for their full readjustment and medical and social rehabilitation.

230. Article 21 of the Act on Combating Slavery and Slavery-like Practices requires every competent judge who is informed of facts relating to slavery-like practices, including the deprivation or voluntary disposal of a person's liberty, to immediately take all appropriate interim measures against the alleged perpetrator while guaranteeing the rights of the victims.

## Article 25

231. The best interests of the child must be the primary consideration in all measures taken concerning him or her by all persons, judicial or administrative organs and public or private social protection institutions.

232. Those guilty of abduction, concealment or removal of a child or substitution of one child for another will be punished by imprisonment. A prison sentence also applies to those who are entrusted with the custody of a child and fail to present the child to the persons entitled to claim him or her or those who have found a newborn child and fail to hand him or her over to the local authority or civil registry office (Criminal Code, art. 323).

233. With respect to infringements of the exercise of parental authority, the removal of the child from the care of those who exercise or have been legally entrusted with parental authority constitutes an offence that is punished by imprisonment and a fine (Ordinance on the Judicial Protection of Children, arts. 72–74).

234. The Civil Status Code punishes by a fixed term of imprisonment any person who fraudulently accesses the biometric data in the National Register or one of the components of the system that hosts it in order to gain an advantage for himself or herself or for another person or to cause any harm to a third party (art. 66). The Code punishes anyone who duplicates, destroys, damages, deletes or makes changes to the data in this register (art. 67).

235. Article 8 of the General Child Protection Code punishes anyone who, in connection with the issuance of a birth certificate, makes false statements that are liable to influence the conduct of a civil registry officer. Every child has the right to the preservation of information on his or her identity. The law punishes actions that deprive a child of proof of his or her parentage (art. 9).

236. Furthermore, no child is under any circumstances to be separated from his or her parents and family against his or her will and interests. Such actions, as well as any trafficking, even chance trafficking of a child, will be punished and rendered illegal under the General Child Protection Code.

Table 9

### Situation of child victims of trafficking, sale, prostitution or pornography from 2008 to 2011

Year	Domestic trafficking			Cross-border trafficking			Total
	Number of girls	Number of boys	Subtotal	Number of girls	Number of boys	Subtotal	
2008	27	62	89	15	99	114	203
2009	147	508	655	22	81	103	758
2010	145	387	532	17	39	56	588
2011	450	662	1 112	33	137	170	1 270
<b>Total</b>	<b>769</b>	<b>1 619</b>	<b>2 388</b>	<b>87</b>	<b>356</b>	<b>443</b>	<b>2 861</b>

237. The Government has implemented a programme that enables children to express themselves freely on matters that concern them. It also aims to make the public aware of the necessity of children's participation, which takes place first and foremost through freedom of expression (children's parliament, municipal youth councils, children's clubs, etc.).

238. In any judicial or administrative proceedings affecting a child who is capable of forming his or her own views, those views must, as far as possible, be heard either directly or through an impartial representative and taken into consideration by the competent authority.

239. The courts guarantee children the right to freely express their views, which are given due weight in accordance with the age and maturity of the child.

240. The Act on Trafficking in Persons includes child protection and law enforcement provisions against perpetrators of violence against children. The recruitment, transport,

transfer, abduction, harbouring or receipt of a child for the purpose of exploitation is considered as trafficking in persons under article 2.

241. Article 21 of the Act provides that the penalty will be 15 years' imprisonment and a fine of between 500,000 and 1 million ouguiyas when the offence of trafficking in persons is:

- Against a child or with the use of a child
- Against a woman
- Against a person who is legally incapable or has a mental disability or with the use of such a person
- Against a group of three or more persons
- Where the perpetrator of the offence is the victim's spouse, parent, child or guardian, or he or she has authority over the victim
- If the offence is committed by a person who abuses his or her position or the authority or opportunities afforded the person by his or her position or professional activity
- If the offence is committed by falsifying identity or travel or residence documents
- If the offence is committed through the use of narcotic drugs or psychotropic substances

242. The penalty incurred is 15 to 20 years' imprisonment and a fine of between 500,000 and 1 million ouguiyas:

- If the offence of trafficking in persons is committed by an organized criminal group or by illegal agreement
- If it is committed by a repeat offender of the trafficking in persons offences
- Where the offence involves a transnational crime
- Where the offence results in permanent disability or physical impairment of the victim, or in a sexually transmitted disease

243. The penalty incurred is 20 years' imprisonment and a fine of 1 million to 2 million ouguiyas when the commission of one of the trafficking in persons offences provided for by the present law has led to the victim's suicide or a fatal illness that ends in the victim's death.

244. Articles 71 to 81 of the Child Protection Code establish penalties to combat violence against children and trafficking in children.

## **IV. Conclusion**

245. Mauritania wishes to express, through the submission of its initial report on the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance, its firm commitment to fulfilling the treaty obligations it undertook as part of the promotion and protection of human rights and fundamental freedoms.

246. Mauritania reaffirms its attachment to the ideals and principles enshrined in the Convention and remains open to pursuing constructive dialogue with the Committee with a view to ensuring that the rights laid down in this key international legal instrument are enjoyed in practice.

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