



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 1652nd meeting

Held at the Palais des Nations, Geneva, on Friday, 6 August 2004, at 3 p.m.

Chairperson: Mr. Sicilianos

later: Mr. Yutzis

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The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Sixth and seventh periodic reports of Mauritania (CERD/C/421/Add.1; HRI/CORE/1/Add.112)

1. *At the invitation of the Chairperson, the members of the delegation of Mauritania took places at the Committee table.*
2. **Mr. Ould Meimou** (Mauritania) welcomed the opportunity given to him to present Mauritania's sixth and seventh periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination, which enshrined the principles of the dignity and equality of all human beings, to which his country adhered. Those principles had been solemnly affirmed by Islam, the State religion, fourteen centuries ago, and were today enshrined in the Constitution of Mauritania and its relevant laws and regulations.
3. The situation in his country had improved significantly since 1999, the year the previous report had been submitted, in the political, economic, social and cultural spheres. Since that time, the Mauritanian Government had reinforced its human rights implementation framework by the revision, adoption and promulgation of various laws intended to improve democratic function, further integrate the most vulnerable groups, promote women's rights, protect the rights of children and ensure the participation of civil society in the country's development efforts. Draft laws would complete the legislation dedicated to equality and non-discrimination, including a law on legal aid designed to improve the access of poor communities to justice, a criminal code and a code of criminal procedure for minors. He also welcomed the signing of a technical cooperation agreement with the Office of the United Nations High Commissioner for Human Rights aimed at drafting a national action plan for the promotion and protection of human rights.
4. He went on to describe in detail the poverty-eradication efforts undertaken by his country with a view to improving people's living conditions, reducing inequalities and strengthening national cohesion and solidarity, and stressed that the efforts made had benefited all Mauritaniens, without distinction, and all regions.
5. **Mr. Koita** (Mauritania), responding to a written list of questions from the Rapporteur for Mauritania, said that article 1 of the Constitution proclaimed that the Republic guaranteed equality before the law to all citizens, without distinction based on origin, race, sex or social status, and that any parochial propaganda of an ethnic or racist nature was punishable by law. That provision was supplemented by a set of laws and regulations that prohibited and punished any discrimination, distinction, exclusion or preference based on race, national origin, colour, sex, religion, political opinions or social class, including the Order of 25 July 1991 on freedom of the press, the Order of 1991 on political parties and the Act of 18 January 1993 on the general statutes of State officials and contractual agents.
6. In reply to another written question from the Rapporteur, he said that the last population census had been carried out in 2000. With a view to preserving national unity, no question relating to ethnicity or language had been asked at that time.
7. The Government was engaged in a continuous process of harmonizing national legislation with the international treaties ratified by Mauritania. Furthermore, citizens, after exhausting internal remedies, had the possibility of making an appeal to the African Commission on Human and People's Rights.

8. Racist offences were not mentioned in the Criminal Code but were sanctioned by the Labour Code. The Freedom of the Press Order of 25 July 1991 provided for criminal sanctions for publications inciting to hatred or ethnic prejudice and for any dissemination of ideas based on racial superiority or discrimination. An administrative ban on the newspapers *Vérité* and *Bouchra* had been issued following the publication of xenophobic articles. The Order of 25 July 1991 prohibited political groups from identifying with a particular race, ethnic group, region, tribe, sex or brotherhood and obliged political parties to prohibit any ethnic or racial propaganda, in order to combat parochialism and strengthen national unity. Those provisions had been applied in the case of the ban on the parties "Action for change" and "Talia", disbanded for expressing views inciting to racial hatred.

9. The civil service was open to all citizens: "black Moors", not all of whom were descendants of slaves, and non-Arab-speakers were found in the army, the police force, the administration and the Government as well as in all the other State institutions. Those groups were not excluded in any way from public life since, by law, recruitment was based on competitive examinations, which meant that no distinctions were made between citizens. In practice, elected officials were chosen by universal suffrage while administrative posts were filled on the basis of competence.

10. He acknowledged that mixed marriages between "black Moors", "white Moors" and non-Arab-speakers were less frequent than intra-ethnic or intra-tribal marriages. That phenomenon could be explained by ancestral traditions, which encouraged marriages within the community, more than by racial considerations. Mixed-race individuals in Mauritania had never had a problem of social integration. At present, with urban development and the social changes arising from it, a growing number of Mauritania were marrying outside of their community.

11. The caste system had been slowly breaking down, owing to action by the public authorities and social and economic progress. There were no more privileges associated with particular ethnic groups or occupations reserved exclusively for a particular social class. Naturally, family origins were still important to some people, who might reject a demand of marriage on that basis, but such prejudices existed in all societies. To combat those reactionary attitudes, the Government was carrying out vast awareness-raising campaigns and broadening access to education thereby creating the conditions for debate, which engendered social progress.

12. There were no longer any "slavery-like" or discriminatory practices with regard to descendants of former slaves. Such individuals, just like people from other social classes, held posts at all levels of responsibility and represented the full range of socioeconomic conditions. Indeed, several members of the Government, parliamentarians, officers, administrators and high-ranking public officials were descendants of former slaves. He deplored the fact that some non-governmental organizations (NGOs) had a tendency to view as a manifestation of slavery any dispute in which one of the parties could be associated, directly or indirectly, with former slaves. In actual fact, the public authorities systematically launched an investigation in the case of allegations of that kind.

13. The Government had implemented, directly or indirectly, all the recommendations made by Mr. Bossuyt, expert of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, following his mission in Mauritania. While it had not set up a body to coordinate the combat against the remnants of slavery, the Government had ordered all the ministerial departments concerned to make the issue a priority. To that end, new schools had been opened and dams and medical centres had been constructed in villages or neighbourhoods the majority of whose inhabitants were descendants of former slaves, in order to reduce social inequalities and, in particular, to provide assistance to the most disadvantaged populations. Since June 1998, the Office of the Commissioner for Human Rights, Poverty Alleviation and Integration had been coordinating all activities in that field.

Several high-ranking public officials, descendants of former slaves, had played a significant role in shaping those policies by virtue of their important posts in the ministerial departments involved, including the departments of justice, public education, rural development, health and social affairs, labour and civil service. All those measures and policies had had a significant economic, psychological, social and political impact.

14. “Masters” who appropriated the goods of their deceased “slaves” or “former slaves” represented isolated cases. To discourage such action, the Minister of Justice had threatened to bring criminal charges against any magistrate who judged admissible a claim to an inheritance made by descendants of former masters, and a judge had been disbarred in 1983 for failure to respect that warning. The adoption in July 2001 of the Code of Personal Status had filled the legal gap in the area of inheritance, putting an end to that type of dispute.

15. In reply to the question of how many black Mauritanian refugees were still living in Senegal and Mali, he said that no Mauritanian living abroad, including in those two countries, could be qualified as a “refugee” under the relevant treaties. In Mauritania, no one feared being persecuted for their opinions or their background. There was absolutely no obstacle preventing Mauritanian citizens, wherever they were, from returning to their country.

16. With regard to the definition of slavery by an implementation order or as part of case law, Order No. 81-234 of 9 November 1981 on the abolition of slavery had not given rise to implementation decrees because it had been primarily intended to mark the adhesion of Muslim law jurisconsults to the abolition decreed previously under positive law. All the basic laws had been reviewed to ensure their compatibility with Muslim law. In addition to the Act of 17 July 2003 on suppression of human trafficking, article 5 of the Labour Code adopted in June 2004 prohibited compulsory forced labour as well as any relation in which a person provided labour or services against his will, and set out the punishments for offenders.

17. The property reform begun in 1983 had ended the monopoly of families that had lived under the ancient feudal system, thereby making it possible for broad sectors of the population to benefit from major hydro-agricultural projects.

18. With respect to the participation of the Haratines, the public authorities had implemented a broad range of policies and programmes to foster economic and social development and political promotion for the Haratines, in which they had participated. Schools had been opened and employment- and revenue-generating activities had been created for them. There were, however, no data on the Haratines because the census did not take account of social background. The Haratines did not therefore live in a closed community and the Government ensured that they were fully involved in the shaping, implementation and follow-up of development initiatives.

19. Information and awareness-raising campaigns on the “remnants of slavery” had been conducted in the 1980s following the adoption of the order on the abolition of slavery. The issue of slavery was no longer a concern for most people in Mauritania, with the exception of a few activists who had turned it into a political enterprise. In implementing development and poverty-reduction programmes, public authorities had granted priority to zones inhabited by descendants of former slaves, which had contributed to the development and economic independence of disadvantaged groups. The media was involved in the promotion of human rights principles, and religious authorities participated fully in initiatives to promote human rights and in information and awareness-raising workshops covering the full range of social issues (polygamy, begging, traditional practices harmful to women’s health, etc.)

20. **Ms. Dah** (Rapporteur for Mauritania) said that since 1998, Mauritania’s efforts to comply with the Convention had been evolving positively in a context of consolidated

political stability and significant economic and social growth. The report under consideration met the Committee's requirements with regard to form but, owing to the State party's desire for precision, the Committee had been deprived of certain information concerning the ethnolinguistic composition of the Mauritanian people. The most recent official statistics dated from 1977. It would therefore be useful for the State party and, above all, the Office of the Commissioner for Human Rights to provide detailed statistics that were more pertinent.

21. The report did not set out a definition of racial discrimination, as was found in article 1 of the Convention. Since a number of domestic laws, beginning with the Basic Law, referred to racial discrimination, and since the Convention prevailed over domestic law, all the relevant laws should be combined into a single law.

22. With respect to the application of article 2, paragraph 2 of the Convention, she took note of the signing in 2001 of a technical cooperation agreement with the Office of the United Nations High Commissioner for Human Rights concerning the preparation of a national action plan for the promotion and protection of human rights, with the participation of civil society, and the setting up of a strategic poverty alleviation framework focused on the most vulnerable groups. In that regard, she would appreciate information about the plan's short-term impact on the reintegration of unemployed diploma-holders, handicapped persons and beggars.

23. In respect of article 3 of the Convention, Mauritania was to be congratulated on its past commitment to the multiform combat against apartheid in South Africa and should be encouraged to implement the Durban recommendations by adopting laws and taking additional concrete measures against exclusion in Mauritania.

24. With regard to article 4 of the Convention, the laws criminalizing acts of incitement to racial hatred and discrimination were only rarely enforced. The cases mentioned by the delegation concerned only administrative sanctions whereas no mention had been made of criminal penalties or compensation. The Committee might wish to encourage Mauritania to revise its legislation since the Criminal Code had no provision criminalizing acts of incitement to racial hatred.

25. The report went into great detail concerning the application of article 5 of the Convention owing to, firstly, the scope of the article and, secondly, the priority accorded by Mauritania to economic and social development as a means of attaining the objectives of the Convention.

26. She had no doubt that slavery was no longer practised in Mauritania, as the delegation had stated. Nevertheless, several NGOs, including Amnesty International, had denounced slavery-like practices the existence of which was the result, in particular, of a weak justice system. Out of concern for good governance, Mauritania should track down those practices from another era. The adoption of the Personal Status Code in July 2001 would undoubtedly help to reduce the ambiguities. She wondered, meanwhile, about provisional measures that could bridge the gap between the traditional justice of the *Cadis* and the modern system of justice embodied by the Code. According to information provided by NGOs, the two authorities were shifting responsibility back and forth and not taking a decision, or simply blocking the procedure. On another matter, it would be useful if the State party could review the implementation of the law on the prohibition of human trafficking (2003) in its next report.

27. The Committee was concerned by the situation of Mauritanian refugees in neighbouring countries and by their circumstances once they had returned, and wished to know what guarantees were in place to facilitate their reintegration. The creation in June 2001 of the agency to promote universal access to services was welcome as it would help to

minimize the impact of privatization on access to basic services for the most vulnerable population groups.

28. With regard to article 6 of the Convention, the information provided by the delegation was encouraging. However, with respect to the Office of the Ombudsman, it was regrettable that Mauritania had not, like other African countries, found in its culture a mechanism more adapted to its traditions, such as the “palabre” or customary assembly. With reference to article 7, she welcomed the fact that Mauritania had achieved nearly universal enrolment in its school enrolment efforts, especially for girls. She appreciated the project for enhancing Mauritania’s cultural heritage, which was especially important since Mauritania was one of the birthplaces of certain Negro-African civilizations. What was being done, meanwhile, to promote Berber culture and civilization?

29. She asked whether Mauritania planned to make the declaration under article 14 of the Convention and to ratify the amendments to paragraph 6 of article 8 of the Convention.

30. **Mr. de Gouttes** commended the quality of the information provided by the Mauritanian delegation and welcome the initiative taken by the Rapporteur for Mauritania in submitting a preliminary list of questions to the State party. Data on the composition of the population, in particular the percentage of black, white, Arab-speaking and non-Arab-speaking inhabitants, would be welcome. According to information provided by the forum of national human rights organizations in Mauritania (FONADH), the distinction made between the Haratines and the Bidanes was one of the country’s major determinants of social differentiation. He would appreciate knowing the delegation’s views on that matter. In respect of article 4 of the Convention, he asked whether Mauritania was planning to modify its penal legislation to make racial offences punishable by law. Concerning article 5, he referred to the “remnants of slavery” and asked whether there might not be links between traditional attitudes and the caste system. He urged the State party to step up its information and education efforts in order to bring about a change in attitudes, and pointed out that NGOs and Muslim religious authorities had a vital role to play in that regard.

31. He would appreciate more details about claims by NGOs that Mauritania had a policy of Arabization and discrimination against the Berber language and culture. According to paragraph 9 of the report, Mauritanian people were all Muslims. What guarantees were in place for non-believers and non-Muslims? With regard to article 6 of the Convention, the fact that Mauritania had not instituted any criminal proceedings for acts of racial discrimination was not necessarily positive: it might be due to the fact that victims were not informed of their basic rights by the State party. He would also appreciate additional information on the national human rights action plan mentioned in paragraph 197 of the report, and on cooperation between NGOs working to defend human rights and the State party.

32. **Mr. Valencia Rodríguez** said that there had been a great improvement in access to health services and education in Mauritania, a reflection of the Mauritanian Government’s considerable efforts. He welcomed the adoption of a strategic poverty alleviation framework and a national human rights action plan to benefit the most vulnerable population groups.

33. With regard to the application of article 4 of the Convention, the statement in paragraph 53 of the report that international human rights conventions obliged public institutions to prohibit and combat discrimination was not enough to prove that the acts referred to in article 4 of the Convention were properly sanctioned.

34. In respect of article 5, he asked whether a child born on Mauritanian territory of a foreign mother would be regarded as stateless.

35. The issue of the vestiges of slavery (para. 97) gave rise to serious concern because even though those vestiges existed only as mental attitudes, they persisted as a result of the country's low level of socioeconomic development and the poverty from which large segments of the population suffered.

36. What measures had been taken to eliminate the caste system? Significant efforts would have to be made in the field of education to eradicate that practice, and additional steps would need to be taken to combat human trafficking and strengthen the penalties for forced labour.

37. The rural exodus provoked in the early 1970s by drought had resulted in a high rate of urbanization, which had had an especially strong impact on the most vulnerable population groups. Precise information on the results of the housing improvement policy adopted by the Government in response to the wave of mass urbanization would be welcome.

38. In the health field, the anti-HIV/AIDS campaign should continue since the virus affected a large portion of the population. The combat against malaria and dracunculiasis (Guinea-worm disease) (para. 132) should be stepped up through the development of health infrastructures.

39. **Mr. Pillai** asked whether the Mauritanian Human Rights Commission reported to the executive branch, whether it had its own budget and whether it was independent and autonomous. Detailed information on the exercise of economic, social and cultural rights within the various population groups would be welcome.

40. With regard to the exercise of civil and political rights, he had been informed that certain groups and associations were prohibited and could not form political parties. Additional information on freedom of expression, freedom of opinion and freedom of association in Mauritania would therefore be appreciated.

41. **Mr. Herndl** said that Mauritania's seventh periodic report failed to offer a response to the recommendations made by the Committee during its consideration of the previous report in 1999, in which it had recommended that Mauritania should make the declaration under article 14 of the Convention and ratify the amendments to paragraph 6 of article 8. Those recommendations had obviously not been implemented.

42. The report provided no more information than in 1999 on what Mauritania had done to implement article 4 of the Convention. Asserting that the international human rights conventions required public institutions to prohibit and combat discrimination (para. 53) was not sufficient to prove that appropriate action had been taken to make racist acts punishable by law or to make organizations inciting to racial hatred illegal. Similarly, stating that the Order of 1983 establishing the Criminal Code enabled judges to draw on a wide range of criminal sanctions to punish any racist practice (para. 54) did not allow for verification of whether existing legislation effectively prohibited the acts referred to in article 4 of the Convention. The next report should provide specific information about legislation relating to racial discrimination as well as on the criminal proceedings, judgements pronounced and sentences issued in cases of racial discrimination.

43. Yet, he was impressed by the number of measures taken by Mauritania to guarantee its economic development. Noting that a national strategy had been adopted to ensure the safeguarding and enhancement of the cultural heritage, he asked whether the different population groups had been consulted during the elaboration of the strategy and to what extent the strategy targeted those different groups.

44. **Mr. Amir** said that the vestiges of slavery and involuntary servitude that persisted in Mauritania had never taken the form of racial domination, and the slavery practices that remained had never been related to the slave trade. The abolition of slavery had been

proclaimed in Mauritania in 1905 and reaffirmed following the country's independence in 1960.

45. Mauritania had only been independent for forty years so a certain amount of tolerance should be shown towards that country which was, moreover, one of the poorest in Africa. It should be given the time to develop further and to progressively change people's attitudes towards slavery-like practices. Slavery had existed for more than two centuries in the United States and it was not until the 1960s that President Kennedy had put a definitive end to racial segregation.

46. **Mr. Avtonomov** noted with satisfaction that the State party was maintaining a dialogue with the Committee despite the considerable economic difficulties it was experiencing, which demonstrated its determination to respect its commitments under the Convention.

47. The assertion that slavery practices were only occasional vestiges of the past which targeted certain ethnic groups was not convincing in the absence of data on the ethnic composition of the population. That missing information should be provided especially since several ethnic groups, maintaining complex hierarchical relations among them, lived together on Mauritanian territory. The lack of data also meant that it was difficult to assess the information contained in the report on the school enrolment rate, which was surprisingly high at the primary level despite the country's poverty, namely 84 per cent for girls and 86 per cent for boys (table 1). It would be useful to have a breakdown of those figures by ethnic group, from which it could be determined whether girls were victims of double discrimination.

48. With regard to elections, he asked the Mauritanian delegation whether quotas were stipulated by law in order to encourage representation by women or members of underprivileged groups. He asked it to provide greater detail on the system for granting Mauritanian nationality described in paragraph 76 of the report, in particular to explain whether a child born abroad and whose father was Mauritanian could obtain Mauritanian nationality. He would also appreciate more information on the development associations and on the procedure provided for under the implementing decree, mentioned in paragraph 90 of the report.

49. **Mr. Sicilianos** welcomed the 2003 law criminalizing human trafficking, and recommended that the courts make determined efforts to apply it. He noted with satisfaction the new Labour Code of 2004 and asked whether it included protection against indirect discrimination.

50. Affirmative action measures designed to foster the integration of disadvantaged groups should be pursued and intensified, in particular in the fields of education, health, employment and housing. For example, greater numbers of Haratines and Abids could be brought into law enforcement departments and the justice system. What efforts had the State party made to cooperate with NGOs in the preparation of the report, and to what extent was it open to contributions from civil society?

51. **Mr. Tang**, noting that, according to the report, there were no racist offences in Mauritanian society (para. 54), said that the Convention was not focused solely on racial discrimination but on discrimination based on ethnic origin as well. Were some ethnic groups victims of discrimination in Mauritania?

52. According to the report, the religion of the Mauritanian people was a moderate form of Islam characterized by tolerance (para. 9). Did Mauritians practice other religions, and, if so, did tensions exist between the different religious communities?

53. **Mr. Cali Tzay**, having noted that table 1 of the report presented the rate of AIDS prevalence for pregnant women only, asked the delegation to provide the corresponding

rate for men. He also wished to know to whom the 2 per cent of arable land belonged (table 1). With regard to women's political rights, how many women were members of the National Assembly and of the Senate? What percentage of women belonged to political parties? More details would be welcome on the vulnerable groups mentioned in paragraph 27 of the report.

54. **Mr. Kjaerum** said that, according to Mauritanian NGOs working to protect human rights, corruption and clientelism were everywhere and created inequalities of treatment between ethnic minorities, in particular in the field of justice. Could the delegation comment on those allegations?

55. It would also be interesting to know which of the measures taken by the public authorities to combat female genital mutilation had been effective. In view of the fact that such practices remained widespread in certain ethnic groups, he asked the delegation whether the Mauritanian Government planned to launch any new initiatives. He also wished to know whether national institutions responsible for receiving complaints from individuals were authorized to pursue such cases.

56. **Mr. Thornberry** said that the type of discrimination existing in Mauritania was covered by one of the categories in the Convention, namely discrimination based on descent. He drew the attention of the Mauritanian delegation to the Committee's general recommendation XXIX, which specifically concerned that issue and aimed to help States parties to resolve the problem.

57. In respect of the languages spoken in Mauritania, he asked the delegation to provide the Committee with greater detail on the distinction between the concepts of national language and official language, and in particular, to clarify whether individuals, in their dealings with the administration, could request a response in their own language, and whether the law provided for the possibility of recognizing several national or official languages.

58. It would be useful to know why private schools existed since, according to the report, their curriculum was based on that of the public schools. Who attended the private schools? Did ethnic or foreign communities have the opportunity to establish schools in which the academic programme was adapted to their needs?

59. **The Chairperson** thanked the Mauritanian delegation and said that it would have the opportunity to reply to the questions and observations of the Committee members at the next meeting.

The meeting rose at 6 p.m.