



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

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Committee on the Elimination of Racial Discrimination

**Concluding observations on the combined eighth to
fourteenth periodic reports of Mauritania**

Addendum

**Information received from Mauritania on follow-up to the
concluding observations***

[Date received: 8 July 2019]

* The present document is being issued without formal editing.



Introduction

1. The Committee on the Elimination of Racial Discrimination considered the combined eighth to fourteenth periodic reports of the Islamic Republic of Mauritania at its 2628th and 2629th meetings, held on 1 and 2 May 2018.
2. At its meetings on 9 and 10 May 2018, the Committee addressed comments and recommendations to the Mauritanian State, requesting it to take the necessary action for the application and implementation of those recommendations between now and the submission of its combined fifteenth and sixteenth periodic reports, scheduled for 12 January 2022.
3. The Committee also requested the State party, in accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, to provide, within one year of the adoption of the concluding observations, information on its implementation of the recommendations contained in paragraphs 8, 24 and 30. The present follow-up report provides information on the measures taken by the Government to provide follow-up to those recommendations.

Paragraph 8

4. **The Committee recommends that the State party revise its new legislation relating to the criminalization of discrimination in order to bring it into full compliance with the Convention, taking due account of the concerns raised by the Special Rapporteurs of the Human Rights Council. The State party should ensure that the law contains a definition of racial discrimination that encompasses all the elements set out in article 1 of the Convention and that it provides sufficient legal protections against racial discrimination.**
5. The Government takes note of this recommendation regarding the revision of Act No. 023/2018 criminalizing discrimination and will undertake the necessary consultations with all interested persons and bodies to ensure that it addresses the concerns raised.

Paragraph 24

6. **The Committee recommends that the State party intensify its efforts to find sustainable solutions for the resettlement of all Mauritanian returnees from Senegal in economic and social life, including by promoting their access to employment, education and health care and expediting their reinstatement in the administration, access to landownership and receipt of civil status documents, including for children. The Committee recommends that the State party ratify and implement the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The Committee also recommends that the State party expedite the adoption of the bill on the right to asylum in Mauritania.**
7. With respect to the pending humanitarian issues that constitute the Government's chief concern, the voluntary return of 24,536 Mauritians (5,817 families) who had sought refuge in Senegal to 118 specially adapted sites in five of the country's wilayas (Trarza, Brakna, Gorgol, Guidimakha and Assaba) was organized in a transparent and inclusive manner.
8. The organized return of Mauritanian refugees from Senegal was the result of a tripartite agreement signed on 12 November 2007 between Mauritania, Senegal and the Office of the United Nations High Commissioner for Refugees. The agreement is based on principles of humanitarian law relating to voluntary repatriation and the preservation of family unity in conditions that respect human dignity. Under the terms of the agreement, Mauritania is responsible for guaranteeing the security and dignity of returnees and ensuring that they are reintegrated into the country's economic and social fabric.
9. The State has put in place a mechanism to ensure the voluntary and organized repatriation of these refugees as well as their economic and social reintegration. In 2008,

it set up the National Agency for Refugee Assistance and Reintegration (ANAIR) to manage the reception and reintegration of returnees.

10. The central and local governments have also been mobilized in this process, playing a key role in helping returnees to become property-owners or homeowners or to set themselves up as farmers by resolving any disputes that might have arisen.

11. The return operation was finalized on 25 March 2012 during a ceremony held in Rosso, which was attended by the President of the Republic and the then United Nations High Commissioner for Refugees, Mr. Antonio Guterres, now Secretary-General of the United Nations.

Integration

12. In addition, the Government established a national commission to draw up a register of public employees and State contract workers affected by the events of 1989. The commission has compiled a list of all the public employees and State contract workers concerned, in Mauritania and abroad, with a view to helping them find employment. Some 1,159 public employees and State contract workers have had their rights reinstated under arrangements put forward by the commission and agreed to by representatives of the persons in question.

13. The consultation process begun in 2008 between the authorities and rights holders led to the resolution of the pending humanitarian issues in accordance with Mauritanian law, Islamic values and international conventions and treaties. The settlement involved the award of compensation (*diya*) to rights holders and the invocation by the Government of the duty of memory and forgiveness on the occasion of the Day of National Reconciliation, celebrated on 25 March 2009 in Kaédi (prayer in memory of the victims and speech by the President of the Republic).

14. The integration of returnees into the social and economic fabric involved significant actions by the National Agency for Refugee Assistance and Reintegration (ANAIR), including:

- Education: through the construction of 23 classrooms;
- Agriculture: the installation of 12 fences over an area of 670 hectares in Brakna and Gorgol to protect crop fields during rain; fencing and support for the development of 42 hectares of market gardening land for women;
- Training: training of 87 women through two workshops in drip irrigation and traditional market gardening irrigation; the training of 25 veterinary assistants; training and occupational integration of nine fishermen in maritime artisanal fishing through the acquisition of two equipped pirogues; and the training of 25 petrol station attendants;
- Livestock and animal health: through the installation of four fences over an area of 300 hectares, in Brakna and Gorgol, for the protection of the grazing reserves designated for the livestock of returnees; the construction of three livestock vaccination parks; the introduction of artificial insemination (currently under development) for 92 eligible cows; and the acquisition of more than 11,000 livestock, including 5,128 dairy cattle, as well as livestock feed and supplies for fattening sheep and small-scale poultry farming;
- Hydraulics: through the provision and equipment of two boreholes (Debay M'Begnek in Trarza et Worou Amedou Hawa Dia in Brakna); the provision and installation of three river water treatment units in Trarza; the development of four boreholes in Brakna (purchase and installation of powertrains in Boynghuel Thylé, Hamdalaye, Dar Salam and Houdallay); the drilling of new boreholes; and the expansion of the water network.

15. In addition, ANAIR has:

- Made available housing plots for each family;
- Provided income-generating activity programmes for returned families;

- Created and stocked 52 community food stores with food products and provided basic medicines and dyeing equipment to women's cooperatives;
- Issued various civil status documents to returnees; and
- Provided electricity and equipment to eight community markets (solar freezers, butchering equipment, gas cylinders, etc.).

16. In addition, the Government has established a national commission to draw up a register of public employees and State contract workers affected by the events of 1989. This work has led to the rehabilitation of these victims as well as to concrete proposals for their reintegration.

17. After completing the resettlement of all Mauritanian returnees from Senegal, the Government decided to disband the ANAIR and entrusted the continuation of efforts to integrate returnees to the national Tadamoun agency, which carried out the following activities through its specialized returnee programmes:

- Distribution of 1,382 cows with calves to 6,693 families (29,798 individuals);
- Distribution of 23,600 metres of wire fencing for crop protection to 857 families (2,852 individuals);
- Implementation of the pilot project on sustainable livelihoods for returnees and host communities in the Senegal River Valley, benefiting 4,179 families (27,163 citizens);
- Development of 11 agricultural areas totalling 754 hectares and digging of a 4-kilometre channel of water to irrigate 500 hectares of land, benefiting 5,846 people.

Registration

18. The registration of refugees was carried out by the National Agency for the Registration of Persons and Secure Documents (ANRPTS), which also undertook the following activities:

- The opening of reception centres for repatriates in the wilayas of Trarza, Gorgol, Brakna, Guidimakha and Assaba.
- The issuance of birth certificates from the Civil Status Census.

19. Those measures allowed for the creation of a database and the issuance of civil status documents to 57,000 returnees (all returnees repatriated under the above-mentioned agreement in addition to other persons who have since returned by their own means), all through a dedicated commission of representatives of returnees charged with ruling on each case submitted to it.

20. The Government has also taken other measures through the Ministry of Rural Development:

Table 1
Land plots allocated for farming

<i>Commune</i>	<i>Number of cooperatives</i>	<i>Number of beneficiaries</i>	<i>Surface area (ha)</i>	<i>Processing units provided</i>
Rosso	127	7 655	2 003.3	27
Boghé	194	19 878	693.7	33
Kaédi	60	2 808	129	7
Gouraye	30	527	26.3	0
Foum Gleita	103	3 647	158	0
Total	514	34 515	3 010.3	67

Table 2
For Mauritanian repatriates from Senegal

<i>Commune</i>	<i>Number of cooperatives</i>	<i>Number of beneficiaries</i>	<i>Surface area (ha)</i>	<i>Comment</i>
Rosso	49	1 927	1 324.3	
Kaédi	6	747	307	
Total	55	2 674	1 631.3	

N.B.: In Boghé, repatriates were introduced into existing cooperatives in small groups.

Table 3
For Mauritanian returnees from Senegal

<i>Commune</i>	<i>Number of cooperatives</i>	<i>Number of beneficiaries</i>	<i>Surface area (ha)</i>	<i>Comment</i>
Rosso	10	936	562	For 18 villages
Boghé	21	1 374	812	5 processing units
Kaédi	5*	300	100	For 5 villages
Total	31	2 610	1 474	

* The land plot was recently established by Tadamoun and the cooperatives are yet to be registered.

21. The Government has prepared a draft bill on issues related to asylum and migration.

22. This draft bill introduces legislation that touches on all topics relating to the rights of foreigners and is accompanied by a graduated system of dissuasive penalties applicable to foreign nationals who break the law and anyone who assists them in doing so. The draft text is pending adoption by the Council of Ministers.

Paragraph 30

23. **The Committee encourages the State party to adopt a declaratory system for non-governmental organizations and associations for the defence of human rights, including those working to combat racial discrimination, slavery or slavery-like practices. It also recommends that the State party prevent any arbitrary interference in their activities and protect them from such interference and from any intimidation or harassment, and that it investigate any such cases that are brought to its attention. The Committee also recommends that the State party ensure that its laws do not prevent criticism of human rights violations.**

24. Freedom of association is guaranteed by the Constitution and the law, fully respected by the Government and freely exercised by citizens.

25. The right to organize is recognized by the reference, in the preamble of the Constitution, to the democratic principles defined in the Universal Declaration of Human Rights of 10 December 1948 and the African Charter on Human and Peoples' Rights of 28 June 1981. The preamble's proclamation is fully confirmed by article 20 of the Constitution, which enshrines the freedoms of opinion, thought, assembly and association.

26. Non-governmental organizations and 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, which regulates the exercise of the right to organize and protects associations from all intimidation, harassment and arbitrary interference. Human rights defenders and members of recognized organizations enjoy the protection of the law and may engage in their activities freely, without constraint or intimidation.

27. The Government has developed a bill, in consultation with civil society, to repeal and replace Act No 64.098 of 9 June 1964 on associations. The bill is currently in the process of being adopted.

28. Civil society organizations, which carry out their activities freely, are, in our view, an important means of civic participation in the development, implementation and monitoring of public policies, as well as in the consolidation of democracy through effective institutions that respect the rule of law.

29. In order to improve the organization of the non-profit sphere and respond adequately to the participation and involvement requirements of civil society organizations, the Government is undertaking modernization and professionalization activities to create the conditions necessary for the emergence of a dynamic and credible civil society, notably by:

- Improving the legal framework through the finalization of a draft bill on associations, networks and foundations;
- NGO structuring and capacity-building through the establishment of a monitoring mechanism and the restructuring of the Support Fund for the Professionalization of Non-governmental Organizations (FAPONG);
- Making operational the Non-State Actors' Platform (PFANE).

30. In conclusion, the Government of the Islamic Republic of Mauritania wishes the information provided to be taken into consideration and remains committed to continuing its constructive dialogue with the Committee and successfully implementing the comments and recommendations made.
