



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

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION**

**Seventh periodic reports of States parties due in 2002**

**Addendum**

**MAURITANIA\* \*\***

[26 October 2003]

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\* This document contains the sixth and seventh periodic reports of Mauritania due on 12 January 2000 and 2002 respectively. For the fourth and fifth periodic reports and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/330/Add.1, CERD/C/304/Add.82 and CERD/C/SR.1340, 1341 and 1362.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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### **Introduction**

1. This report, which contains the sixth and seventh periodic reports of Mauritania, due in 2000 and 2002 respectively, is submitted to the Committee on the Elimination of Racial Discrimination (hereinafter the Committee) under article 9, paragraph 1 (b), of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter the Convention).
2. It does not cover the general background or legal framework, which were dealt with at length in the initial report (CERD/C/330/Add.1).
3. Its submission is evidence of Mauritania's determination to honour its international commitments in the field of human rights.
4. The Convention strongly condemns racial discrimination and commits States parties to pursuing a policy of eliminating racial discrimination in all its forms and of promoting understanding among all races.
5. Mauritania is a Muslim, Arab and African country situated at the crossroads of Arab and African civilizations that is deeply attached to the spirit and letter of the Convention, which accords with the precepts of Islam, the principal source of Mauritanian law.
6. Mauritania reiterates its determination to continue pursuing its policy of combating all forms of discrimination and hopes that the submission of this report will lay the groundwork for discussions, consultation and dialogue with the Committee.

### **I. RECENT SOCIO-ECONOMIC DATA**

7. As of 2001, the Mauritanian population was estimated at 2,724,000 inhabitants. As far as the population structure is concerned, the Mauritanian people consists of an Arab majority, composed of blacks and whites, and the non-Arabic-speaking Pulaar, Soninke and Wolof.
8. These population groups have lived together in harmony, unity and solidarity for centuries, forging a united and fraternal nation both before and during the colonial period and in the new modern State.
9. As far as religion is concerned, the Mauritanian people is exclusively Muslim. The form of Islam practised has always been a moderate Sunni Islam of the Malekite rite in which there is no place for sectarianism or dogmatism. It is a religion of tolerance which cultivates solidarity, promotes unity, abhors violence and hatred and combats arbitrariness and oppression. It has been the true unifying agent of Mauritanian national identity.
10. The average annual rate of urban growth was 4.8 per cent in 2001. Life expectancy at birth is 53.3 years for men and 55.3 years for women, and the total fertility rate is 4.7 per cent.
11. The current distribution of the population shows that it is predominantly young, with 17.8 per cent between the ages of 0 and 4 years, 27.2 per cent between 5 and 14 years, and 50.3 per cent between 15 and 59 years.

**Table 1****Main indicators for the population of Mauritania**

Total population	2 724 000
Urbanization rate (%)	56.9
Average annual urban growth rate (%)	4.8
Area (km <sup>2</sup> )	1 030 700
Proportion of arable land (%)	2
Crude birth rate (per 1,000)	42.6
Crude death rate (per 1,000)	13.0
Total fertility rate (per 1,000)	4.7
Infant mortality rate (per 1,000)	74
Youth mortality rate (per 1,000)	46
Maternal mortality rate (per 100,000 births)	747
Annual growth rate (%)	2.6
Life expectancy at birth (years)	
Men	53.3
Women	55.3
Contraceptive prevalence rate (%)	5.1
Prevalence of female genital mutilation (%)	71
Force-feeding (%)	22
Average age at first marriage (years)	
Men	26.5
Women	17.1
Age structure (%)	
0–4 years	17.8
5–14 years	27.2
15–59 years	50.3
60 years and over	4.7
Primary school enrolment rate (%)	
Girls	84.2
Boys	86.0
Secondary school enrolment rate (%)	
Girls	15.6
Boys	20.0
Prevalence of AIDS (% of pregnant women)	0.52

Improvements in the main socio-economic indicators reflect the progress made in the past decade in the area of economic and social development, as shown in table 2 below.

**Table 2**  
**Main socio-economic indicators**

Indicator	Year	Proportion/ number	Source of forecasts
Total population (thousands)	2001 2000		RGPH <sup>a</sup> RGPH
Area (km <sup>2</sup> )			
Population density (inhabitants/km <sup>2</sup> )	2000 2001		RGPH RGPH
GDP per capita (US\$)	2000		Current DNS
Access to health services	2000	50.3%	
Access to drinking water			
Access to adequate sanitation	2000	67%	
Crude primary school enrolment rate	2000	83%	
Literacy rate (adults over the age of 15)	2000	57.2%	
Life expectancy at birth (years)	2000 2001	53.8 54.3	
Crude birth rate (per 1,000)	2000	42	
Crude death rate (per 1,000)	2000	74	
Maternal mortality rate (per 100,000 live births)	2000–2001	747	
Fertility rate (children per woman)	2000 2001	6.3% 4.7%	EDSM <sup>b</sup>
Urban population	2000 2001	58% 59%	
Rural population	2000 2001	42% 41%	RGPH RGPH

*Sources:* National Statistical Office, Ministry of Education and Ministry of Health and Social Affairs.

<sup>a</sup> Recensement Général de la Population et de l'Habitat (General Population and Housing Census).

<sup>b</sup> Enquête Démographique et Sociale sur les Ménages (Demographic and Social Household Survey).

## **II. IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION (arts. 2–7)**

12. In its concern to establish a State governed by the rule of law in which citizens' fundamental rights are respected, Mauritania is implementing a policy for the elimination of all forms of racial discrimination that is consistent with its legislation and its Islamic values, which are based on equity, equality and justice.

13. The preamble to the Constitution of 20 July 1991 proclaims Mauritania's attachment "to Islam and to the principles of democracy, as defined by the Universal Declaration of Human Rights of 10 December 1948 and by the African Charter of Human and Peoples' Rights of 28 June 1981, as well as by other international conventions to which Mauritania is a party". The preamble to the Constitution proclaims, in particular, the inalienable guarantee of the following rights and principles:

- The right to equality;
- Human rights and fundamental freedoms;
- The right to own property;
- Civil liberties and trade union freedoms;
- Economic and social rights; and
- Rights pertaining to the family, the basic unit of Islamic society.

14. The Constitution also prohibits and punishes any racial or ethnic discrimination (art. 1, para. 3) and recognizes civic rights (arts. 3 and 12) and the right to own property and to inherit (art. 15) without racial discrimination.

15. Mauritanian legislation on economic, social and cultural matters recognizes the rights and freedoms of all social groups.

16. The Constitution recognizes and guarantees freedom of trade and industry, trade union freedoms and freedom of thought and expression (art. 10), the right to strike (art. 14), the right to own property and to inherit (art. 15) and the right to protection of the family, the basic unit of society (art. 16). It also recognizes Arabic, Pulaar, Soninke and Wolof as the national languages (art. 6).

17. The Constitution also guarantees foreigners residing legally in Mauritanian territory the protection of the law in respect of their person and their property.

18. Mauritania's efforts to combat all forms of discrimination are reflected in various programmes to combat poverty, provide education and make basic social services widely available.

### **Political rights**

19. The position of women in Mauritanian society is today a central concern of the authorities. Women enjoy all fundamental rights, including political, civil, economic and social rights.

20. Mauritanian women can vote and can run for any office: the President of the Republic (Order No. 091-027 of 7 October 1991) or member of the National Assembly (Order No. 091-028 of 7 October 1991 on the election of deputies), the Senate (Order No. 091-029 of 7 October 1991 establishing the organizational law on the election of senators) or municipal councils (Order No. 087-289 of 20 October 1987).

### **Civil rights**

21. Mauritanian women have legal capacity. They thus have the right to own property, run a business or take out a bank loan, among other rights. The Code of Obligations and Contracts makes no distinction between the sexes, stipulating, in its article 24, paragraph 2, that “every person has the capacity to act as an obligor or obligee unless declared legally incapacitated”.

### **Economic and social rights**

22. Economic and social rights, which are also enjoyed by Mauritanian women, are guaranteed by several pieces of legislation:

- Social legislation provides for gender equality in employment and wages (Labour Code, art. 78);
- Act No. 076-039 of 3 February 1967 establishing the social security scheme guarantees welfare for women;
- The Labour Code (art. 10), collective bargaining agreements and the Civil Service Act (art. 15) guarantee Mauritanian women extensive social security and health coverage;
- Article 10 of the Constitution guarantees that all Mauritians without distinction as to sex have the right to join a trade union.

## **A. Article 2**

### **1. Legislative, judicial, administrative or other measures**

23. Mauritania’s initial report on implementation of the Convention, which was submitted to the Committee in 1999, gives details of the domestic legislation that criminalizes acts of racial discrimination.

24. In order to strengthen national cohesion, the Order governing political parties prohibits political groups from identifying with a race, an ethnic group, a region, a tribe, a sex or a brotherhood.

25. There is today in Mauritania an abundance of political parties and associations of all kinds that reflect the diversity of Mauritanian society, help to shape public opinion and contribute to the country's development in a spirit of tolerance, social cohesion and national unity.

**Table 3**

**Statistics on groups, associations, private schools and political, social, economic and cultural periodicals in Mauritania**

	1976-1986	1992-1997	1998-2002	Total
Political parties	-	19	8	27
Private schools	-	41	69	110
Associations and NGOs	134	188	350	672
Journalists' associations		3		3
Newspapers and magazines	18	215	167	400
Foreign associations		20	6	26

**Table 4**

**Areas of activity of NGOs and associations**

Area	Percentage
Poverty reduction	30
Environment	15
Health	15
Culture	5
Children	5
Women	5
Desertification	3
Charity work	3
Illiteracy	2
Heritage	2
More than one area	15

*Source:* Department of Political Affairs and Civil Liberties/  
Ministry of the Interior, Postal Services and Telecommunications.

**2. Special and concrete measures taken in the social, economic and cultural fields**

26. In the past few years, the authorities have taken a number of important steps to ensure the development and protection of various social groups for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.

27. In institutional terms, the most important step has been the establishment of the Office of the Commissioner for Human Rights, Poverty Alleviation and Integration (the “Office of the Commissioner”). The Office of the Commissioner was established by Decree No. 089/98 of 2 July 1998 and is the Government’s response to a two-faceted problem: ensuring the enjoyment of rights and the exercise of freedoms and improving the living conditions of the population in general and of the poorest in particular. This new approach is intended to reaffirm the indivisible and complementary nature of human rights. It is reflected in the programmes and policies falling under the mandate of the Office of the Commissioner, namely:

- Promoting and protecting human rights; and
- Combating poverty and providing employment for members of vulnerable groups and for unemployed graduates.

28. In the area of human rights, the Government is seeking to institute a policy for the promotion and protection of human rights based on a participatory and concerted approach while at the same time ensuring the most effective follow-up possible to Mauritania’s international human rights commitments.

29. In this connection, the Office of the Commissioner is responsible for drafting and submitting periodic reports to the various international and regional human rights treaty-monitoring bodies. These reports have enabled Mauritania to establish a dialogue with the treaty bodies in accordance with its commitments under these legal instruments.

30. In 2001, in association with the United Nations Development Programme (UNDP), Mauritania signed a technical cooperation agreement with the Office of the United Nations High Commissioner for Human Rights for the preparation of a national plan of action for the promotion and protection of human rights.

31. Preparation of this plan of action is now in its final stages. During the preparatory process, several workshops were held in various towns around the country. These workshops made it possible to examine in depth such topics as economic, social and cultural rights and their relationship to poverty and the right to development, civil and political rights and the strengthening of the rule of law, rights specific to certain groups (women, children, the disabled) and the protection of these groups by the State, judicial reform and the independence of the judiciary, human rights education, and the promotion and protection of the rights of refugees and displaced persons. In the coming weeks, meetings will be organized with the help of qualified experts to review the plan of action before it is finalized. Members of the steering committee from the Government, civil society and various development partners will take part in these meetings.

32. As part of its efforts to combat poverty, the Office of the Commissioner decided when it was set up in 1998 to set as its goal the implementation of programmes to gradually bring about a significant improvement in the living conditions of the population in general and the most vulnerable in particular.

33. As a result of these efforts, Mauritania was declared eligible in March 1999 for the Heavily Indebted Poor Countries (HIPC) Debt Initiative. Once this eligibility was established, the Government prepared a strategic framework for combating poverty, which was adopted by means of a general policy act (Act No. 050-2001 of 19 July 2001). Article 1 of this Act stipulates that “the eradication of poverty is a national imperative and is the first priority of all national policies. Within this framework, State action is intended to guarantee, throughout the territory, equitable access of all to basic social services, particularly in the areas of education, health care, access to drinking water, food, housing, employment, communication and, more generally, the living environment”.

34. The strategic framework for combating poverty has four main objectives:

- To accelerate economic growth by creating income-generating employment;
- To release the potential for growth and productivity of the poor by promoting those sectors that directly benefit the poor in the areas where they are concentrated, through integrated rural and urban development, support for small and medium-sized enterprises and the introduction of safety nets for the most vulnerable groups;
- To develop human resources and improve access to basic social services by developing the educational system and training, increasing equity and improving the quality, efficiency and long-term accessibility of essential health care, and providing access to affordable drinking water and universal access to such basic services as sanitation, energy, telecommunications and postal services;
- To promote institution-building through good governance and the full participation of all involved in combating poverty, by:
  - Strengthening the rule of law;
  - Building administrative capacities;
  - Extending and consolidating decentralization;
  - Managing public property effectively and transparently;
  - Systematically ensuring a participatory approach and building the capacities of civil society.

35. With large amounts of funding (US\$ 475 million) mobilized with the help of donors, the various programmes in the strategic framework for combating poverty are being implemented under four-year plans in two phases: short term (2001-2004) and long term (2001-2015).

36. Short term objectives of the anti-poverty campaign revolve around five key sectors: rural development, urban development, education, health and water supply.

37. Efforts in the area of integration are basically intended to reduce unemployment and dependency among disadvantaged population groups.

38. To this end, the Office of the Commissioner has been working since its inception to find jobs for thousands of graduates of universities, institutes and training colleges.

39. The Office of the Commissioner is also working, in both rural and urban areas to provide training in technical trades for disadvantaged citizens and to integrate those citizens into the workforce. It is setting up safety nets to assist in the integration of disabled persons seeking work while also combating begging in cities, particularly in Nouakchott.

### **B. Article 3**

40. On 13 December 1988 Mauritania ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid of 30 November 1973 and the International Convention against Apartheid in Sports of 10 December 1985.

41. It condemned policies of racial segregation and apartheid when they were practised in South Africa and was at the forefront of all actions undertaken in the United Nations and in other competent forums to combat apartheid and establish a democratic, united and non-racialist South Africa.

42. Mauritania gave both moral and material support to the African National Congress and the Pan-Africanist Congress of Azania in their struggle against apartheid by collecting funds, providing passports to protect their activists and giving them broadcasting time on national radio. It also gave them valuable support through the Coordinating Committee for African Liberation, the competent body of the Organization of African Unity, of which it was a member from 1972 until the Committee was disbanded in 1995.

43. More recently, Mauritania took part in the preparatory process leading up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001.

44. Mauritania took part in the various meetings of the Preparatory Committee and in the Regional Conference for Africa, which was held from 27 to 31 January 2001 in Dakar. It also organized a national awareness-raising day on 8 January 2001 to draw attention to this global event. The Dakar and Durban conferences were also the subject of national workshops to inform the general public in Mauritania of the follow-up to and implementation of the recommendations adopted at these major events, particularly, the Durban Declaration and Programme of Action.

45. Mauritania attended the African Regional Seminar of Experts on Implementation of the Durban Programme of Action that was organized by the Office of the United Nations High Commissioner for Human Rights and held from 16 to 18 September 2002 in Nairobi, Kenya. The seminar provided an opportunity to reflect on the ways and means that would allow States, together with the other actors concerned, to incorporate the provisions of the Durban Declaration and Programme of Action in their anti-racism legislation, policies and strategies.

46. Mauritania remains committed to the principles and values that guide the international community in its efforts to combat apartheid, racism, racial discrimination, xenophobia and related intolerance.

### C. Article 4

47. Mauritanian law prohibits any incitement to acts of racial discrimination and contains a number of provisions declaring an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities.

48. Article 1 of the Constitution stipulates that “the Republic guarantees equality before the law to all citizens without distinction as to origin, race, sex or social status”.

49. Article 3 of Order No. 91-023 of 25 July 1991 on freedom of the press prohibits “hatred, ethnic or regionalist prejudices and all acts qualified as crimes or offences”.

50. Article 4 of Order No. 091-024 of 25 July 1991 on political parties provides that “in their statutes, programmes, discourse and political action, political parties are prohibited from promoting any incitement to intolerance and violence and any propaganda intended to undermine territorial integrity or national unity”. Article 6 of the same order stipulates that “no political party or group may identify itself with a race, an ethnic group, a region, a tribe, a sex or a brotherhood”.

51. The authorities and public institutions do not support or encourage any act of racial discrimination whatsoever.

52. The functioning of the State and public institutions is governed by the Constitution, which clearly prohibits racial discrimination, making it a punishable offence (art. 1, para. 3). This prohibition is also set out as a fundamental principle of the civil service in the Civil Service Act (Act No. 093-09 of 18 January 1993), the main law governing the functioning of the civil service in Mauritania.

53. Under the international human rights conventions ratified by Mauritania, which are an integral part of Mauritanian law pursuant to article 80 of the Constitution, public institutions are required to prohibit and combat discrimination.

54. In criminal matters, Order No. 083-162 of 9 July 1983 establishing the Criminal Code deals with discrimination in its Part II, on crimes and offences against the individual. Under chapter 1, entitled “Crimes and offences against the person” (arts. 271-340), a judge is authorized to draw on a wide range of criminal sanctions in order to punish any racist practice in a manner commensurate with its severity. To date, no case law exists in respect of racist offences, as such offences are alien to Mauritanian society, where making a distinction on grounds of race or colour is inconceivable.

55. Order No. 91-023 of 25 July 1991 on freedom of the press provides for punishment with a fine of between 10,000 and 100,000 ouguiyas for publishing writings that foment hatred or ethnic prejudice or for disseminating ideas based on racial superiority or discrimination. A penalty of one to six months’ imprisonment can be imposed if the printer or distributor has been convicted for the same offence in the previous 12 months.

56. Order No. 91-024 of 25 July 1991 on political parties provides for one to five years' imprisonment and a fine of between 100,000 and 600,000 ouguiyas for individuals who promote intolerance and violence.

#### **D. Article 5**

57. Legislative, judicial, administrative or other measures which give effect to the provisions of article 5 of the Convention.

58. Such measures are basically intended to ensure that citizens are equal before the law in accordance with the principle of equality for all before the law established by the Constitution and all the laws governing the functioning of the State.

##### **1. Right to equal treatment before the tribunals and other organs administering justice**

59. In accordance with the general principles on this subject set out in its preamble, the Constitution states in article 1 that "the Republic guarantees equality before the law to all citizens without distinction as to origin, race, sex or social status".

60. Article 12 of the Constitution proclaims that "all citizens may accede to public office or employment without any conditions other than those determined by law".

61. Article 13 of the Constitution proclaims that "all persons shall be presumed innocent until their guilt has been proven by a legally constituted court". The same article stipulates that "no one may be prosecuted, arrested, detained or punished except in cases determined by law and in accordance with the forms prescribed by law".

62. The Criminal Code establishes the principle of the non-retroactivity of criminal law, so that no one may be sentenced for acts that were not prohibited by law when they were committed. It also establishes the principle of the right to a defence and to the assistance of a lawyer.

63. The following three elements guarantee the right to equal treatment before the courts or any other body administering justice:

##### **(a) Training for law enforcement officers and officers of the court**

64. Equal treatment before the courts is guaranteed by law, and officers of the court receive regular training in human rights and in the mechanisms for the promotion and protection of these rights. Workshops are organized periodically for law enforcement officers. Furthermore, the principle of the presumption of innocence is a fundamental concept of Mauritanian law. In this context, Act No. 099-039 of 24 July 1999 on the organization of the judiciary establishes legal assistance to ensure that a poor person who is on trial can address the court on the same terms as other citizens.

**(b) Independence of judges**

65. The principle of the independence of the judiciary is established by the Constitution, which stipulates that “the judiciary shall be independent of the legislature and of the executive” (art. 89). The establishment of new types of courts is a matter for parliament, in accordance with article 57, paragraph 4, of the Constitution. The Supreme Council of the Judiciary, over which the President of the Republic presides, is the guarantor of the independence of judges.

**(c) Protection of civil liberties**

66. The principle of equal treatment before the courts is upheld by the courts that guarantee the protection of civil liberties. The justice system established by Act No. 099-039 of 24 July 1999 seeks to address the need for better institutional supervision of the system of justice system and for the protection of liberties by the courts.

**2. Protection from assault or acts of brutality perpetrated by officials**

67. Articles 124 and 128 of the Criminal Code ensure the protection and safety of individuals from assault or acts of brutality perpetrated by officials or any other individual or group. The penalties provided range from loss of civil rights to imprisonment and fines, the amount of which varies with the gravity of the offence.

68. Act No. 99-039 on the organization of the judiciary sets out the principle of two-tier proceedings that enables persons whose rights have been violated to submit their cases to the courts of first instance (moughataa and wilaya courts). This means that application may be made by any individual to specialized judges, depending on the nature of the right and the gravity of the offence, in accordance with a pre-established procedure. The task of such judges is to hand down a decision as to whether or not there are grounds for the applicant’s claim. A defendant has the same right and must put forward the legal arguments that will prove that there are no grounds for his adversary’s claims.

69. If applicants are not satisfied with the decision of the courts of first instance, they may apply to the Appeal Court, or court of second instance, to have the case retried and a decision handed down on their claims. This is a further guarantee of justice intended to protect the rights of individuals. The Supreme Court provides yet another guarantee of this right, since applicants can submit cases to it; however, as it relies on the independent and exclusive appreciation of the facts by the courts of second instance, its decision concerns only the application of the right.

**3. Political rights**

70. Political rights are guaranteed by the Constitution, which stipulates in article 3 that suffrage “may be either direct or indirect, according to the provisions of the law. It shall always be universal, equal and secret. All citizens of the Republic of both sexes who are of age and possess civil and political rights shall have the right to vote”. The eligibility of women for the highest State offices - President of the Republic (art. 26), deputies and senators (art. 47) - is enshrined in the Constitution and the pertinent laws. As for municipal offices, Order No. 87-289 of 20 October 1987 establishing communes provides that all Mauritanian citizens, both men and women over 27 years of age, may be elected (art. 108).

71. The right of access to and freedom to participate in the management of public affairs is also ensured by electoral law; this has been amended by the introduction of a proportional voting system that is more suited to Mauritania's political realities and seeks to enable all political parties to be better represented nationally. These amendments concern articles 3, 17, 22, 23 and 25 of Order No. 91-028 of 7 October 1991 on the election of deputies.

72. Article 16 of Order No. 91-024 of 25 July 1991 on political parties provides for their functioning "in accordance with the laws and regulations in force and their statutes. Activities involving public meetings, information or electoral operations shall be governed by the provisions of the laws and regulations in force".

#### **4. Enjoyment of other rights**

73. Article 10 of the Constitution guarantees the right of freedom of movement and choice of residence, and provides that "the State shall guarantee public and individual freedoms to all its citizens and, in particular:

- Freedom of movement and residence in any part of the territory of the Republic;
- Freedom to enter and leave the national territory".

74. As regards aliens, article 22 of the Constitution provides that "no one may be extradited except by virtue of the laws and regulations".

75. As regards the rights of refugees, Mauritania ratified on 5 May 1987 the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol relating to the Status of Refugees of 16 December 1966.

76. As regards nationality, Act No. 61-112 of 12 June 1961, which contains the Mauritanian Nationality Code, establishes a number of mechanisms for obtaining Mauritanian nationality:

- Mauritanian nationality shall be granted to any child born in Mauritania of a foreign father who was himself born in the country;
- A child born abroad to a Mauritanian mother may choose Mauritanian nationality in the year before coming of age;
- A child of unknown parentage shall automatically have Mauritanian nationality;
- A foreign woman married to a Mauritanian may apply for and obtain Mauritanian nationality five years after the date of the marriage.

77. The Nationality Code also gives any child born in Mauritania to foreign parents the possibility of choosing Mauritanian nationality in the year before coming of age if he or she has lived in Mauritania for at least five years.

78. Under Act No. 61-112 of 12 June 1961, a Mauritanian citizen may be stripped of his nationality if he chooses to take another nationality or if he commits a crime against State security.

79. An individual who has lost his nationality may nevertheless regain it through the application of the principle of parallelism in procedures, whereby a person stripped of his nationality by the decision of a competent authority can recover it by means of a decision by the same authority under the same conditions.

80. Under article 15 of the Constitution “the right to own property” is guaranteed. In concrete terms this provision means that this is a recognized right of all Mauritanian citizens without distinction on grounds of race, colour or sex and also of all aliens legally resident in the country.

81. Mauritania’s inheritance laws, largely based on Islamic Shariah and codified in Act No. 2001-053 of 19 July 2001, establishing the Personal Status Code, rule out all gender discrimination and apply to all heirs whatever their social category.

82. Article 233 of Act No. 2001-053 establishes the principle of the inalienability of inheritance laws in favour of the heirs who are specified in articles 251 and 252 of the Personal Status Code.

83. In order to make the provisions applicable should any disputes stem from the admission of the principle of inheritance and to guarantee the same conditions of impartiality and equality of treatment to all beneficiaries, the law has given the judge a key role in drawing up solutions. With the exception of the case provided for in article 240, paragraph 1, the judge shall be the regulatory authority in matters of impediments to inheritance (Personal Status Code, arts. 234 ff.). This role, assigned to him by law, is reinforced and consolidated by the supervision he exercises over the executor (*ibid.*, arts. 288 ff.) following the decease.

84. The right to freedom of thought, conscience and religion is guaranteed by the Constitution, which provides in article 21 that “any alien who resides legally on national territory shall enjoy the protection of the law in respect of his person and his property”. This in fact means that all aliens may freely practise their religion. They have places of worship in Mauritanian towns where they are present in significant numbers.

85. The right to freedom of assembly and association is embodied in article 10 of the Constitution.

86. Article 3 of Order No. 91-024 of 25 July 1991 on political parties stipulates that individuals shall be free to belong to the political party of their choice, while article 16 provides that the activities of political parties “involving public meetings, information or electoral operations shall be governed by the provisions of the laws and regulations in force”.

87. According to Act No. 64-098 of 9 June 1964 on associations, an association is “a convention whereby several persons pool their knowledge or their activities on an ongoing basis with an aim other than the sharing of profits ...”. The establishment of an association and the

freedom legally to engage in its activities are subject to prior authorization from the Ministry of the Interior (art. 3, para. 1). Once this condition is met, the members of the association may avail themselves of all their rights provided that they do not “cause public demonstrations, armed or otherwise, compromising public order or security, receive subsidies from abroad or engage in anti-national propaganda, undermine the State’s credit through their activities or exercise an improper influence over the minds of the populace” (ibid., art. 4).

88. The right to freedom of expression without discrimination is embodied in article 10 of the Constitution, which provides that “the State shall guarantee public and individual freedoms to all its citizens and, in particular ... freedom of expression ...”.

89. Article 11 of the Constitution stipulates that “parties and political groups shall work together to establish and express their political will. They shall be free to establish themselves and to engage in their activities provided that they respect democratic principles and do not by their purpose or their actions undermine national sovereignty, territorial integrity or the unity of the Nation and the Republic”.

90. A recent act, Act No. 043-2000 of 26 July 2000, supplements the legislation governing associations by instituting a special legal regime for development associations. It was followed by an implementing decree (No. 2002-030 of 25 April 2002), which sets out the procedure for obtaining approval for such associations.

91. Article 2 of Order No. 91-023 of 25 July 1991 concerning freedom of the press stipulates in article 2 that “the press, printing works and bookshops throughout the territory of the Republic shall be free”.

92. An Ethics Committee composed of the Ministry of Communication, the press associations and the Office of the Resident Representative of the United Nations Development Programme has existed since 2001 to help professionals in this sector do their work more effectively. It is a kind of observatory for press activities which seeks to encourage journalists in their role as shapers of opinion and to keep them from incurring legal sanctions.

93. The establishment by the Government of a fund to support the independent press is also part of the effort to encourage the development of a free and responsible press.

## **5. Economic, social and cultural rights**

### **(a) The right to work**

94. The right of access to public office or employment is guaranteed to all citizens under article 12 of the Constitution, which provides that “All citizens may accede to public office or employment without any conditions other than those determined by law.”

95. Article 15 of Act No. 93-09 of 18 January 1993 (Civil Service and Contract Workers Act) provides that “There shall be no discrimination between public officials based on opinion, sex or race.” These provisions are extended to contract workers under article 105 of the Act.

96. Under article 3 of the Labour Code, “Forced or compulsory labour shall be prohibited. The term ‘forced or compulsory labour’ means any work or service which is required from any individual under threat of punishment and which the said individual has not offered to perform of his own free will.”

97. With reference to the “vestiges of practices of slavery and involuntary servitude” mentioned in the Committee’s concluding observations in 1999, it should be pointed out that the origins of this phenomenon in Mauritania hardly differ from those in other African, particularly Sudano-Sahelian, societies. In Mauritania, slavery never took the form of racial domination and was never practised in the form or on the scale of slavery as it existed under the black slave trade. Slavery existed as a practice up to the beginning of the twentieth century and was abolished in 1905 by the colonial Power; its abolition was reaffirmed following independence in the Constitution of 20 May 1961. Order No. 81-234 of 9 November 1981 abolishing slavery was in fact part of the revision of fundamental legal texts following the Proclamation of Shariah Law in 1980. This was chiefly intended to mark the acceptance by practitioners of Muslim law of the texts adopted under positive law, including the abolition of slavery.

98. Following the adoption of this Order, the Government invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities to send a fact-finding mission. The mission had concluded that slavery as an institution no longer existed in Mauritania and that the persistence of some of its consequences in attitudes and mentalities was due solely to the low level of socio-economic development and poverty among broad sectors of the population.

99. The Government, persuaded of the need to deal with the underlying causes of such attitudes, instituted a general policy aimed at correcting social inequalities and raising the level of the most deprived sectors. This policy encompassed all areas, particularly those having a direct impact on the lives of the groups in question (education, health, justice, real estate, stock-breeding, crafts, small-scale fisheries, etc.).

100. The establishment in 1992 of a State governed by the rule of law that guaranteed the equality of all citizens without any distinction and had a pluralist democratic system was the culmination of this process and enhanced the economic, social and cultural reforms already undertaken.

101. In June 2003 the Government, impelled by a desire to strengthen the constitutional State and adapt its legislation to the new forms of exploitation of man by man, adopted an act to punish trafficking in human beings. In this act “the term ‘trafficking in persons’ means the recruitment, transport or transfer of persons by force or the recourse to force, threats or other forms of constraint, by abduction, deceit, abuse of authority or exploitation of a vulnerable situation, or by the offer to accept payment or benefits to obtain the consent of a person with authority over another for purposes of exploitation”. The act provides for criminal sanctions against the perpetrators of such crimes that may include forced labour for life.

102. All these policies, in particular the establishment of a democratic system, the implementation of programmes aimed at meeting the essential needs of the population and the introduction of numerous instruments for the promotion of the deprived sectors, have contributed to the elimination of these consequences and thus to social progress.

103. It is important to note that the National Labour Council has just approved a new draft Labour Code that expands the definition of forced labour and reinforces the penalties for it.

104. The draft Labour Code testifies to the Government's determination to put into practice the international labour standards drawn up by the International Labour Organization (ILO).

**Table 5**

**Main conventions on labour law ratified by Mauritania**

No.	Convention	Date of ratification
1	Maternity Protection Convention, 1919 (No. 3)	8 November 1963
2	Night Work (Women) Convention, 1919 (No. 4)	20 June 1961
3	Minimum Age (Industry) Convention, 1919 (No. 5)	20 June 1961
4	Night Work of Young Persons (Industry) Convention, 1919 (No. 6)	20 June 1961
5	Right of Association (Agriculture) Convention, 1921 (No. 11)	20 June 1961
6	White Lead (Painting) Convention, 1921 (No.13)	20 June 1961
7	Weekly Rest (Industry) Convention, 1921 (No.14)	20 June 1961
8	Minimum Age (Trimmers and Stokers) Convention, 1921 (No.15)	8 November 1963
9	Workmen's Compensation (Accidents) Convention, 1925 (No. 17)	20 June 1961
10	Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)	8 November 1963
11	Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	8 November 1963
12	Seamen's Articles of Agreement Convention, 1926 (No. 22)	8 November 1963
13	Repatriation of Seamen Convention, 1926 (No. 23)	8 November 1963
14	Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)	20 June 1961
15	Forced Labour Convention, 1930 (No. 29)	20 June 1961
16	Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)	20 June 1961
17	Night Work (Women) Convention (Revised), 1934 (No. 41)	20 June 1961
18	Holidays with Pay Convention, 1936 (No. 52)	8 November 1963
19	Officers' Competency Certificates Convention, 1936 (No. 53)	8 November 1963
20	Minimum Age (Sea) Convention (Revised) 1936 (No. 58)	8 November 1963
21	Safety Provisions (Building) Convention, 1937 (No. 62)	8 November 1963
22	Labour Inspection Convention, 1947 (No. 81)	8 November 1963

No.	Convention	Date of ratification
23	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	20 June 1961
24	Night Work (Women) Convention (Revised), 1948 (No. 89)	8 November 1963
25	Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)	8 November 1963
26	Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)	8 November 1963
27	Labour Clauses (Public Contracts) Convention, 1949 (No. 94)	8 November 1963
28	Protection of Wages Convention, 1949 (No. 95)	20 June 1961
29	Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)	31 March 1964
30	Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	3 December 2001
31	Equal Remuneration Convention, 1951 (No. 100)	3 December 2001
32	Holidays with Pay (Agriculture) Convention, 1952 (No. 101)	8 November 1963
33	Social Security (Minimum Standards) Convention, 1952 (No. 102)	15 July 1968
34	Abolition of Forced Labour Convention, 1957 (No. 105)	3 April 1997
35	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	8 November 1963
36	Minimum Age (Fishermen) Convention, 1957 (No. 112)	8 November 1963
37	Fishermen's Articles of Agreement Convention, 1959 (No. 114)	8 November 1963
38	Final Articles Revision Convention, 1961 (No. 116)	8 November 1963
39	Equality of Treatment (Social Security) Convention, 1962 (No. 118)	15 July 1968
40	Employment Policy Convention, 1964 (No. 122)	30 July 1971
41	Minimum Age Convention, 1973 (No. 138)	3 December 2001
42	Worst Forms of Child Labour Convention, 1999 (No. 182)	3 December 2001

**(b) Trade union rights**

105. Article 10 of the Constitution guarantees trade union rights.

106. Act No. 93-038 of 20 July 1993, which supplements certain provisions of the Labour Code, provides in its article 1 that "Persons exercising the same profession, similar trades or mutually related professions resulting in the production of specific goods or belonging to the same liberal professions may freely constitute a craft trade union." Paragraph 2 of that article

provides that “Any worker or employer, without distinction of any kind, may freely join a trade union of his choice within the framework of his profession or craft.” Article 3, paragraph 4, prohibits constraints on the exercise of trade union freedoms and provides that “Any constraint on trade union freedom shall be subject to penalties applicable in the case of constraints on freedom to work.”

107. Article 14 of the Civil Service Act (No. 93-09) guarantees freedom of expression to all civil servants. Article 15 of the Act stipulates: “There shall be no discrimination between public officials based on opinion, sex or race.” Articles 17, 18 and 19 of the Act guarantee public officials freedom of opinion and political loyalty and recognize their right to establish trade unions or to belong to trade unions already in existence. Civil servants’ unions can go to court and appeal to the relevant courts against statutory acts that infringe the collective interests of civil servants. Article 21 of the Act recognizes the right of public officials to strike in defence of their collective interests.

108. Article 3 of Act No. 70-030 of 23 January 1970, which supplements some provisions of the Labour Code, provides that “any physical person, without distinction as to sex, or any legal entity may freely join the trade union of his or her profession”. Article 5 of the Act provides that “married women exercising a profession or trade may join professional trade unions and participate in their administration and management under the conditions set out in this section”.

109. Article 18 of Act No. 93-09 (Civil Service and Contract Workers Act) of 18 January 1993 provides that civil servants are recognized as having trade union rights.

110. Article 26 of Act No. 70-030 of 23 January 1970 supplementing certain provisions of the Labour Code “prohibits employers from taking into consideration membership of a trade union or the exercise of trade union activity in decisions concerning in particular the performance and conduct of and compensation for work, vocational training, promotion, remuneration and provision of benefits, disciplinary measures or dismissal”. This article provides also that “an entrepreneur or his representatives shall not use any form of pressure on behalf of or against any trade union organization. Any measures taken by the employer contrary to the provisions of the foregoing paragraphs shall be considered to be abusive and shall be liable to damages”.

111. At the present time, five major centralized trade unions (the Union of Mauritanian Workers, the Free Confederation of Mauritanian Workers, the Union of Free Trade Unions of Mauritania, the General Union of Mauritanian Workers, and the General Confederation of Mauritanian Workers) carry out their activities in perfect freedom, as do numerous inter-professional organizations.

**(c) The right to housing**

112. The main result of the rural exodus triggered by the drought of the early 1970s was a high rate of urbanization, which rose to over 50 per cent in 1996. On 7 January 1974 the authorities established the Real Estate Construction and Management Company (SOCOGIM) to address some of the consequences of this population flow.

113. However, the company could not achieve the objectives that had been set for it because of the extent of this mass urbanization.

114. With a view to limiting the adverse impact of this situation on the population in general and on the most vulnerable groups in particular, the Government devised a new policy for improving living conditions based on solidarity and a participative approach.

115. A pilot project known as Twize-Rajaa was tested in the moughataa (department) of Riyad in Nouakchott for the benefit of the poorest inhabitants. Carried out within the framework of cooperation between Mauritania and Spain by a non-governmental organization (NGO) which operates the Habitafrica Programme on the basis of a partnership agreement valued at 219,699,070 ouguiyas, the project had a number of objectives, ranging from the provision of decent and affordable social housing for the poor to the use of local materials (plaster) and including the provision of training and guidance to beneficiary groups so that they could play a role in their own development. Several agreements were concluded between the Habitafrica Programme and the Office of the Commissioner aimed, inter alia, at obtaining property title deeds for the beneficiaries from the competent authorities. The success of this project, under which 250 dwellings were built in the Rajaa district of Riyad, justified its extension to other working class areas of the capital. As a result of this extension, 1,700 low-cost dwellings were built in these areas. A further 700 units are being constructed in 2003. In view of its success, originality and responsiveness to the needs of vulnerable populations, the Twize project will be extended to other cities.

116. The Government has also adopted an urban development programme aimed at substantially improving the living conditions of the poorest urban groups by guaranteeing them access to basic social services.

117. This programme is being executed in two five-year phases (2001-2005 and 2005-2010), involves all the departmental capitals and is designed to meet their needs for water, electricity, sanitation, health, social housing and telecommunications services.

118. Launched in Nouakchott at the end of 2002, the programme receives substantial financial support from the State, the World Bank and various other partners, including the Agence Française de Développement. It will soon be extended to Nouadhibou, the country's second city.

119. In the framework of the implementation of this programme, on 23 April 2003 the Government adopted a decree approving the demarcation of a rehousing zone for the inhabitants of El Mina (one of the most populous and poorest departments in Nouakchott). With the implementation of this decree, it will be possible to rehouse 2,300 families in the serviced areas.

120. In order to expand access to essential economic development and social welfare services, the Government, by Order No. 2001-06 of 27 June 2001, set up an agency to promote universal access to services. This agency involves the private sector in the management of the productive and strategic sectors (air transport, energy and telecommunications) but requires providers of regulated services to "allow everyone in a community to have physical access, within a

reasonable distance, to water, electricity and telecommunications and to have a level of consumption defined as acceptable by the maintenance of prices that are compatible with the purchasing power of the persons concerned” (art. 1).

121. The agency, a legal entity with financial autonomy, has a number of aims and objectives to meet by 2015 in accordance with the performance specifications developed by the Government. The principal objectives are:

- The identification and implementation of appropriate management and financing schemes for the maintenance, renewal, extension and improvement of water supply infrastructure, equipment and installations;
- The preparation, jointly with the Multi-Sectoral Regulatory Authority, of terms and contracts for the operation of facilities by private enterprises and the selection, through a transparent bidding process of candidates, to operate the facilities;
- Oversight of the operation of facilities, particularly full recovery of operator fees and the carrying out of facility maintenance programmes;
- Technical and management training and guidance for facility operators, and promotion and training of national and local service providers.

122. The Government also sets specific objectives for the agency involving the sectors of drinking water supply, energy (electrification), telecommunications and the new technologies that must be provided to all areas with more than 1,000 inhabitants by 2015.

**Table 6**

**Coverage indicators**

	Urban	Rural	National
Connectivity to drinking-water supply network	26.2	6.9	15.0
Connectivity to electric power network	41.4	1.5	1.4
Tele-density			4.5
Use of liquefied petroleum gas as cooking fuel	48.0	14.0	28.1

*Source:* Operators, October 2001, and Ministry of Economic Affairs and Development.

This table shows that the situation in the water and electricity sectors is characterized by:

- A concentration of supply and distribution systems in urban areas;
- Low connectivity among those living in serviced urban areas;

- A virtually non-existent supply in rural areas;
- A telecommunications sector that is concentrated in towns and excludes certain areas.

**Table 7****Investment programme (2002-2005)**

	2002	2003	2004	2005	Total
	(Millions of US dollars)				
Total cost	12.6	23.9	43.7	46.5	126.7
Financing					
Private sector	3.5	6.5	16.6	17.9	44.5
Universal Access Fund	9.1	17.4	27.1	28.6	82.2
Operator fees	0.9	1.7	1.7	1.8	6.1
State	2	4	4.1	4.2	14.3
Donors (to be found)	6.2	11.7	21.3	22.6	61.8

*Source:* Ministry of Economic Affairs and Development.

This table presents an indicative investment programme for the period 2002-2005 having a total cost of \$26 million. Funding will come from:

- Private sector operators (an average of 35 per cent);
- The Universal Access Fund, the State budget and development partners, which will cover the rest.

123. The overall objective is the complete transfer of the water, electricity and telecommunications services to the private sector by 2015.

**(d) The right to health, medical care, social security and social services**

**The right to health and medical care**

124. The right to physical and mental health is established in the Constitution by virtue of the reference to economic and social rights.

125. Health has always been an integral part of all development plans and programmes. The 1998-2002 Master Plan on Health and Social Affairs sets out the Government's health and social affairs policies for that period.

126. Public health programmes have made a significant contribution to the improvement of the people's health.

127. The public health structures are organized in a pyramid, corresponding to the organization of the country's administrative system, reflecting a policy of ensuring the proximity of public health services.

128. The national health strategy for the period 2003-2007 focuses on a number of priority areas.

129. In the area of reproductive health, the strategy aims at reducing the maternal mortality rate from 747 deaths per 100,000 live births to 500 deaths per 100,000 live births by 2007. To this end, initiatives will be directed towards guaranteeing women access to basic treatment and towards preventive measures against such causes of death as haemorrhaging, hypertension and abortions.

130. The strategy also includes an important anti-HIV/AIDS component. A national anti-AIDS framework strategy has developed on the basis of a situational analysis conducted in all wilayas (regions) by national teams, with support from experts of the Joint United Nations Programme on HIV/AIDS (UNAIDS). In order to contain this disease, attention is focused on four key areas:

- Reducing the risk of transmission of sexually transmitted diseases and HIV/AIDS;
- Reducing the vulnerability of individuals, families and communities to HIV/AIDS;
- Improving knowledge of the HIV/AIDS epidemic;
- Providing persons living with HIV/AIDS with access to medical, community-based and traditional counselling and to economic assistance.

131. This strategy also includes the vaccination of children in the 0-5 age group through the campaigns that have been conducted regularly for several years with a view to immunizing this vulnerable sector of the population against six target diseases: whooping cough, diphtheria, tetanus, rubella, poliomyelitis and tuberculosis.

132. In addition, access to medicines continues to be provided within the framework of the Bamako Initiative. Other important components of the national health strategy for 2003-2007 include eradicating malaria and dracunculiasis (Guinea-worm disease), strengthening policy for the development of health infrastructures and making them more accessible in order to improve health-care services, and providing basic and specialized training for health-care personnel.

133. Achievement of these objectives requires the mobilization not only of the public and private sectors but also of civil society.

134. The following tables contain precise figures relating to the State's policy of ensuring access to public health services and the proportion of the State budget allocated to this important sector.

**Table 8**  
**Health indicators and budgetary allocations for health**  
**and health coverage for 1998, 2000 and 2002**

	1998	2000	2002
Infant mortality	118/1 000	89/1 000	-
Child mortality	182/1 000	135/1 000	-
Maternal mortality	940/100 000	747/100 000	-
Proportion of operating budget for health care allocated to primary and secondary levels	40% for the period 1993-1996		57%
Proportion of health-care budget financed by external donors			
- In millions of US dollars			20.6
- As a percentage of total health spending			52%
Primary health-care coverage within a 5-km radius	65%	69%	73%
Take-up rate for training in primary health care	0.3%	-	0.34%
Contraceptive prevalence rate	2.5%	5%	8%
Antenatal care coverage rate	35%	25%	26%
Post-natal care coverage rate	22%	-	-
Percentage of pregnant women assisted by a trained professional during childbirth	22%	57%	46%
Percentage of children aged 12-23 months fully vaccinated	65%	32%	82%

**Table 9**  
**Malaria programme indicators**

Indicator	Type of indicator	Baseline data, 2001 (%)
Percentage of mothers administering chloroquine in the home to children under 5 years old with fever	Result	21
Percentage of children under 5 years old with malaria or fever receiving appropriate treatment within 24 hours of the onset of symptoms	Result	5
Percentage of children under 5 years old diagnosed and correctly treated at health-care facilities	Result	23
Percentage of pregnant women receiving a chemoprophylaxis against malaria in accordance with anti-malaria campaign (AMC) guidelines	Result	45
Percentage of cases of chronic malaria correctly treated	Result	11
Percentage of pregnant women sleeping under insecticide-treated mosquito nets	Result	15
Percentage of children under 5 years old sleeping under insecticide-treated mosquito nets	Result	10

*Source:* Situation analysis and national anti-malaria strategy.

**Table 10**

**Tuberculosis programme indicators**

Indicator	Data (%)	Year
Percentage of cases detected (number of cases detected against number of cases anticipated)	57.8	2001
Success rate (number of cases cured or for which treatment was completed against number of cases detected)	54.8	2001
Percentage of untreated cases (number of untreated cases against number screened)	31	2001

**Table 11**

**Nutrition programme indicators**

Indicator	Data (%)	Year
Percentage of malnourished children screened and correctly treated (number of cases screened and treated against number of anticipated cases)	32	2002
Malnutrition prevalence in certain wilayas (Brakna, Assaba, Gorgol and Tagant)	51	2002

**Table 12**

**Hospital indicators**

Indicator		Data	Year
For 8 hospitals	Average bed occupancy rate	23%	2002
	Average length of stay	2.9 days	2002
National hospital centre	Average bed occupancy rate	53%	2001
	Average length of stay	6.8 days	2001

**The right to social security**

135. Under article 38 of the Civil Service Act (Act No. 093-09 of 18 January 1993), civil servants are entitled to the following allowances:

- Family allowances;
- Maternity allowances.

136. Subject to the conditions established by the Civil Servants' Pension Fund scheme, civil servants are entitled to an old-age pension and, where applicable, to a disability pension upon completing 35 years of effective service from the age of 18 years or reaching the age of 60 (Civil Service Act, art. 72).

137. Private sector workers are entitled to social security under the conditions stipulated by the National Social Security Fund scheme (Act No. 067-039 of 2 February 1967, establishing a social security system, as amended by Act No. 087-296 of 24 November 1982).

This system recognizes the right to the following allowances:

- Prenatal allowance;
- Childbirth grant;
- Family allowances;
- Maternity per diem;
- Mother-and-child benefit.

138. Company or inter-company medical services are responsible for examining workers who claim to be ill and for providing them with, or referring them for, the necessary treatment. They are also required to enforce public hygiene regulations in the workplace and to provide any medical expertise that may be needed.

139. Articles 23 to 25 and 64 to 65 of the Collective Labour Convention outline the conditions for compensating workers who are sick or have had an accident and the forms of assistance to which a hospitalized worker is entitled.

140. With regard to health and medical care, there are no normative or practical differences between the types of treatment provided to different social groups. The authorities guarantee an equitable distribution of health-care services.

141. With regard to the right to social security, reforms are under way to improve workers' rights through better access to the social services available in all administrative centres and rural communes.

**(e) The right to education and vocational training**

142. The authorities have always given priority to the indissoluble link between the right to education and obtaining skills. Accordingly, a key element of the 10-year strategy for the development of the national education system (the National Educational Development Programme) is the adapting of training to labour market realities in order to reduce the number of graduate managers who are unemployed.

143. Vocational training centres have been set up throughout the country. These include:

- The Boghé Vocational Education Centre;
- The Nouadhibou National Maritime and Fishing School;

- The Nouakchott Centre for Basic and Advanced Vocational Training; and
- The vocational training centre for graduates of Mahadras (traditional schools) in Nouakchott.

144. In addition, mobile vocational training units tour the country, providing citizens, particularly girls, with accelerated training to help them integrate into the workforce. By way of illustration, in 2000 training was provided to 1,480 trainees, of whom 46 per cent were girls.

**(f) The right to equal participation in cultural activities**

145. The State guarantees access to all sports facilities without discrimination.

146. The information media, essentially State radio and television, are vital tools for providing public information and education about development issues, promoting national culture, inculcating national values and eliminating prejudice and outmoded ways of thinking.

147. Daily radio and television programmes are broadcast in the different national languages. Rural radio stations broadcast more than 60 per cent of their output in the national languages: Pulaar, Soninke and Wolof.

**(g) The right of access to any public place or service**

148. The right of access to public transport is guaranteed to all citizens without any distinction as to race, sex and religion and to foreigners who are legally resident in the country.

149. The right of access to hotels, restaurants, cafes, theatres and parks is also guaranteed to all, subject to the relevant laws and regulations imposed in conformity with the fundamental values of the Mauritanian people.

**E. Article 6**

150. Mauritania guarantees protection and effective remedies to all persons subject to its jurisdiction, in accordance with the principle of the exclusive territorial competence of States as recognized under international customary law.

151. Article 13 of the Constitution guarantees the preservation of citizens' rights in their dealings with the justice system: "All persons shall be presumed innocent until their guilt has been proven by a regularly constituted court. No one may be prosecuted, arrested or punished except in cases determined by law and in accordance with the forms prescribed by law. The honour and privacy of citizens and the inviolability of the home and of citizens' correspondence are guaranteed by the State." The Constitution guarantees the right of asylum, thus perpetuating the Mauritanian people's tradition of hospitality. It also guarantees the fundamental rights of aliens residing in Mauritania: "Any alien legally resident in the national territory shall enjoy the protection of the law for his person and property" (art. 21). Article 22 of the Constitution provides that "No one may be extradited except by virtue of the laws and conventions governing extradition."

152. Act No. 95-024 of 19 July 1995, which rescinds and replaces Order No. 86-112 of 12 July 1986, establishing the National Bar Association, provides in its article 3: “Only lawyers shall be entitled to represent, assist and defend the parties or to plead in all matters of law.” Article 3, paragraph 2, gives lawyers the right to lodge appeals and to undertake any action in the interests of their clients according to the terms of the authorization contract, to request the raising of distraints, and to issue any documents necessary for the enforcement of judgements and decisions. This article also guarantees that lawyers have the right to exercise their activities in all courts and in judicial and disciplinary bodies of public administrations and professional associations, except where there are legal provisions expressly to the contrary.

153. The length of time during which a person may be held in police custody is set by law at 48 hours and may not exceed 72 hours except in the following cases:

(a) Production, trafficking in or use of drugs and psychotropic substances, for which the period of police custody is set by article 24 of Act No. 93-037 of 20 July 1993 at 72 hours, renewable twice;

(b) In the event of a crime or offence against the security or external security of the State, when the period of police custody may be increased to 30 days;

(c) Where police custody takes place at a location far removed from the seat of the competent court, the period of custody is extended by 24 hours for every 50 kilometres.

154. The Code of Criminal Procedure provides for the release on bail of arrested persons who request such release and who meet the conditions established by law. Release on bail may be ordered automatically by the investigating judge with the approval of the Procurator of the Republic.

155. These forms of protection and remedies have recently been reinforced by the legal aid bill, the finalization of which was the focus of a joint workshop held from 7 to 10 April 2003 by the Ministry of Justice and the Office of the Commissioner. With this bill, the Government hopes to make justice more accessible to persons involved in proceedings by providing full legal aid to all indigent persons who bring lawsuits and partial aid to all those with an income of 20,000 ouguiyas.

156. This State aid covers not only the costs of litigation until a decision is rendered by the court hearing the case, but also the fees and enrolments of court personnel.

157. By thus exempting the poorest members of society from the payment of costs, the authorities are attempting to guarantee them access to the courts and thereby to strengthen the rule of law.

158. In order to guarantee the rights of persons involved in both civil and criminal cases, the judiciary is composed of the court of first instance, the Appeals Court and the Supreme Court, each having its own jurisdiction.

159. Besides judicial appeal procedures, citizens may bring to the Mediator of the Republic, through elected representatives (members of parliament, senators and mayors), claims relating to unresolved disputes arising from their relations with the public administration, territorial units, public establishments and other public service bodies.

160. Appointed by decree by the President of the Republic, citizens can refer their cases to the Mediator of the Republic, through elected representatives (deputies, senators and mayors), when they relate to unresolved disputes in their relations with government departments, local authorities, public institutions or any other public service organization.

161. The Mediator of the Republic has the power to verify the substance of a claim and, if it appears justified, to submit a written report containing recommendations as to how the dispute might be settled. He can thus make suggestions that will help to improve the functioning of the body against which the complaint was brought.

162. If the Mediator finds the dispute to be the result of a blatant injustice arising from legislative or regulatory norms, he may recommend any necessary changes to the competent authority. If the authority fails to comply, he may write a detailed report on the matter for transmission to the President of the Republic.

## **F. Article 7**

### **1. Education and teaching**

163. Mauritania's education system has undergone constant development. In addition to the reference to education in the Constitution (art. 10), the right to education for all without discrimination on grounds of race, religion or sex is guaranteed by a whole series of legislative and regulatory texts.

164. In its concern to take advantage of every potential capacity and to generalize education to the maximum without neglecting its dimension as a public service, the Government has opened up the education system to the private sector. Order No. 81-212 (Status of Private Education) of 24 September 1981 defines the conditions for and scope of private education; it covers teaching at the primary, technical or vocational and secondary levels (art. 4) and includes establishments "providing remedial or evening classes for preparation for special competitive examinations" (art. 5). The opening of private schools requires authorization from the Ministry of the Interior and the Ministry of Education (art. 2).

165. In order to bring private education into line with the public system, the competent authorities ensure that the curricula and timetables of private schools are identical to those of public schools. They carry out monitoring and inspections of teaching, hygiene and security to ensure good material and moral conditions for school pupils. Only the State is authorized to award diplomas. Pupils attending private schools are permitted to sit public examinations for this purpose.

166. Act No. 99-012 (Reform of the Education System) of 26 April 1999 is the culmination of several years of effort aimed at providing education for excellence for present and future generations. This Act takes stock of observed inadequacies and areas of poor functioning and

takes into consideration the technical and scientific demands imposed by globalization. It places all levels of education on a unified footing, making it possible to ensure that all pupils have the same opportunities, and reinforcing the role of the school as a crucible for forging national unity and cohesion. It also introduces instruction in civic education at all levels; this is an important step towards familiarizing Mauritanian children with their institutions and with their society's cardinal values of fraternity, tolerance and mutual respect. It further provides a response to the needs of the times by reinforcing and highlighting the teaching of foreign languages and science and technology.

167. As regards the national languages – Pulaar, Soninke and Wolof - the Act provides for the establishment of a Department of National Languages in the University of Nouakchott (art. 12). This modifies the system whereby the former Institute of National Languages, established under Decree No. 79-348/PG/MFES of 10 December 1979, was responsible for organizing, coordinating and promoting all applied research on the national languages. These tasks have been transferred to the new Department established for this purpose, which is attached to the Faculty of Liberal Arts of the University of Nouakchott.

168. Implementation of this Act is at the centre of the National Educational Development Programme, which has been in existence since 2002. The Programme, which will continue until 2010, is being implemented in two phases (2001-2005 and 2005-2010). The State has decided to inject large sums of between US\$ 10 and US\$ 15 million from its own resources into the first phase, in addition to the financial contributions from the sponsors.

Provision is made in the Programme for a set of specific activities relating to:

- Curriculum reform;
- School infrastructures;
- Encouragement of teachers at all levels;
- Improvement of conditions for the management of the education sector;
- Improvement of teachers' skill levels through training in basic and continuing education.

169. The adoption of Act No. 2001-054 (Mandatory Basic Education) of 19 July 2001 marked an additional stage in the determination of the authorities to ensure universal access to education. The Act makes primary education mandatory for all Mauritanian children "of both sexes, from the ages of 6 to 14, for a period of schooling of not less than six years" (art. 1, para. 1). This provision has been supplemented by article 3, which extends the requirement to children "in areas not provided with educational structures" who are to be enrolled "in the nearest schools". The administrative, municipal and school authorities have been given a mandate to take the necessary steps to implement this provision.

170. To ensure that the relevant provisions of this Act are properly implemented, specific obligations are imposed on persons having responsibility for children. Such persons, who may be "the father, the mother, the legal guardian or any physical person or legal entity with legal

responsibility for the child”, are required to enrol the child within the two weeks preceding the start of the school year (art. 2). Persons having responsibility for children who fail to comply with these provisions shall be given notice to comply within five days (art. 5) or, as ordered by the Public Prosecutor, shall be liable to legal sanctions (art. 10). Provision is made for a fine of between 10,000 ouguiyas and 30,000 ouguiyas for a person having responsibility who, without valid grounds, has refused to enrol a child, taken him out of school for more than two weeks during term time or caused “by his influence or his actions ... a temporary or definitive interruption in the child’s schooling”. If the offence is repeated, the person having responsibility shall be punished by a fine of from 50,000 ouguiyas to 100,000 ouguiyas.

171. Under the Act, the initiation of criminal proceedings is conditional on findings of offences by officers of the judicial police on the basis of information received from individuals authorized to report to them; under article 8 these are “mayors, school authorities, teachers and heads of parents’ associations”.

**Table 13**

**An overview of some indicators relating to the Mauritanian education system**

Indicator	2000/01 %	2001/02 %
Crude enrolment rate	87	88
Crude enrolment rate (girls)	86	88
Access rate, 1st year	94.6	111.5
Access rate, 1st year (girls)	96.4	111.9
Participation rate (girls)	48	48.7
Retention rate	51	48
Retention rate (girls)	-	46.3
Repeat rate	15	13.3
Pupil/teacher ratio	42	39
Proportion private education	3.17	3.3

**2. Culture and information**

**(a) Culture**

172. In the area of culture, the authorities have focused their efforts on three areas: combating illiteracy, the policy of knowledge for all and the project for the safeguarding and enhancing of cultural heritage.

**Combating illiteracy**

173. The campaign against illiteracy was launched in a speech given in Néma on 20 January 1985 by the President of the Republic, H.E. Maaouya Ould Sid’Ahmed Taya. On that occasion he invited the Mauritanian people to combat illiteracy with all their strength, since it constituted “an extremely sensitive problem which calls for a rapid solution and whose devastating effects are as alarming as those of desertification”.

174. Following this historic speech, a State Secretariat for Literacy and Traditional Teaching was set up in 1986 and a series of programmes to eradicate illiteracy was successfully implemented.

175. A three-year (2002-2005) programme is currently being implemented, with State mobilization of considerable human and financial resources. For example, more than 500 graduates have been recruited and assigned to literacy units since 2002. In another effort to combat the problem of illiteracy, the State Secretariat recently concluded an agreement with the Association of Ulemas with the aim of involving the imams and scholars of the mahadras (traditional schools) in its efforts.

### **The policy of knowledge for all through the initiative to promote books and reading**

176. Launched a year ago by the President of the Republic, this initiative has received constant attention from the Government, which allocates it considerable resources and assigns it ambitious objectives. Dozens of libraries have already been built and equipped throughout Mauritania as the result of an agreement between the State and the National Council of Mauritanian Employers. To equip these libraries the Government has set up a special trust fund which has already made it possible to purchase more than 1 million books and send them to libraries in the interior.

177. In the short term, this policy is aimed at inculcating a tradition of and taste for reading in Mauritanian citizens and promoting a culture of knowledge. To this end the State is contemplating the establishment of a publishing house in order to stimulate intellectual output, help in creating a propitious environment for creativity and enhance the status of writers, publishers and researchers.

178. An interministerial Committee, chaired by the Prime Minister, is responsible for coordinating and following up implementation of the policy to promote books and culture. The Programme 2003 provides, in the short term, for libraries to be opened in all of Mauritania's communes. In the medium term, libraries will be opened throughout Mauritania, on the basis of one library for every 3,000 inhabitants.

179. The interest taken by the President of the Republic in this initiative and the positive impact it will surely have on the lives of citizens, without discrimination of any kind, have been recognized and honoured by the United Nations Educational, Scientific and Cultural Organization (UNESCO), which conferred a distinction on the President of the Republic as a tribute to his efforts directed at the acquisition and generalization of knowledge to benefit all of Mauritania's citizens.

### **Project for safeguarding and enhancing the cultural heritage**

180. Decree No. 2000-130 of 8 November 2000 on the organization and operation of the Project for safeguarding and enhancing Mauritania's cultural heritage provides a general framework for national policy in this sphere.

181. According to article 1 of this Decree, the Project has three constituent bodies: the National Council for the Cultural Heritage, the Guidelines Committee and the Permanent Secretariat.

182. The Project is responsible for overseeing the implementation of policy for safeguarding and enhancing Mauritania's cultural heritage. To provide information about Mauritania's heritage, enhance its various components and ensure its protection, the Project has organized a number of events, including the organization of a festival in Néma (regional capital of Hodh El Chargui) in 2001 on traditional Mauritanian musical instruments along with several seminars and exhibitions.

183. In parallel with the activities organized under the auspices of the Project, other events took place during 2002 involving the theatre and the arts as well as exhibitions and cultural and literary competitions.

184. The Government intends to continue this policy with the renovation of the National Museum, the development of archaeological research and the conservation of manuscripts. Cultural artefacts have been exempted from all duties and taxes in order to stimulate the promotion of culture and knowledge and encourage everyone to participate more in cultural life.

185. In the areas of literature, the arts and scientific and technological innovation, the Government adopted Act No. 99-06 of 20 January 1999 instituting the Chinguitt Prizes. Under article 1 of this Act, the Prizes are an award of merit for "Mauritanian nationals and foreigners who have contributed to extending Mauritania's literary, artistic, scientific and technological influence".

186. The Prizes are administered by a board chaired by an eminent person of recognized integrity, knowledge and competence who is appointed by presidential decree. They have been awarded regularly since they were instituted.

187. Act No. 2002-21 of 24 January 2002 extended the areas for which Chinguitt Prizes are awarded to include Islamic studies and research.

188. Cultural participation is also reflected in the existence of various musical and theatre ensembles which highlight the vibrant contributions of Mauritanian culture in all its diversity in a spirit of tolerance and interaction.

189. National and local associations exist for the promotion of the Pulaar, Soninke and Wolof languages and cultures. Cultural seasons are also organized under the auspices of the Association of Imams and Ulemas of Mauritania.

190. Mauritania has a National Commission for Education, Science and Culture whose role is to plan and implement, in partnership with the pertinent departments, the annual programmes for strengthening institutional capacities in education, science and culture.

191. Where culture is concerned, the proclamation of the ancient cities of Mauritania (Chinguitti, Ouadane, Oualata and Tichitt) as World Heritage sites has made national and international public opinion aware of the historic role played by these cities, their earlier influence and the need to preserve their cultural heritage and rehabilitate them.

192. Ancient manuscripts are also the subject of great interest; this interest is reflected in campaigns to record and safeguard these manuscripts and make their owners aware of their importance and their great value.

193. Similarly, with ongoing support from UNESCO, such Commission activities as science teaching, the mastery of new information and communication technologies, and the promotion of good governance, human rights and democracy have not been neglected.

194. A draft national strategy prepared by the National Commission was the subject of a National Consultation Day in Nouakchott on 20 January 2003. The draft strategy aims at:

- Strengthening education for girls;
- Supporting the national education and training components of the National Education Development Programme;
- Supporting better environmental management by combating desertification, poverty and HIV/AIDS, by managing water rationally and by promoting human rights;
- Supporting the Government in implementing its policy to promote books and reading;
- Supporting the national strategy for mastering new information and communications technologies.

195. In order to consolidate the age-old relationships between the various peoples of the region, Mauritania participates regularly, alongside Cape Verde, the Gambia, Guinea, Guinea Bissau, Mali and Senegal, in the events held during the African Fraternity Arts Week (SAFRA). It hosted one such week in Sélibaby (capital of Guidimagha wilaya) in March 1998.

**(b) Information**

196. Appropriate programmes and items in the State media (radio, television and the government daily newspaper) are open to all citizens without distinction. During electoral campaigns all candidates and political parties are given fair amounts of airtime.

197. With particular reference to human rights, a national human rights action plan, designed and drawn up on the basis of a partnership between the Office of the Commissioner and the Office of the United Nations High Commissioner for Human Rights, should be finalized in the coming months. In the meantime periodic discussions and round tables are held on this subject.

### **III. CONCLUSION**

198. Mauritania has established mechanisms to enhance the promotion of human rights that are also capable of combating all forms of racial discrimination. These include accession to a large number of international human rights instruments, preparation of a plan for the modernization and restructuring of the justice system, the redrafting of fundamental legislative texts and affirmation of the independence of the judiciary.

199. The legal reforms undertaken, the implementation of ambitious economic, social and cultural programmes and the strengthening of basic infrastructure are all part of the same effort to ensure the economic and social progress of all Mauritians, without distinction, and to create equal opportunities for the development of each individual. Improvement of the living conditions of the most deprived groups has remained at the centre of the authorities' concerns.

200. The mass democratization of knowledge, the thorough reform of the education system, the generalization of access to basic social services and the strengthening of the founding principles of the constitutional State are the main instruments of the national policy for the emancipation of the most deprived sectors and the promotion of social equality.

201. The results obtained are encouraging, and the Government is determined to pursue and consolidate its efforts to combat ignorance, poverty and exclusion and ensure a decent life of freedom for every man and woman in Mauritania.

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