



**International Convention on the  
Protection of the Rights of  
All Migrant Workers and  
Members of Their Families**

Distr.: General  
26 April 2021  
English  
Original: French  
English, French and Spanish only

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**

**Information received from Mauritania on follow-up to the  
concluding observations on its initial report\***

[Date received: 12 February 2021]

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



## **I. Introduction**

1. On 11 and 12 April 2016, at the 308th and 309th meetings of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Islamic Republic of Mauritania presented its initial report on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
2. At these meetings, the Committee made recommendations designed to improve the situation of migrant workers and members of their families.
3. It accordingly requested Mauritania to follow up, as a matter of priority, on the Committee's concluding observations and recommendations prior to the submission of its next periodic report.
4. At the same time, the Committee invited Mauritania to provide information in writing on the measures that it has taken to implement the recommendations contained in paragraphs 17, 23, 29, 31 and 43 of the concluding observations.

## **II. Follow-up information**

### **A. Follow-up information relating to paragraph 17 of the concluding observations (CMW/C/MRT/CO/1)**

5. The Office of the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society was set up to ensure better coordination of the efforts made by ministerial departments to promote and protect human rights. Within this framework, the overarching mission of the Office is to design, promote and implement national policy in the areas of human rights, humanitarian action and relations with civil society, in consultation with the ministerial departments, institutions and civil society organizations. In the sphere of human rights, the Office is responsible for, inter alia:

- Coordinating national human rights policy
- Conducting educational and awareness-raising activities on human rights and humanitarian law
- Developing and implementing strategies, programmes and action plans to improve the promotion and protection of human rights
- Disseminating and enforcing the provisions of the law criminalizing slavery and penalizing slavery-like practices
- Verifying cases of human rights violations and seeking appropriate solutions in accordance with the legislation in force
- Engaging in consultation and dialogue with national and international actors in the sphere of human rights
- Preparing periodic reports on the human rights situation
- Preparing and monitoring the implementation of international human rights treaties and ensuring that laws and regulations are consistent with human rights principles and standards

6. As part of the implementation of the National Migration Strategy, the Government has created a National Advisory Commission on Refugees, chaired by the Prime Minister and comprising representatives of the ministerial departments involved in managing migration and a representative of civil society. The Commission is responsible for, among other things, the development, oversight and review of migration policy.

7. The Commission is assisted in its functions by an executive secretariat that undertakes the day-to-day management of migration.

8. The Government is working closely with the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration and the Trust Fund to implement the Strategy.

9. With regard to the strengthening of the interministerial committee responsible for preparing reports relating to international and regional legal instruments in the field of human rights, a technical committee has been established to facilitate and better coordinate the process of preparing and submitting reports to the United Nations treaty bodies and regional human rights mechanisms. The committee is responsible for preparing reports and following up on the implementation of recommendations made by treaty bodies and during the universal periodic review process.

10. In this context, a further institutional reform of the committee has equipped it with a suitable institutional framework to enable it to fulfil its obligations in the best possible conditions.

11. Pursuant to Decree No. 263/2018 of 7 August 2018, the committee is now attached to the Office of the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society and comprises representatives of the key ministerial departments concerned with the promotion and protection of human rights, as well as the National Human Rights Commission. The Office of the United Nations High Commissioner for Human Rights country office in Mauritania has observer status in the committee.

12. The Office of the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society functions as chair and secretariat of the committee and is responsible for its operations.

13. With a view to fulfilling the commitments entered into by the State, particularly with regard to the human rights treaty bodies, the committee drew up a workplan for 2019, which is currently being implemented.

## **B. Follow-up information relating to paragraph 23 of the concluding observations**

14. Through the National Advisory Commission on Refugees, the authorities have organized several training and awareness-raising sessions on the rights of refugees for the administrative and judicial authorities and the defence and security forces responsible for border control.

15. To promote the fundamental rights of returnees, migrants, refugees and asylum seekers, the authorities have strengthened their capacity to process asylum applications efficiently, launched information and awareness-raising campaigns on the reality of life for migrants and, in partnership with civil society, organized training activities to combat trafficking in child migrants.

16. These training activities have helped to raise awareness of the rights of foreign nationals living in Mauritania.

17. The Directorate General for National Security has developed an extensive training and capacity-building programme for law enforcement officers on dealing with migrants. Technical and financial partners have expressed willingness to support the authorities in implementing the programme by conducting specialist training for 1,000 police officers. The programme includes the following activities:

- Training on core competencies for border management officers (migration control and border management, with support from national police trainers and the use of national modules as an extension of the national border plan)
- Specific training on trafficking in persons
- Human rights training (humanitarian border management)
- Training on refugee protection and refugee status

- Training on human rights and civil liberties at the National Police Academy and other locations in the country's interior
- Training on specific legislation relating to the treatment of minors and gender-based violence

18. Several technical training courses have been provided to police officers serving in the country's interior. These include:

- Training on human rights and civil liberties at the National Police Academy and other locations in the interior
- Training on specific legislation relating to the treatment of minors and gender-based violence
- Training of judges and prosecutors on the status of refugees and asylum seekers

### **C. Follow-up information relating to paragraph 29 of the concluding observations**

19. In practice, and in accordance with the provisions of the Code of Criminal Procedure, any victim or injured party may lodge a complaint and seek compensation in criminal proceedings. Judicial authorities must ensure that victims are kept informed and that their rights are respected throughout the course of the proceedings. Any person who claims to have been the victim of an offence may file a suit for damages in criminal proceedings with a criminal investigation officer, the investigating judge or the trial court.

20. A civil action to seek redress for harm caused by a crime, offence or misdemeanour may be brought by anyone who has suffered personally from harm directly caused by the act, without distinction between Mauritanian and foreign nationals, irrespective of their situation.

21. A civil action may be brought at the same time as the public prosecution or separately from it. Such an action is admissible for all types of injury, whether material, physical or psychological, resulting from the acts that are the subject of the proceedings. It is also admissible for any damage that is attributable to the person against whom the claim is brought and that is connected to the acts that are the subject of the proceedings.

22. The civil action may be brought separately from the public prosecution before the civil courts.

23. Under the conditions set out in the Code of Criminal Procedure, victims can initiate a preliminary investigation by filing a complaint or report directly with the criminal investigation officer or the public prosecutor. Pursuant to article 21 of Act No. 2015.031 criminalizing slavery and penalizing slavery-like practices, officials who receive a complaint or report must take all relevant measures against the perpetrators of slavery and slavery-like practices as a matter of urgency, including investigation of the facts and institution of criminal proceedings as appropriate.

24. Victims' exercise of the right to file complaints is facilitated and promoted by the fact that they can receive assistance in doing so from any recognized association. In addition to reporting offences, such associations may also lodge complaints and associate themselves with the criminal proceedings. Such measures are further facilitated by the fact that the procedure is free of charge.

25. Victims of slavery-like practices are exempted from all legal fees, which are automatically subsumed under State spending on criminal justice.

### **D. Follow-up information relating to paragraph 31 of the concluding observations**

26. All the provisions of the Labour Code and the General Collective Labour Agreement guarantee equal treatment for all workers, whether they are migrants or Mauritanian nationals, whose contracted employment is performed in Mauritania. These provisions, including, but

not limited to, articles 2, 191, 192, 193, 195, 215, 225 and 229 of the Labour Code, therefore guarantee equity, equal treatment and social justice.

27. Migrant women employed as domestic workers have full access to law enforcement bodies and are free to file complaints. The complaints mechanisms administered by the labour inspectorates are simple, accessible and cost-free.

28. Book VIII of the Labour Code consists entirely of provisions setting out the sanctions imposed on perpetrators of offences covered by the Code. These sanctions are systematically applied with suitable rigour.

#### **E. Follow-up information relating to paragraph 43 of the concluding observations**

29. In the performance of their duties, labour inspectors are independent, including from the immigration service. To this effect, they are sworn in and treated on the same footing as criminal investigation officers.

30. Migrant workers can therefore report cases of ill-treatment and exploitation to labour inspectorates without fear of attracting the attention of the immigration service.

31. In conclusion, the Government of the Islamic Republic of Mauritania hopes that the information provided will be taken into account, and remains committed to pursuing a constructive dialogue with the Committee so as to afford greater protection for the rights of migrant workers and members of their families and ensure proper follow-up to the observations and recommendations made.

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