



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the second periodic report of Mauritania*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In the light of article 80 of the Constitution of Mauritania and in view of the information provided in the State party's second report (CCPR/C/MRT/2), please provide examples of any cases in which the courts have invoked or directly applied the provisions of the International Covenant on Civil and Political Rights. Please indicate whether the State party intends to ratify the first Optional Protocol to the Covenant. Please specify what measures have been adopted to resolve the incompatibilities between Islamic sharia and the provisions of the Covenant. Please also indicate whether the Council for Fatwas provides advice on matters relating to the rights protected by the Covenant, and if so, the extent to which it takes those rights into consideration. Please clarify whether the State party intends to review its position regarding its reservations to articles 18 and 23 (4) of the Covenant.

2. Please provide information on the measures taken to ensure greater transparency in the selection process for members of the National Human Rights Commission and to guarantee the Commission's independence, particularly in the light of the November 2017 decision of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions to downgrade the National Human Rights Commission to B status. Please indicate the measures envisaged to ensure that the Commission's A status is restored, including those connected with the implementation of the Subcommittee's recommendations and the provision of the financial and human resources necessary for the Commission's functioning. Please provide information on measures taken to ensure the independence of the members of the national mechanism for the prevention of torture and to provide it with the resources necessary for its operations.

The fight against impunity and past human rights violations (arts. 2, 6, 7 and 14)

3. Please describe the measures taken to:
- (a) Address the humanitarian consequences of the events that took place in Mauritania between 1989 and 1991;
 - (b) Repeal Act No. 93-23 of 14 June 1993 granting amnesty in respect of those events;

* Adopted by the Committee at its 124th session (8 October–2 November 2018).



- (c) Establish the truth about the offences committed, prosecute the perpetrators and impose appropriate sentences on them;
- (d) Provide full reparation to the victims or their dependants.

Non-discrimination (arts. 2, 25 and 26)

4. Please provide information on steps taken to review Act No. 2018-023 of 18 January 2018 criminalizing discrimination, which has drawn criticism from a number of special rapporteurs of the Human Rights Council, and to ensure that it: (a) clearly defines and criminalizes direct and indirect discrimination; (b) covers all grounds for discrimination set out in the Covenant, including race, social origin, sexual orientation and gender identity; and (c) provides effective remedies for victims. Please provide information on the effective implementation of the provisions of the legislative texts referred to in paragraphs 87 to 89 of the State party's report. In this respect, please provide data on the number of complaints of discrimination filed and registered and the number of prosecutions conducted and convictions and sentences handed down in that connection.

5. With reference to the Committee's previous concluding observations (CCPR/C/MRT/CO/1), please describe the measures taken to prevent and combat prejudice, discrimination, stigmatization and violence against Haratines and black Africans, including with regard to their participation in political and public affairs.

6. Please indicate whether the State party intends to decriminalize the sexual practices punishable under section 308 of the Criminal Code. Please provide information on measures taken to protect the privacy and freedom of persons belonging to sexual minorities.

Equality between men and women, and discrimination against women (arts. 2, 3, 23, 25 and 26)

7. Please provide updated information on the implementation of the measures described in paragraphs 100 to 102 of the State party's report with regard to women's participation in political and public life and their appointment to decision-making positions in the civil service, as well as measures to increase women's representation. In this respect, please also provide information on measures to promote the representation of Haratine and black African women.

8. Please provide information on measures taken to prevent and combat stereotypes regarding the role of Haratine women and their place in Mauritanian society. Please also provide information on the steps taken to review Act No. 2001-052 of 19 July 2001 on the Personal Status Code in order to remove all provisions that discriminate against women, including with regard to inheritance and the rights of spouses during marriage and at its dissolution. Please describe the measures taken to achieve equality between men and women with respect to the transmission of nationality to foreign spouses and foreign-born children. In this respect, please indicate the status of the revision of article 8 of Act No. 61-112, as amended, of 12 June 1961, on the Mauritanian Nationality Code, referred to in paragraph 99 of the State party's report.

Violence against women and practices harmful to women (arts. 2, 3, 6, 7 and 26)

9. In view of the continued existence of domestic violence against women, including sexual violence and rape, please provide information on:

- (a) The intended time frame for the adoption of the draft framework law on violence against women and on the key provisions of the text;
- (b) The steps taken to define the offence of rape, punishable under article 309 of the Criminal Code;

(c) The measures taken to make it easier for women to file complaints, including in relation to rape, as well as the number of complaints filed and registered, investigations conducted, prosecutions brought and convictions and sentences handed down;

(d) The steps taken to strengthen the provision of protection, care and support for women who are victims of violence, including details of the role and actions of the National Committee to Combat Gender-based Violence;

(e) The impact of the awareness-raising measures designed to reduce violence against women, referred to in paragraphs 108 and 110 of the State party's report;

(f) The training the State party has provided for police, hospital and judicial personnel on the issue of sexual violence.

10. In view of the prevalence of female genital mutilation in Mauritania, please provide information on the implementation of the measures described in paragraph 110 of the State party's report. With regard to the implementation of Order No. 2005-015 on the Code governing the judicial protection of children, please also provide information on the number of complaints filed and registered, prosecutions brought and convictions handed down in connection with female genital mutilation. Please specify the future steps envisaged to reduce the incidence of female genital mutilation and ensure that mutilated girls and women have access to rehabilitation measures, including medical and psychological care. In view of the continued existence of early and forced marriages in the country despite them being prohibited by law, please provide information on the extent of these practices. Please describe the impact of the measures designed to combat early marriage outlined in paragraphs 176 to 183 of the State party's report, and indicate the status of the bill on the prohibition of early marriage of children. Please also provide information on measures taken to combat forced marriage and on related awareness-raising activities aimed at the general population, including community and religious leaders.

Right to life and excessive use of force (arts. 3 and 6)

11. In the light of the moratorium that has been in place since 1987, please indicate whether the State party intends to abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Please provide statistical data on: (a) the number of death sentences handed down since the Committee's consideration of the State party's previous report; (b) the offences for which these sentences were handed down; and (c) the number of death sentences commuted. In the light of the recommendation made by the Committee in its previous concluding observations, please provide information on how the legal guarantees set out in article 6 of the Covenant have been implemented in cases that have resulted in death sentences.

12. Please provide more information on the amendment to article 306 of the Criminal Code, which mandates the death penalty in cases of blasphemy or sacrilege. Please describe the cases in which the article has been applied and the extent to which the amended text is compatible with the provisions of article 6 of the Covenant.

13. Please indicate whether any investigations have been conducted in connection with alleged cases of enforced disappearances, including those relating to persons sentenced to death for terrorist activities.

14. Please provide information on the outcome of investigations into the deaths of protesters and indicate whether any proceedings have been brought against those responsible for the repression of the demonstrations referred to by the Committee in paragraph 13 of its previous concluding observations. Please provide information on measures taken to train security forces to respect human rights in the course of law enforcement activities and when using force, including firearms.

15. Please provide statistical data on maternal and infant mortality. Please provide information on measures taken to improve access to health services and to information on sexual and reproductive health, including for women belonging to ethnic minorities and

those living in remote areas. In this regard, please indicate the status of the bill on sexual and reproductive health. Please describe the steps taken by the State party to legalize abortion in cases of incest, rape and fetal impairment and to decriminalize it in all other cases.

Prohibition of torture and of cruel, inhuman or degrading treatment (arts. 6 and 7)

16. Please respond to reports that torture and ill-treatment are still widely practised by the police and the gendarmerie, including to extract confessions and information, particularly during arrest, custody or transfer and during demonstrations.

17. Please provide information on: (a) all measures taken to prevent and combat torture; (b) the complaint mechanisms and remedies available to persons who claim to have been subjected to torture or ill-treatment by State officials; and (c) the exact number of complaints filed and registered, investigations and prosecutions undertaken, convictions handed down and compensation payments granted in connection with acts of torture during the reporting period. Please also provide information on the steps taken to ensure in practice that statements or confessions obtained through torture are not admissible, as provided for in the Code of Criminal Procedure.

18. Please indicate the measures taken to prohibit the use of corporal punishment against children in all situations, particularly in family settings and schools.

Treatment of persons deprived of their liberty (arts. 6, 7 and 10)

19. Please provide information on the measures taken to address prison overcrowding, in particular in Dar Naim prison, and on the status of prison construction and renovation initiatives. Please indicate: (a) the size of the prison population in Mauritania; and (b) the measures taken to ensure that convicted prisoners are held separately from persons in pretrial detention and that adults are separated from minors. Please respond to allegations of inadequate conditions of detention, especially with regard to accommodation, hygiene, sanitation, food quality and access to health care.

Liberty and security of the person (arts. 9 and 14)

20. In the light of Act No. 2015-033 of 10 September 2015 on combating torture and the relevant provisions of the Code of Criminal Procedure (arts. 57–60), please indicate the measures taken to ensure that fundamental legal safeguards are respected in relation to persons in detention. Please also indicate the measures taken to ensure that the maximum permitted duration of police custody is not exceeded, including in cases of terrorism. Please provide information on the sanctions imposed on security officials who do not comply with the legal provisions relating to fundamental legal safeguards and the maximum permitted duration of police custody. Please provide information on the status of the adoption of anti-terrorism legislation, with the aim of bringing it into line with international human rights standards.

21. Please respond to allegations of the use of incommunicado detention, in particular for persons suspected of terrorist acts. Please provide information on measures taken to investigate secret detention facilities and prosecute those responsible for such detention. Please indicate the measures taken by the State party to prevent arbitrary detention and protect against it. Please provide information on the follow-up given to the opinions of the Working Group on Arbitrary Detention, including with regard to the release of the persons affected and the provision of compensation to them. Please indicate the maximum permitted duration of pretrial detention, the number of persons convicted, the number of persons in pretrial detention and the measures taken to reduce the use of pretrial detention.

Administration of justice (art. 14)

22. Please describe any measures taken to strengthen the capacity of the judicial system, in particular to: (a) ensure the independence of the judiciary; (b) establish procedures to guard against corruption and shield the judiciary from the influence of and interference by the executive branch; (c) ensure in practice the irremovability of judges; and (d) provide the system with the necessary resources for its functioning. Please indicate the steps taken to guarantee in practice the exercise of the rights enshrined in article 14 of the Covenant, in particular those relating to due process, in order to ensure a fair trial. In the light of Act No. 2015-030 of 10 September 2015 on legal aid, please indicate the measures taken to facilitate access to legal aid for persons charged with a criminal offence, in particular those residing in remote areas.

Trafficking in persons and forced labour (arts. 7, 8 and 24)

23. With respect to Act No. 2015/031 of 10 September 2015 criminalizing slavery and punishing slavery-like practices, please provide information on: (a) the current extent of slavery; (b) the measures in place to enable victims of slavery to file complaints; (c) the resources available to the police and the judiciary to investigate and prosecute the perpetrators of this offence; (d) the number of complaints filed and registered, investigations conducted, convictions handed down and penalties imposed, and details of the reparations made to victims, including compensation and rehabilitation measures; (e) the resources allocated to the specialized courts in Nouakchott, Nouadhibou and Néma; and (f) the measures taken to enable all civil society organizations to file civil actions, irrespective of when the organizations were established. Please specify the measures taken to ensure that the penalties imposed for slavery offences are proportionate to the gravity of the acts.

24. Please provide information on the extent to which awareness-raising campaigns have led to a reduction in slavery and slavery-like practices. Please also provide information on measures taken to promote adequate protection for and reintegration of persons who have left situations of slavery or slavery-like practices, with a particular focus on women. Please respond to allegations that the Tadamoun National Agency for the Eradication of the Consequences of Slavery, for Social Integration and for Action to Fight Poverty does not have sufficient resources to assist victims of slavery.

25. Please provide information on:

- (a) The extent of trafficking of women and girls for purposes of sexual and labour exploitation;
- (b) The effective implementation of legislation on slavery, including with respect to investigations and the prosecution of perpetrators;
- (c) The protection measures in place for victims;
- (d) The adoption of a national anti-trafficking strategy;
- (e) Awareness-raising campaigns on this issue.

Refugees, asylum seekers, stateless persons and freedom of movement (arts. 7, 12, 13, 16 and 26)

26. Please provide information on the status of the bill on the right to asylum in Mauritania. Please also provide information on measures taken to ensure that the refugee status determination process provides guarantees of justice and transparency. Please describe the procedures in place to guarantee respect for the principle of non-refoulement, and the measures taken to prevent statelessness. Please indicate the progress made in the issuance of civil status papers to Mauritanian nationals repatriated from Senegal and to their children, as well as in the birth registration of children born in Mauritania to refugees or asylum seekers, including in the Mbera camp.

Freedom of opinion and expression (arts. 6, 7, 18 and 19)

27. Please indicate whether the State party intends to reconsider its position regarding the decriminalization of apostasy. Please provide information on measures intended to guarantee in practice the exercise of the right to freedom of expression, particularly in relation to freedom of religion, without arbitrary constraints.

Right of peaceful assembly, freedom of association and protection of journalists and human rights defenders (arts. 6, 7, 9, 19, 21 and 22)

28. Please indicate the measures taken to ensure in practice the protection of human rights defenders and journalists. Please respond to allegations that human rights defenders and journalists have been subjected to threats, detention and physical abuse, including during demonstrations. Please provide information on the investigations conducted and prosecutions launched against law enforcement officials and the convictions and sentences handed down to them for intimidation, excessive use of force and ill-treatment of human rights defenders, including anti-slavery activists, during demonstrations. Given the continuing decline in press freedom, please also provide information on steps taken to ensure, in law and in practice, that the right to freedom of expression, including freedom of the press, is not subject to arbitrary limitations or unlawful or unnecessary restrictions imposed by the State party or its agents. In this respect, please provide information on the criminal proceedings against Mr. Mohammed Shaikh Ould Mohammed M. Mkhaitir for criticizing the use of Islam to justify racial discrimination and against Mr. Oumar Ould Beibacar for denouncing the authorities' attitude in relation to the unresolved humanitarian issues. Please indicate the status of the bill on associations and describe how it is compatible with the relevant provisions of the Covenant and whether it will facilitate the accreditation process.

Participation in public affairs (art. 25)

29. Please provide information on: (a) the conduct of the legislative elections held in Mauritania in September 2018, with a particular focus on the degree to which they were free, fair and transparent; (b) the results of the elections and the extent to which all sectors of the population were able to participate; and (c) the representation of the various ethnic groups among the candidates. Please also provide information on the composition of the Independent National Electoral Commission of Mauritania, the process for appointing its members and the measures in place to guarantee its independence.

30. Please provide statistical data on the representation of national ethnic groups (Haratine, Pulaar, Wolof and Soninké) in decision-making positions within national and local elected bodies and in high-level administrative posts.

Dissemination of information relating to the Covenant and its Optional Protocols (art. 2)

31. Please describe the steps taken to disseminate information relating to the Covenant, the State party's second periodic report and the Committee's forthcoming examination of the report. Please provide detailed information on the involvement of representatives of civil society and non-governmental organizations in the preparation of the State party's report.