



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

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

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

#### I. General information

1. Please provide further information about the strategies and policies relating to the rights of migrant workers and members of their families in the State party. Please also provide information on the human, technical and financial resources allocated to the implementation of these strategies and programmes.
2. Please indicate what measures the State party has taken to strengthen the National Human Rights Commission and ensure that it is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please also indicate for what reasons the National Human Rights Commission lost its category A status. Please specify whether complaints mechanisms and other services such as a telephone hotline are offered to the public by the Commission, and whether it visits migrant detention centres, particularly in the economic capital Nouadhibou. Please provide information on the human, technical and financial resources allocated to the Commission and on the awareness-raising activities carried out by the State party among the population in general and migrant workers in particular to inform them of the services offered by the Commission, including the fact that complaints may be submitted directly to it.
3. Please indicate, in the light of the recommendation made by the Committee in its previous concluding observations,<sup>1</sup> whether the State party intends to make the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive communications from States parties and individuals and specify, if applicable, what constraints and difficulties have prevented it from doing so to date. Please clarify whether the State party has ratified the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), as there appears to be a discrepancy between the information provided by the State party and the data in the ILO database. Please also indicate whether the State party is considering ratifying the following instruments:
  - (a) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
  - (b) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
  - (c) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

\* Adopted by the Committee at its thirty-ninth session (2–13 December 2024).

<sup>1</sup> CMW/C/MRT/CO/1, para. 13.



(d) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

4. Please elaborate, in the light of the recommendation made by the Committee in its previous concluding observations,<sup>2</sup> on the measures taken to collect qualitative and statistical data, disaggregated by sex, age and origin, on migration flows to and from the State party and on members of migrant workers' families. Please also provide information on the number of Mauritanian migrant workers and members of their families abroad, including those in an irregular situation, and, insofar as possible, on their situation as it relates to the provisions of the Convention. If no precise information is available, please provide information drawn from credible studies or estimates.

5. Please provide information on the measures taken to implement existing bilateral and multilateral agreements and memorandums of understanding and those recently concluded, notably with Spain and the European Union, with the aim of welcoming persons who have returned to the country and who wish to emigrate, particularly to Morocco and the Canary Islands. Please describe the steps taken by the State party to protect the rights of migrant workers and members of their families facing detention, repatriation or expulsion procedures, particularly in border towns to the north, south, east and west of the country. Please specify what cooperation arrangements are in place with the States of the Economic Community of West African States and the Maghreb. Please report on the measures taken.

## **II. Information relating to the articles of the Convention**

### **A. General principles**

6. Please provide information on the number of cases in which the provisions of the Convention have been invoked before a court, as well as examples of cases and judgments. In addition, describe the measures taken to ensure that migrants who are victims are informed of their rights in a language they understand throughout proceedings, in accordance with article 35 of the law on combating migrant smuggling (para. 51).<sup>3</sup> Please also specify whether these measures extend beyond cases specifically linked to migrant smuggling.

7. Please indicate what steps the State party has taken to inform migrant workers and members of their families of the judicial and administrative remedies available to them in the event that their rights are violated. Please also explain what has been done to enable migrant workers whose rights have been violated to report those violations so that they can be investigated and those responsible punished. In addition, please provide further information on the options available to migrant workers seeking legal aid and assistance.

### **B. Part II of the Convention**

#### **Article 7**

8. Please describe in more detail, in the light of the recommendation made by the Committee in its previous concluding observations,<sup>4</sup> the measures taken to ensure that all migrant workers and members of their families in the territory of the State party or subject to its jurisdiction, whether they are documented or not, enjoy, without discrimination, the rights enshrined in the Convention. In particular, please provide information on:

(a) The existence of a comprehensive anti-discrimination legislative framework that ensures, *inter alia*, that all migrant workers and members of their families can exercise their rights under articles 1 (1) and 7 of the Convention, without distinction of any kind, and that covers all the grounds on which discrimination is prohibited under the Convention;

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<sup>2</sup> *Ibid.*, para. 19.

<sup>3</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the second periodic report of the State party ([CMW/C/MRT/2](#)).

<sup>4</sup> [CMW/C/MRT/CO/1](#), para. 27.

(b) The measures taken both to review the State party's legislation with a view to repealing all discriminatory provisions to which migrant workers and members of their families are subject and to adopt comprehensive anti-discrimination legislation, specifying the measures taken to explicitly prohibit and eliminate all forms of discrimination against women and girls, as well as the status of the implementation of a comprehensive strategy in this respect;

(c) The measures taken to ensure that non-discrimination, the protection of labour rights and equality between women and men, in all matters relating to migration policy, prevail in law and in practice, specifying the mechanisms in place to assess the individual situations of migrants in transit and to determine their protection needs without discrimination, in accordance with international human rights law, humanitarian law and refugee law;

(d) The measures taken to ensure non-discrimination and mitigate the impact of the effects of climate change, including natural disasters and environmental degradation, on the human rights of migrants and to contribute to greater climate justice.

9. Please provide further details on the national strategy for managing migration, including its time frame, objectives, priorities, implementation measures, budget and monitoring mechanism (para. 69).

## C. Part III of the Convention

### Articles 8–15

10. Please provide information on the measures taken to ensure in practice that migrant workers, including migrant women and persons in an irregular situation, are protected from forced or compulsory labour under the relevant International Labour Organization (ILO) conventions on the prohibition and abolition of forced labour that the State party has ratified. In addition, please describe the efforts made, in line with the recommendation made by the Committee in its previous concluding observations,<sup>5</sup> to ensure that all migrant workers, particularly migrant women employed as domestic workers, have access to effective mechanisms for filing complaints against persons who exploit them and violate their rights and that such workers are duly informed of the available procedures for ensuring that perpetrators are punished and that victims obtain redress. Please also provide information on the number and type of complaints filed over the last five years, with data disaggregated by sex, age, nationality, field of activity and migratory status.

11. Please provide further information on the measures implemented to ensure that the rights of migrant children, particularly children who are unaccompanied or separated from their parents, children who are in an irregular situation or in transit in the State party and Mauritanian children in other States, are respected and that these children are protected against all forms of exploitation. In particular, please provide information on the steps taken to implement the recommendation made by the Committee in its previous concluding observations concerning the identification of child beggars and children in servitude, as well as the adoption of a strategy for rehabilitating and reintegrating such children.<sup>6</sup> Please provide details of the legal and institutional framework tailored to meeting children's needs (para. 84).

12. Please provide information on the measures taken by the State party to protect migrant workers from exploitation and servitude in the extractive industries, particularly to protect migrants from the worst forms of exploitation, including the work performed in the gold mines in the north of the country, especially around the town of Chamy, by migrants who use artisanal techniques to mine gold for the benefit of businessmen, at the risk of their own lives. Please provide statistics on the number of deaths and injuries recorded between 2020 and 2024 in these gold mines and information on the assistance and reparation offered to victims and their families. Please state what cases have been identified in the State party of exploitation of migrant workers and members of their families, in both a regular and an

<sup>5</sup> Ibid., para. 31.

<sup>6</sup> Ibid., para. 33.

irregular situation, in the context of domestic work, especially in urban areas. Please provide information on the measures taken to bring national legislation into compliance with the ILO Forced Labour Convention, 1930 (No. 29), and the ILO Abolition of Forced Labour Convention, 1957 (No. 105).

### **Articles 16–22**

13. Please provide updated information on migrant workers in detention in the State party (para. 85) and on migrant workers who are nationals of the State party who have been detained abroad in countries of employment or transit, specifying whether their detention is related to their migratory status. Please also provide information on cases of migrant workers detained by the immigration services, indicating whether the persons concerned are able to appeal effectively against the detention decision and whether they received consular assistance from their country of origin. Please provide information on the measures taken to implement the recommendation made by the Committee in its previous concluding observations that migrant workers who infringe immigration laws should be detained only as a last resort and should be segregated from ordinary offenders.<sup>7</sup>

14. In addition, please indicate whether the State party subcontracts the management or security of immigration service detention centres to private enterprises and, if so, specify what safeguards are in place to hold private security personnel in detention centres accountable for potential abuses or human rights violations.

15. Please indicate what measures have been taken to harmonize the provisions of the Convention and national legislation, in particular Act No. 2024-038 of 8 October 2024 amending certain provisions of Act No. 65-046 of 23 February 1965 on criminal provisions relating to immigration, which provides a legal basis for the practice of automatic collective expulsions by administrative decision, including of persons who are not in possession of valid travel documents. Please also provide, in the light of the recommendation made by the Committee in its previous concluding observations,<sup>8</sup> information on the number of migrants subject to an expulsion procedure, as well as information on the legal provisions and measures under which migrants subject to an expulsion procedure, except where a final decision has been rendered by the judicial authorities, have the right to submit the reasons why they should not be expelled, to have their cases reviewed by the competent authority and to request the suspension of the expulsion order pending that review, in accordance with article 22 (4) of the Convention. Please provide information on the measures taken to carry out an individual examination of the cases of non-citizens, including persons disembarked after being rescued or intercepted at sea, in order to determine their protection needs prior to their removal from the territory.

### **Article 23**

16. Please provide information on the geographical distribution of embassies and consulates and on their role in assisting and protecting Mauritanian nationals working abroad, including those in an irregular situation, in particular in the event of ill-treatment, arrest, detention or expulsion. Please provide detailed disaggregated data on the number of nationals of the State party working abroad or in transit in third countries, including those who have been arrested, detained or expelled, and indicate whether legal assistance services have been provided (paras. 93–98). In addition, please provide information on the reintegration measures taken in the event of returns.

### **Articles 25–27**

17. Please provide detailed information on the measures taken to ensure the protection of the labour rights of all migrant workers living in the State party, in particular those employed in the informal sector, including payment of the national minimum wage. Please also provide information on the mechanism used by labour inspectors to monitor the working conditions of migrant workers, in both a regular and an irregular situation, the human, material and other

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<sup>7</sup> Ibid., para. 35 (b).

<sup>8</sup> Ibid., para. 39.

resources available for such monitoring, the number of visits carried out in this context, the notifications sent to employers and the follow-up given to complaints received (paras. 99 and 100).

18. Please indicate what measures have been taken to promote access to social security and social assistance and the registration of migrant workers, particularly women, with the social protection system, in accordance with the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), which the State party has ratified. Please also provide information on the efforts made to ensure that migrant workers and members of their families enjoy the same treatment as nationals in this respect.

### **Articles 28–31**

19. Please provide further information on the measures taken to ensure access, for migrant workers and members of their families, to medical care, including emergency care, on health insurance provisions and on the efforts made to remove language barriers that migrants may face.

20. Given that, according to reports, citizen reception centres in rural communities have largely closed, registration of citizens through mobile centres ceased after February 2024 (except for children under the age of 6) and there is no institutional child protection system in the *wilayas*, please provide updated information on the measures taken to replace those reception centres and mobile centres so as to ensure that citizens' needs are met, as well as data disaggregated by sex on the status of the institutional child protection system aimed at promoting and facilitating birth registration (para. 107). Please provide information on the efforts made to undertake a comprehensive risk assessment in respect of migrant workers and members of their families who are threatened with statelessness in the State party and to ensure full access to civil registration and civil status documentation.

21. Please provide information on the measures taken to ensure, in law and in practice, that children of migrant workers have full access to preschool, primary, secondary and university education, regardless of their migration status. Please provide data, disaggregated by sex, age, nationality and migration status, on the levels of school enrolment and school dropout among children of migrant workers, particularly those in an irregular situation, in the State party's education system.

### **Articles 32 and 33**

22. In the light of the recommendation made by the Committee in its previous concluding observations,<sup>9</sup> please provide information on the steps taken to facilitate the transfer of earnings and savings by migrant workers living in the State party by introducing discounted transfer and receipt fees, in line with the Sustainable Development Goals (target 10.c). Please also provide information on correspondent banking agreements with financial institutions to facilitate the transfer of funds from Mauritanian migrant workers living abroad to persons in the State party and on the measures taken to reduce the costs of sending and receiving funds and to make savings more accessible.

## **D. Part IV of the Convention**

### **Articles 36–56**

23. Please provide, in the light of the recommendation made by the Committee in its previous concluding observations,<sup>10</sup> details of the steps taken to disseminate information on the rights of migrant workers under the Convention, on the conditions of their admission to the country and of their employment, and on their rights and obligations in accordance with the law and customs of the country of employment.

<sup>9</sup> Ibid., para. 53.

<sup>10</sup> Ibid., para. 49.

24. Please provide information on any restrictions on the right of migrant workers in a regular situation and members of their families to form or join trade unions or to exercise trade union responsibilities.

25. Please provide information on the measures taken to ensure that Mauritanian migrant workers residing abroad and members of their families are able to exercise their rights to vote, participate in public affairs and be elected to public office. Please provide data, disaggregated by age, sex and country of residence, on the number of migrant workers and members of their families residing abroad who exercised their right to vote in the 2023 parliamentary elections and the 2024 presidential election, and provide information on the steps taken to facilitate the exercise of their right to vote (paras. 108 and 109). Please specify the number of embassies and consulates in the different regions of the world that have received a mandate from the Independent National Electoral Commission to host polling stations and what the selection criteria are.

## **E. Part VI of the Convention**

### **Articles 64–71**

26. In the light of the recommendation made by the Committee in its previous concluding observations,<sup>11</sup> please provide information on the efforts made to sign bilateral and multilateral agreements aimed at promoting regular migration, guaranteeing sound, equitable and humane conditions for Mauritanian migrant workers living abroad and providing procedural guarantees that allow them to avail themselves of their rights and obtain redress when appropriate.

27. The Committee has been informed by several concurring sources that thousands of young Mauritanians of all categories, including civil servants, have recently emigrated to the United States of America via Latin America using irregular migration networks, among them trafficking in persons and people smuggling networks. Please provide statistics, disaggregated by age, sex and social category, on this phenomenon, which is not specific to Mauritania. Please describe the measures implemented to address the irregular migration of nationals of the State party, including through multilateral and bilateral agreements, policies and programmes aimed at enhancing legal migration channels and addressing the root causes of irregular migration, as well as the steps taken to identify and repress trafficking in persons and people smuggling networks.

28. In addition, hundreds of young people who tried to cross the Mediterranean Sea and the Atlantic Ocean in makeshift pirogues have gone missing. Please give details of campaigns aimed at countering misleading information relating to irregular migration and raising awareness among the population, including women and children, of the risks and dangers of irregular migration, and provide information on the measures taken to assist returning migrant workers and members of their families with resettlement and reintegration into the economic and social life of the State party.

29. Please indicate what steps have been taken to adopt a comprehensive law on trafficking in and smuggling of persons, in accordance with the Protocols to the United Nations Convention against Transnational Organized Crime, a policy to combat such practices and a strategy to end trafficking in persons for the purpose of sexual exploitation (paras. 22–32). Please also provide information on:

- (a) The measures taken to prevent and punish cases of domestic servitude, forced labour or sexual exploitation of migrant workers identified by the State party;
- (b) Examples of cases managed through access to justice and psychosocial support;
- (c) The programmes aimed at preventing trafficking in persons, effectively protecting victims of trafficking and ensuring that they have access to justice and judicial remedies;

<sup>11</sup> Ibid., para. 57.

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- (d) Means of effectively identifying traffickers and victims of trafficking;
- (e) The efforts made to conduct effective and impartial investigations into all acts of trafficking in persons and to prosecute and punish the persons responsible for these acts, as well as the number of judgments handed down in relation to these crimes, including information on the number of convictions, the types of penalty and the reparation awarded to victims;
- (f) The setting up of shelters, support services and programmes to help victims rebuild their lives, including assistance with physical, psychological and social rehabilitation;
- (g) The measures taken to provide appropriate training for law enforcement officials, judges, prosecutors, labour inspectors, service providers, teachers, embassy and consular personnel and other relevant professionals in the State party and to build their capacity;
- (h) The annual budget allocated to the detection and elimination of cases of trafficking in persons and the protection of victims;
- (i) The measures taken to improve the collection of data on victims, disaggregated by sex, age and origin, in order to prevent migrant smuggling and trafficking in persons;
- (j) The avenues whereby victims of migrant smuggling and trafficking in persons may obtain a temporary or permanent residence permit;
- (k) The measures implemented to ensure that information on migrant smuggling and trafficking in persons, on the risks associated with irregular migration and on assistance for victims is disseminated widely, including through prevention campaigns, as well as the steps taken to combat the dissemination of misleading information on emigration and immigration;
- (l) The measures taken to strengthen international, regional and bilateral cooperative efforts to prevent and combat migrant smuggling and trafficking in persons;
- (m) The measures taken to search for migrants who have disappeared and/or died in transit through the territory of the State party;
- (n) The measures taken by the State party to provide in its national legislation for preventive measures, effective and thorough investigations, the use of forensic information, the exhumation and identification of remains, and international cooperation with regard to the disappearance and death of migrants on migration routes under its jurisdiction.

30. Please provide updated information, disaggregated by sex, age and origin, on migrant workers and members of their families in an irregular situation in the State party who have benefited from the simplified procedure for regularizing the situation of migrants (para. 92). In addition, please provide details on the implementation of the extension of residence permits, as has been announced, from one to five years, as well as data on the number of residence permit renewals.

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