



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**

Second periodic report submitted by Mauritania under article 73 of the Convention, due in 2021*

[Date received: 26 May 2023]

* The present document is being issued without formal editing.



Introduction

1. This is the second periodic report of Mauritania on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, covering the period 2017–2021. It provides information on the action taken pursuant to the concluding observations made by the Committee following its consideration of the initial report of Mauritania ([CMW/C/MRT/1](#)) at its 308th and 309th meetings ([CMW/C/SR.308](#) and [CMW/C/SR.309](#)), held on 11 and 12 April 2016. It also provides an update on the progress made and outcomes achieved in implementing the Convention during the period covered by the report.

2. The report was prepared by the intersectoral technical committee responsible for preparing reports, following broad consultation with the relevant ministries, the National Human Rights Commission, civil society organizations and technical and financial partners.

3. Its submission testifies to the commitment of Mauritania to honour its human rights treaty obligations and its determination to implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

4. The Government of Mauritania wishes to take this opportunity to express its readiness to continue to engage in constructive dialogue with the Committee on the implementation of the Convention.

5. It also reaffirms its commitment to work for the respect, promotion and protection of human rights in general, including those relating to the rights of migrants and members of their families.

6. This periodic report, submitted under article 73 of the Convention, was prepared in accordance with the simplified reporting procedure.

7. It consists of two (2) parts. The first part provides general information on the country (the common core document), while the second presents information on the action taken in follow-up to the Committee's concluding observations and recommendations following the country's most recent appearance before it, as well as information on the implementation of the Convention.

I. General information

Demographic and socioeconomic characteristics

1. Constitutional and judicial structure

8. The Constitution of 20 July 1991, amended in 2006, 2012 and 2017, established a number of institutions, including the Constitutional Council, the Economic, Social and Environmental Council, the Court of Auditors, the High Council for Fatwas and Administrative Appeals and the National Human Rights Commission.

9. As stated in article 1 of the Constitution, "Mauritania is an Islamic, indivisible, democratic and social republic. The Republic guarantees all citizens equality before the law, without distinction as to origin, race, sex or social status". Article 3 enshrines the principle of democracy, stating that "sovereignty belongs to the people, who shall exercise it through their representatives or by referendum".

10. The republican State is founded on the principle of separation of powers. The President of the Republic is elected by direct universal suffrage for a term of five years, renewable once. The President defines State policy, and the Government, headed by a Prime Minister, implements it.

11. Legislative power is exercised by the parliament, which adopts laws and is responsible for oversight of government action. The parliament includes the National Assembly.

12. Mauritania has a decentralized and devolved administrative structure. Its territory is organized into several administrative levels. There are 15 *wilayas* (regions), 58 *moughataas*

(departments) and 219 communes. The various levels of government work together to foster political, economic and social development.

13. The judicial system is based on the second-hearing principle (the same case may be tried at first and second instance). The system comprises courts at the level of the *moughataas* and *wilayas*, courts of appeal and a supreme court. A High Court of Justice is responsible for trying the highest State authorities (the President of the Republic and the members of the Government). The Constitutional Court hears cases concerning constitutional matters.

14. The High Council for Fatwa and Administrative Appeals offers users solutions that comply with Islamic law.

15. The Government has improved the efficiency of the justice system by making justice more accessible through the establishment of courts, including a court of appeal in Aleg, two regional courts in Nouakchott North and Nouakchott South, a labour court in Zouerate and three criminal courts specializing in slavery cases. In addition, a national anti-corruption strategy has been put in place, and sectoral anti-corruption plans are being carried out by government departments together with civil society, which ensures compliance with national anti-corruption legislation.

16. The Constitution has served to improve the institutional framework for the protection of human rights in general, and the protection of the rights of migrant workers and members of their families in particular.

17. A number of institutions, about which information is given below, are also working towards this objective.

Commission on Human Rights, Humanitarian Action and Relations with Civil Society

18. As the main public institution for human rights, the Office is responsible, among other things, for drawing up and implementing national policy for the promotion and protection of human rights.

19. Act No. 2015-031 of 10 September 2015, criminalizing slavery and punishing slavery-like practices, laid down legal measures whose application guarantees the victims of such offences effective access to their rights and is designed to ensure the prosecution of perpetrators, with a view to effectively preventing and combating slavery-like practices.

20. This law provides for assistance and support for victims, not only in filing complaints and denunciations, but also throughout the trial. It authorizes certain entities, under the conditions laid down by law, to exercise the rights granted to the victim of an offence, such as the right to initiate criminal proceedings by suing for damages where this law would apply.

21. The exercise of this prerogative fell to the Tadamoun Agency, a public service institution charged with eradicating the legacy of slavery and promoting social integration and poverty reduction, until it was dissolved.

22. The Commission on Human Rights, Humanitarian Action and Relations with Civil Society was vested with this prerogative pursuant to Decree No. 0013-2021 of 13 January 2021, which recognized the Commission's right to:

- Exercise the rights of a civil party in respect of acts constituting an offence prosecuted and punished in accordance with the law criminalizing slavery and punishing slavery-like practices.
- Set up a mechanism for handling complaints of human rights violations, including those relating to trafficking in persons, migrant smuggling and slavery-like practices. To achieve this, the Commission focused on two key areas:
 - Capacity-building for non-governmental organizations (NGOs) regarding documentation and follow-up activities for the Commission. The Commission, in partnership with the Office of the United Nations High Commissioner for Human Rights (OHCHR), organized 12 training workshops for human rights NGOs within the country on methods for documenting and following up on cases of slavery. A total of 300 NGOs benefited from these training courses.

- Securing of contracts with law firms to give them a general power of attorney for litigation, so that they may act as defence attorneys and generally perform all necessary services on behalf of the alleged victims of slavery who have come forward, and to represent them in all cases of alleged slavery and slavery-like practices.

National Agency on Trafficking in Persons and Smuggling of Migrants

23. The National Agency on Trafficking in Persons and Smuggling of Migrants is primarily responsible for developing and implementing strategies and programmes to combat the trafficking in persons and smuggling of migrants in Mauritania, in close collaboration with the judicial and security authorities, the department responsible for human rights issues, and the relevant ministerial departments.

24. The Government established the Agency to ensure, in coordination with the judicial and security authorities and other relevant bodies, the provision of legal and judicial assistance and the necessary social integration services for victims of trafficking, slavery and slavery-like practices, with a view to facilitating their arrival and accommodation prior to their social reintegration, as well as the protection of their fundamental rights.

25. A national referral and orientation mechanism for victims of human trafficking and migrant smuggling in Mauritania has been developed for the Commission on Human Rights, Humanitarian Action and Relations with Civil Society by the International Organization for Migration. This mechanism will make it possible to identify victims and their needs, with a view to providing them with the necessary support. It will be managed by the National Agency on Trafficking in Persons and Smuggling of Migrants.

26. The Agency has an assistance and support fund for victims of human trafficking, used to:

- Provide direct assistance to victims
- Award grants to NGOs defending victims' rights

27. To ensure transparency in the management of this fund, which will benefit the victims of human trafficking and slavery, eligibility criteria will be defined, and a procedure for calls for proposals, with respect to the grants awarded to NGOs, will be established.

28. The Agency will convey reports of repatriation operations involving trafficked migrants to the judicial authorities and to the Commission on Human Rights, Humanitarian Action and Relations with Civil Society. It will provide humanitarian assistance in this context, with a view to ensuring the return of the people concerned to their country of origin, with due respect for their human dignity.

29. The Agency will also help to build the capacities of authorities and NGOs involved in the fight against human trafficking and migrant smuggling, and to develop the sharing of experience and information with its counterparts in other countries, particularly in the subregion.

30. With a substantial budget from the Government of 350,000,000 ouguiyas, the National Agency on Trafficking in Persons and Smuggling of Migrants is now operational. The Agency's advisory and monitoring council met on 5 January 2023 and approved its budget, rules of procedure and organization chart.

31. The Agency will also create and maintain a database on the fight against human trafficking to carry out its missions.

32. The official launch of its activities took place in February 2023, in the presence of the relevant ministers and representatives of diplomatic missions and technical and financial partners.

Ministry of Social Affairs, Children and the Family

33. Its missions include proposing projects and programmes designed to ensure the advancement of women, their involvement in the development process, and the promotion and protection of the rights of children, persons with disabilities and older persons.

National Human Rights Commission

34. The National Human Rights Commission is an independent institution whose mission is to provide, at the request of the Government or on its own initiative, an advisory opinion on general or specific issues relating to the promotion and protection of human rights and respect for individual and collective freedoms. The majority of the Commission's members are representatives of civil society organizations and professional bodies, who have the right to vote; it also includes representatives of the different authorities concerned, who are non-voting members. The Commission is funded from the State budget, in which a separate budget line is dedicated to it.

35. The authorities and human rights organizations disseminate the texts of the various treaties and conventions to which Mauritania is a party via the press, through workshops and in promotional materials, and ensure that these instruments are accessible by explaining their content in the different national languages as necessary.

- The parliament legislates. The parliamentary group on human rights sees to the promotion and dissemination of human rights principles and the protection of human rights.
- The national mechanism for the prevention of torture ensures compliance with current legislation in this area.
- The High Council for Fatwas and Administrative Appeals does the same within its sphere of competence.
- Associations are governed by Act No. 004-2021. The number of associations has increased markedly since 2008, at which time only 1,106 were officially recognized. Associations are active in the fields of human rights, social affairs, development, health, the environment, culture, sport, the arts and so on. They can, on request, benefit from tax exemptions on the equipment used to carry out their activities. This exemption is automatic for recognized public-interest associations.
- The High Authority for the Press and Audiovisual Communication is responsible for ensuring respect for the pluralistic expression of differing opinions and thoughts and for upholding the right to information.

2. National legislation

36. The constitutional principle of equality of citizens before the law is embodied in all legislative texts, including those on labour, trade, investment, land ownership and elections.

37. Act No. 2020-017 on the Prevention and Punishment of Trafficking in Persons and the Protection of Victims: this law, which has considerably strengthened the judicial framework to combat trafficking through prosecutions, also covers other aspects of the fight against trafficking, such as prevention, protection, assistance to victims and relevant partnerships. The law also sets out the scope of trafficking prosecutions and support measures for victims. It establishes the right to remedy and victims' immunity from prosecution for offences they have been forced to commit by traffickers. Among other things, the law empowers Mauritanian courts to rule on trafficking cases concerning offences committed in Mauritania and offences committed by Mauritanian nationals outside of Mauritania, as well as cases involving Mauritanian, foreign or stateless victims whose habitual place of residence is in Mauritania. Already considered a crime against humanity, slavery is now also recognized as a form of trafficking in persons in accordance with the definition set out in Act No. 2015-031 on slavery. The law provides for the protection of and assistance to victims, including physical and psychological protection, shelter, relocation of hearings, behind-closed-door hearings at the victim's request, the guarantee of anonymity at the victim's request and data protection, as well as free care and treatment, social assistance, information on proceedings, legal aid, prohibition of repatriation during the investigation, and voluntary return.

38. Act No. 2015-031 criminalizing slavery and punishing slavery-like practices: in accordance with the amendments made to the Constitution in 2012, under which slavery was made a crime against humanity, and the road map for the eradication of contemporary forms

of slavery adopted by the Council of Ministers on 6 March 2014, this law gives concrete expression to the Government's policy objectives by establishing a clear and precise set of definitions related to slavery that facilitate implementation of the law. It incorporates the offences set out in international conventions against slavery, affirming them as imprescriptible, and provides for tougher penalties for slavery and slavery-like practices in line with the penalties provided for crimes. The Act establishes special courts with jurisdiction over offences relating to slavery and slavery-like practices and ensures that victims of slavery-like practices benefit from legal assistance and proceedings that are free of charge. It also enables courts to issue decisions awarding compensation to victims of slavery and slavery-like practices, notwithstanding the available legal remedies, and requires courts to urgently take any interim measures against offenders that might be needed to protect the rights of victims.

39. Act No. 2020-018 on combating migrant smuggling strengthens coordination in the fight against networks of traffickers and smugglers who facilitate illegal cross-border migration.

40. Act No. 2018-023 of 21 June 2018 on the Criminalization of Discrimination incorporates the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination into domestic legislation.

41. Act No. 2015-031 of 10 September 2015 criminalizes slavery and provides for the punishment of slavery-like practices.

42. The General Child Protection Code (Act No. 2018-024 of 21 June 2018).

43. Order No. 797 of 18 August 2011, repealing and replacing Order No. 362 of 25 August 1953, as amended by Order No. 10.289 of 2 June 1965 determining the general conditions of domestic employment, governs the employment of men and women as domestic servants, defines forms of employment that violate labour laws – including the various conventions ratified by Mauritania and the Labour Code – and protects children from such forms of employment.¹

3. International instruments

44. International human rights instruments ratified by Mauritania are incorporated into domestic law pursuant to article 80 of the Constitution.

45. Under the country's monist legal system, international human rights instruments ratified by Mauritania are incorporated into domestic law pursuant to article 80 of the Constitution.

46. Mauritania has ratified almost all international and regional legal instruments on human rights, including those of the United Nations, the International Labour Organization

¹ This order requires the formalization of individual employment contracts. The labour inspectorate provides employees and employers with model contract forms for domestic work, drawn up by the Ministry of Labour, which must be signed and registered for the employment relationship to be considered valid. The employer must pay for the domestic worker to undergo a medical examination before he or she is recruited. The minimum wages corresponding to domestic worker categories are equal to or higher than the guaranteed interprofessional minimum wage and are set freely by the parties. Accommodation and food are benefits in kind that are not mandatory either for the employer or the employee. Where these benefits are provided, their value, set by agreement between the parties, may be deducted from wages. A domestic worker recruited outside the place of employment or moved from that place by the employer during performance of the contract has the right to payment of travel expenses. Domestic workers are paid on the last day of each month. However, at the request of the employee, wages may be paid every two weeks. The labour inspectorate provides employers with payslips, which are issued to employees and contain the required information. The labour inspectorate issues work permits to young workers aged 14 years and over, which they require in order to enter domestic employment corresponding to their physical aptitude and state of health, having first secured the consent of their guardians and ensured their compliance with the other obligations imposed by the laws and regulations in force. Meanwhile, Decree No. 247.2010 of 8 November 2010 establishing the seat and jurisdiction of the juvenile criminal courts and its implementing order have toughened the legislation punishing illegal child labour.

(ILO) and the African Union, and has implemented a series of measures aimed at eradicating slavery and its legacy.

47. All human rights provisions under ratified conventions may be invoked in the courts and judges are bound to apply them.

48. Administrative and judicial remedies are available and may result in the award of civil damages and the imposition of administrative and/or criminal penalties on the perpetrator.

II. Implementation of the Convention Information relating to the articles of the Convention

A. Follow-up information relating to paragraph 11 of the concluding observations (CMW/C/MRT/CO/1)

49. Any person, irrespective of his or her situation, who claims to have suffered harm as a result of a felony or misdemeanour may file a complaint directly with the criminal investigation officer or the public prosecutor, or formally sue for damages in criminal proceedings before the investigating judge or the president of the competent court.

50. Criminal investigation officers are responsible for registering violations of criminal law, gathering evidence and searching for the perpetrators. They receive complaints and reports and carry out preliminary investigations, subject to the conditions established in articles 67–70 (Code of Criminal Procedure, arts. 20, 36, 75, 350 and 381) until an investigation is initiated. Once an investigation has been initiated, they perform the tasks entrusted to them by the investigating judges and comply with their requests. In cases of misdemeanours and felonies committed in flagrante delicto, they exercise the powers assigned to them under articles 45–60 of the Code of Criminal Procedure. Access to courts is unrestricted and there are no obstacles to the full and effective implementation of the Convention.

51. The obligation to inform victims of their rights in a language they understand throughout the proceedings is established in article 35 of the law on combating migrant smuggling.

52. In accordance with various provisions of the Code of Criminal Procedure, including those contained in article 101, parties bringing criminal indemnification proceedings have the right to be assisted by a lawyer from the time of their first court appearance.

B. Follow-up information relating to paragraph 13 of the concluding observations

53. Mauritania has fulfilled its obligations under the Convention by acceding to the international instruments establishing the rights of migrant workers and members of their families.

54. It has accessible and functional legal and judicial mechanisms and guarantees free legal aid for anyone whose rights have been violated. All residents of Mauritania have access to procedures for settling disputes of any nature.

C. Follow-up information relating to paragraph 15 of the concluding observations

55. Mauritania has ratified several optional protocols to international human rights treaties. It has also ratified some of the ILO conventions mentioned by the Committee, namely:

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

56. Mauritania intends to ratify the following ILO conventions:

- Private Employment Agencies Convention, 1997 (No. 181)
- Domestic Workers Convention, 2011 (No. 189)

D. Follow-up information relating to paragraph 17 of the concluding observations

57. The Government has established the intersectoral technical committee responsible for preparing State reports, a permanent mechanism for coordinating and monitoring implementation of the recommendations made to the State by treaty bodies, including the Committee on Migrant Workers. This technical committee is made up of representatives of all relevant ministerial departments, with the National Human Rights Commission and the OHCHR country office in Mauritania sitting as observers.

58. As mentioned in the follow-up report submitted to the Committee in July 2019, the technical committee responsible for preparing State reports was reformed in 2021.

59. In addition, the Government has created the National Agency on Trafficking in Persons and Smuggling of Migrants, a structure with administrative and financial autonomy that reports to the National Commission for Human Rights, Humanitarian Action and Civil Society.

60. The Agency is primarily responsible for developing and implementing strategies and programmes to combat trafficking in persons and migrant smuggling in Mauritania, with a particular focus on prevention, protection and assistance, prosecution of perpetrators, and partnerships, in close cooperation with the judicial and security authorities and technical and financial partners. Its activities include:

- Raising awareness of the dangers of trafficking in persons and migrant smuggling, including through information campaigns and cultural and educational programmes.
- Putting in place coordinated mechanisms for the identification, care and protection of victims, witnesses and whistle-blowers of trafficking in persons and migrant smuggling.
- Receiving and processing reports related to trafficking in persons and migrant smuggling operations.
- Facilitating communication between the various departments and parties involved and coordinating their efforts.
- Producing an annual report on these activities containing proposals for national mechanisms on trafficking in persons and migrant smuggling, to be submitted to the President of the Republic and the President of the National Assembly prior to publication.

61. It is composed of two bodies: an advisory and monitoring council and a board. Specialized commissions will also be set up.

62. The advisory and monitoring council includes representatives of the government departments responsible for justice, foreign affairs, home affairs, Islamic affairs, economic affairs, finance, health, work and social welfare, as well as representatives of the National Commission for Human Rights, Humanitarian Action and Civil Society, the National Human Rights Commission, the national preventive mechanism and the Mauritanian coastguard, and two representatives of civil society actively involved in the fight against trafficking in persons and migrant smuggling.

E. Follow-up information relating to paragraph 21 of the concluding observations

63. The National Human Rights Commission was established pursuant to Ordinance No. 015/2006, which was repealed and replaced by Act No. 031/2010.

64. Following the national dialogue held in 2011 and the resulting constitutional amendments adopted in 2012, the Commission became, under article 97 of the Constitution, a constitutional body responsible for promoting and protecting human rights.

65. The Commission is governed by Organic Act No. 017/2017 of 5 July 2017, which defines its composition, organization and functioning. This Act was amended by Organic Act No. 2021-015 of 3 August 2021. The amendments concerned relate to the procedure followed to appoint members with voting rights, who are now all elected by their peers, and to the composition of the committee responsible for supervising the election of the members of the Commission, the president of which is now an independent figure.

66. The purpose of these amendments is to bring the Commission into alignment with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and to implement the recommendations of the Subcommittee on Accreditation relating to these institutions.

F. Follow-up information relating to paragraph 25 of the concluding observations

67. Under article 3 of Act No. 2016-014 of 15 April 2016 on the fight against corruption, the following persons are liable to 5 to 10 years' imprisonment and a fine of between 500,000 and 1 million ouguiyas:

(1) Public officials who directly or indirectly solicit or accept an undue advantage, for themselves or another person or entity, in order that they act or refrain from acting in the exercise of their official duties;

(2) Any person who directly or indirectly promises, offers or grants an undue advantage to a public official for the benefit of the official or in the interests of an individual or another entity in order that the official perform or refrain from performing an act falling within the scope of his or her duties;

(3) The person or entity in whose interest the public official works in committing the offence is considered to be the main perpetrator or the accomplice of the public official.

68. When the acts referred to in the first subparagraph above are committed by elected officials, judges, jurors, experts, tax officials, customs officers, treasury officials, project coordinators, justice officials, senior civil servants or any persons appointed by decree or ministerial order, irrespective of their status, the penalty is between 10 and 20 years' imprisonment and a fine that is equal to three times the amount requested or accepted but is not less than 5 million ouguiyas.

G. Follow-up information relating to paragraph 27 of the concluding observations

69. The Government has set up a national strategy for managing migration, coordinated by the Ministry of the Interior and Decentralization.

70. In accordance with Decree No. 102-2022 of 5 July 2022, the National Agency on Trafficking in Persons and Smuggling of Migrants is responsible for the protection of migrants.

71. Article 17 of Act No. 2020-018 provides that victims of migrant smuggling cannot be criminally prosecuted or convicted for migration-related offences. Article 42 provides for protective measures to enhance assistance to migrants, including in connection with moving home or changing accommodation; legal assistance, medical and psychological care, and diplomatic and consular assistance; administrative assistance for stateless persons; voluntary repatriation; the acquisition of legal status; financial support; and any other measure necessary to ensure migrants' security and access to support and emergency medical care.

72. Under Decree No. 2022-063, procedures for implementing international conventions relating to refugees and migrants, including the Convention relating to the Status of Refugees, supplemented by the Protocol relating to the Status of Refugees of 31 January 1967, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, have been adopted. The National Advisory Commission on Refugees and Persons in Need of Protection has been set up. The Commission reports to the Ministry of the Interior and is made up of representatives of all relevant departments, including the departments of justice, foreign affairs, human rights, the civil service and labour. It works in partnership with the Office of the United Nations High Commissioner for Refugees.

73. In 2022, 39 officers of the National Police undertook training and capacity-building for law enforcement officials on legal instruments for preventing and combating migrant smuggling and trafficking in persons.

H. Follow-up information relating to paragraph 29 of the concluding observations

74. Any person, irrespective of his or her situation, who claims to have suffered harm as a result of a felony or misdemeanour may file a complaint directly with the criminal investigation officer or the public prosecutor or may formally sue for damages in criminal proceedings before the investigating judge or the president of the competent court.

75. Criminal investigation officers are responsible for registering violations of criminal law, gathering evidence and searching for the perpetrators. They receive complaints and reports and carry out preliminary investigations, subject to the conditions established in articles 67–70 (Code of Criminal Procedure, arts. 20, 36, 75, 350 and 381) until an investigation is initiated. Once an investigation has been initiated, they perform the tasks entrusted to them by the investigating judges and comply with their requests. In cases of misdemeanours or felonies committed in flagrante delicto, they exercise the powers assigned to them under articles 45–60 of the Code of Criminal Procedure.

76. Legal aid in criminal matters is granted to civil parties and applicants for judicial review of any nationality who can prove that they are indigent or that their annual income is very limited and whose claim to the right concerned appears to be justified. In civil matters, foreign nationals may benefit from legal aid when Mauritanian courts are competent to hear the disputes to which they are a party, in accordance with a judicial cooperation agreement concluded with the State of which they are a national and subject to the principle of reciprocity in all cases (Act No. 2015-030 of 10 September 2015 on Legal Aid, arts. 1–3).

I. Follow-up information relating to paragraph 31 of the concluding observations

77. The labour inspectorate plays a vital role in enforcing labour legislation, carrying out regular spot checks to ensure that the rights of all workers, including migrant workers in both regular and irregular situations, are respected.

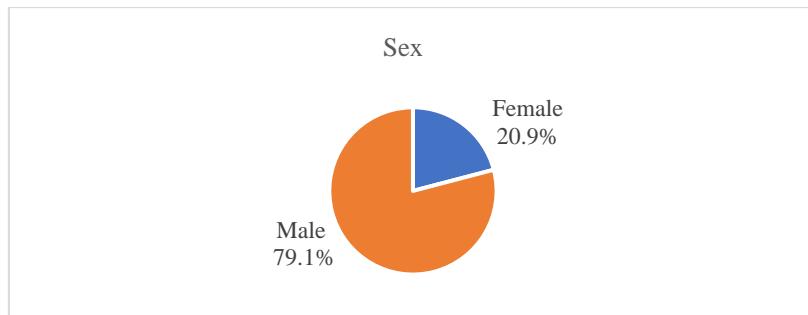
78. The number of staff working for the inspectorate has recently been increased with the recruitment of 66 labour inspectors and supervisors, and the coverage of the inspectorate has been extended to include the whole of the country.

79. The procedure for gaining access to the labour inspectorate is free, straightforward and not subject to any conditions. As the economy of Mauritania is predominantly informal, the implementation of labour legislation for the benefit of workers in this sector is a priority.

J. Follow-up information relating to paragraph 33 of the concluding observations

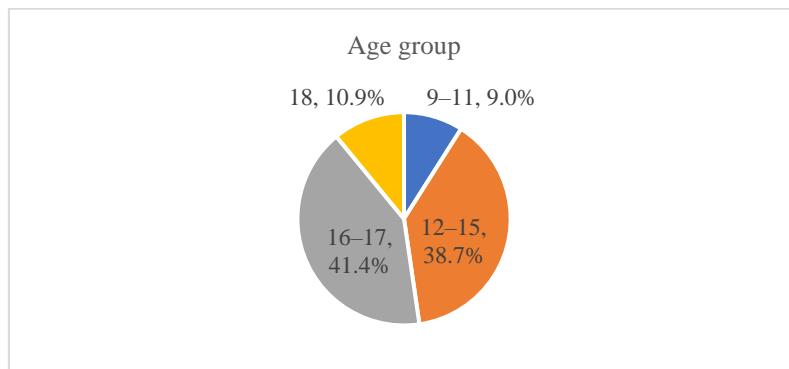
80. In March 2020, the Government adopted the National Action Plan to Combat Trafficking in Persons (2020–2022). As part of the measures being taken to implement the Plan, specific studies have been carried out, including a quantitative and qualitative study on forced child begging, forced labour, early marriage and forced prostitution.

81. The study showed that the overwhelming majority of children subjected to child labour or forced labour are boys. A total of 79.1 per cent of such children are boys. This figure also reflects the sociocultural dimensions of the problem and the fact that girls are subject to more rigid social control.



Source: Study on child labour conducted by the Commission on Human Rights, Humanitarian Action and Relations with Civil Society, 2020.

82. The study also highlighted the fact that most children engaged in forced labour are teenagers. A total of 80 per cent of the children concerned are in the 12–15 or 16–17 year age groups. Given that a close link exists between forced labour and adolescence, this issue can be said to relate to age groups and the developmental issues facing adolescents. Young adults of 18 years of age account for only 10.9 per cent of the persons surveyed. Lastly, 47 percent of children who work or are forced to work are aged between 9 and 15 years, i.e., they are of primary school age.



Source: Study on child labour conducted by the Commission on Human Rights, Humanitarian Action and Relations with Civil Society, 2020.

83. With regard to nationality, the survey revealed that almost all working children are nationals of Mauritania. Mauritanian nationals account for 90 per cent of working children, which is slightly higher than the percentage involved in begging.

84. The various government agencies and programmes for protecting children in difficult situations provide a legal and institutional framework tailored to meeting children's needs. The Centre for the Protection and Social Integration of Children is one such agency. Its seven regional centres, each of which has its own budget and staff (80 people), work to prevent delinquency, provide psychosocial care and manage cases of separated or unaccompanied

children. The Centre also organizes leisure activities, literacy training and an introduction to vocational activities for boys and girls who have dropped out of school or are at risk.

K. Follow-up information relating to paragraph 35 (a) of the concluding observations

85. A total of 343 foreign nationals are in detention. Of these persons, 11 are women and none are children, and 26 of the total are in prison because they were involved in migrant smuggling as smugglers, organizers or in some other capacity.

Prisons	Number	Overall number of acts				Violation of migration law			
		Male		Female		Male		Female	
		A	C	A	C	A	C	A	C
Néma	13	13	0	0	0	0	0	0	0
Aioune	11	11	0	0	0	0	0	0	0
Kiffa	2	2	0	0	0	0	0	0	0
Kaédi	6	6	0	0	0	0	0	0	0
Aleg	46	46	0	0	0	4	0	0	0
Rosso	13	13	0	0	0	1	0	0	0
Atar	0	0	0	0	0	0	0	0	0
Nouadhibou	78	73	0	5	0	21	0	0	0
Tidjikja	0	0	0	0	0	0	0	0	0
Nbeïka	8	8	0	0	0	0	0	0	0
Sélibabi	10	10	0	0	0	0	0	0	0
Zouerate	0	0	0	0	0	0	0	0	0
Birmougrein	39	30	0	0	0	0	0	0	0
Akjoujt	0	0	0	0	0	0	0	0	0
Dar Naim	94	94	0	0	0	0	0	0	0
Centrale	4	4	0	0	0	0	0	0	0
Women's prison	11	0	0	11	0	0	0	0	0
Closed centre for children in conflict with the law	3	3	0	0	0	0	0	0	0
Isolation centres	4	4	0	0	0	0	0	0	0

Source: Directorate of Criminal Affairs and Prison Administration/Ministry of Justice/situation of national prisons, as of 23 November 2021 (A: adult, C: child).

L. Follow-up information relating to paragraph 35 (b) of the concluding observations

86. Pretrial detention may be ordered only when it is justified by the seriousness of the acts or the need to prevent the disappearance of evidence, the flight of the accused or the commission of other offences. For misdemeanours, except in cases provided for by law, the duration of pretrial detention may not exceed four months, renewable once.

87. This period may be extended by four months by reasoned order of an investigating judge, if he or she deems it necessary, but may not exceed two years if the constituent elements of the offence were committed outside national territory, or if the person is being prosecuted for culpable homicide, drug trafficking, terrorism, criminal conspiracy, prostitution, rape, robbery or an offence committed by an organized gang.

88. In the case of felonies, pretrial detention may not exceed six months, renewable once by reasoned order, if the person has never been convicted of an offence under ordinary law, has not been penalized under criminal law or sentenced to a term of imprisonment of longer than 1 year, or may face a prison sentence of 5 years or more.

89. This period may be extended by six months by reasoned order of an investigating judge, if he or she deems it necessary, but may not exceed three years if the constituent elements of the offence were committed outside national territory, or if the person is being prosecuted for culpable homicide, drug trafficking, terrorism, criminal conspiracy, prostitution, robbery or an offence committed by an organized gang (Code of Criminal Procedure, art. 138).

90. In all cases of pretrial detention, the examining judge is obliged to expedite the investigation as much as possible. The judge may be held liable for any negligence that needlessly delays the investigation and prolongs the duration of pretrial detention (Code of Criminal Procedure, art. 139).

91. Men and women prisoners are routinely separated. Women are incarcerated either in the women's prison or in a special women's wing.

M. Follow-up information relating to paragraph 37 of the concluding observations

92. In July 2022, the Government launched a new initiative in the form of a simplified procedure for regularizing the situation of migrants. The Government granted undocumented migrants residing in Mauritania, without discrimination, a 90-day period in which to regularize their residency status. The regularization formalities are free throughout the 90-day period, which was subsequently extended. To this end, the Government has set up a new centre for registering foreign nationals at the Olympic Stadium in Nouakchott.

N. Follow-up information relating to paragraph 41 (a) of the concluding observations

93. Mauritanian missions abroad provide Mauritanian nationals with diplomatic and consular protection and assistance, where necessary, particularly if they are subject to a detention or expulsion order.

O. Follow-up information relating to paragraph 41 (b) of the concluding observations

94. To ensure that the consular services more effectively fulfil their mission of protecting and promoting the rights of Mauritanian migrant workers and members of their families, a consular affairs officer is appointed in each mission to monitor all cases where Mauritanian nationals are in need of consular assistance. This officer is required to visit persons deprived of their liberty and those subject to an expulsion order.

P. Follow-up information relating to paragraph 41 (c) of the concluding observations

95. The measures applied to foreign nationals detained in Mauritania are those set out in the Vienna Convention. The most important of these measures is that the State party of which the detained person is a national is notified.

Q. Follow-up information relating to paragraph 41 (d) of the concluding observations

96. The Government of Mauritania now pays increased attention to its citizens abroad. One of the most significant expressions of this was the addition of the phrase “Mauritanians abroad” to the official name of the Ministry of Foreign Affairs, and the establishment of a directorate general within the Ministry. A number of circulars and directives have been issued to urge consular services to redouble their efforts and improve their services.

97. Consular missions provide the following services:

- Civil registration
- Consular assistance
- Issuance of consular identification cards
- Receipt of visa applications
- Issuance of certain documents relating to civil and commercial matters

98. Mauritania has signed several bilateral and multilateral agreements, particularly with neighbouring countries, to encourage regular migration and to guarantee sound, equitable and humane conditions for Mauritanian migrant workers living abroad. In these agreements, Mauritania insisted on establishing procedural safeguards for its nationals so that they can assert their rights and obtain compensation, where appropriate.

R. Follow-up information relating to paragraph 43 of the concluding observations

99. Migrant workers and members of their families do not suffer any rights violations or discriminatory practices with regard to their wages or working conditions.

100. Mauritania has ratified and implemented the International Labour Organization (ILO) Convention. In this connection, labour inspectors have a special status that guarantees their impartiality. They perform their functions on the basis of the law, reporting only to their superiors in carrying out their work.

S. Follow-up information relating to paragraph 45 of the concluding observations

101. In Mauritania, emergency medical care, like any other type of care, is provided in public and private health facilities to all users, on an equal footing with Mauritanian nationals, irrespective of their country, nationality, religion, sex, colour or migration status, without any discrimination.

102. Article 2 of Decree No. 159-2021 of 20 October 2020, establishing the powers of the Minister of Health and the organization of the Ministry’s central administration, provides that one of the Minister’s missions is to ensure compliance with international health regulations and the commitments of Mauritania in this area.

103. In this regard, the Ministry of Health issued Order No. 1042 of 16 April 2003, setting out the procedures governing the provision of care to destitute patients. This order provides that all persons, including migrant workers and members of their families, irrespective of their migration status, have access in law and in practice to medical care, including emergency care, on the same footing as Mauritanian citizens.

104. In order to put these measures into practice, and to meet the specific obligations arising from the international and regional treaties and conventions ratified by Mauritania, the Ministry of Health has set up a reception and care services centre in Nouadhibou that provides all types of care, including emergency care, to migrant workers and members of their families.

105. The Government of Mauritania has also set up a large, well-equipped health-care centre in Mbera, in the Hodh ech Chargui *wilaya*, which also provides health-care services to refugees and their families on the same footing as Mauritanian citizens.

T. Follow-up information relating to paragraph 47 of the concluding observations

106. The births of citizens and foreign nationals living in Mauritania are recorded in the national register of persons and secure documents, in compliance with international standards.

107. In order to ensure that children are routinely registered at birth, the National Agency for the Registration of Persons and Secure Documents has increased the availability of citizen reception centres in local areas. These centres have been set up in all rural communes, with the aim being to extend them to all localities. In the meantime, mobile centres have been set up. Furthermore, an institutional child protection system has been established in all *wilayas* and some communes with a view to promoting and facilitating birth registration.

U. Follow-up information relating to paragraph 51 of the concluding observations

108. In January 2023, the Government considered and adopted a bill on the Organic Act on the Election of Deputies to the National Assembly. This bill amends certain provisions of Organic Act No. 2012-029 of 12 April 2012, amending Ordinance No. 91-028 of 7 October 1991.

109. These amendments form part of the political agreement established between the Government and the political parties, which requires the amendment of certain electoral laws to take into account all the matters covered by the agreement, including the election of deputies representing Mauritanian nationals living abroad, who will now be elected by Mauritanian citizens living abroad and not by deputies of the National Assembly.

V. Follow-up information relating to paragraph 59 (a) of the concluding observations

110. Mauritania has established a number of bilateral agreements with States that have sizeable communities of Mauritanian nationals in order to guarantee the economic, social and cultural reintegration of nationals from both States parties to the agreements. These agreements include procedural safeguards for migrant workers and members of their families, and ensure that Mauritanian migrant workers are not subjected to ill-treatment.

W. Follow-up information relating to paragraph 59 (b) of the concluding observations

111. The bilateral agreements on the protection of the rights of migrant workers and members of their families into which Mauritania has entered include provisions guaranteeing that Mauritanian migrants returning to the State party have effective access to the funds allocated for them and receive sufficient and adequate support.

X. Follow-up information relating to paragraph 61 of the concluding observations

112. Mauritania is resolutely committed to combating all forms of slavery. This commitment was given concrete expression by the adoption of a road map for the eradication of contemporary forms of slavery and a corresponding action plan, which is based on three main pillars: the regulatory and institutional framework; awareness-raising and the changing of attitudes; and socioeconomic measures.

113. The Ministry of Justice is primarily responsible for developing and implementing the legal framework. In practice, this work is carried out by specialized agencies run by trained staff who operate in favourable conditions.

114. The response of the criminal justice system to slavery and slavery-like practices is regulated by Act No. 2015-031. Trafficking in persons is dealt with under Act No. 2020-017 on the Prevention and Punishment of Trafficking in Persons and the Protection of Victims.

115. Offences of slavery fall within the jurisdiction of specialized anti-slavery courts, of which there are three in the country, while offences of trafficking in persons are referred to the ordinary courts.

116. In order to ensure stability and guarantee that members of the specialized courts acquire skills and experience, the presidents of the courts have remained in their posts since 2017. With regard to capacity-building, the Ministry of Justice regularly organizes training and awareness-raising activities for judges, prosecutors, criminal investigation officers, lawyers, registrars and civil society actors, among other persons.

117. Access to legal aid is regulated by the Legal Aid Act (No. 2015-030). Legal aid offices attached to each *wilaya* court have been set up and made operational. These offices are funded from the State budget. In 2022, they issued over 120 decisions on legal aid to persons who requested it.

118. The Government has continued its efforts to combat and punish such offences effectively. The Attorney General of the Supreme Court has issued several circulars stressing the importance of addressing matters relating to slavery, trafficking, torture and other offences in criminal justice policy. In addition, the Government has adopted circular No. 104 on the prosecution of the offences of trafficking in persons and slavery-like practices. This circular is signed jointly by the Ministry of Justice, the Ministry of Defence and the Ministry of the Interior and Decentralization.

119. A round table organized in partnership with technical and financial partners issued recommendations aimed at establishing a more appropriate legal framework. A monitoring unit has been set up as a consequence. Without prejudice to the confidentiality of investigations, and in order to ensure rapid, transparent and efficient monitoring of the legal handling of cases, this unit gathers information as it carries out its work. It holds regular meetings and shares information with relevant partners, including OHCHR and the Political Officer of the Embassy of the United States of America. The unit closely monitors the progress of cases involving slavery and trafficking in persons and keeps the public prosecutor's office up to date on the progress of these cases.

120. In May 2022, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, made a working visit to Mauritania, during which he met all the players involved in the fight against slavery and heard statements on the subject. At the end of the visit, he was received by the President of the Republic.

121. In 2022, the measures taken to monitor cases of trafficking and slavery enabled the monitoring unit to establish an up-to-date picture of the situation, as and when cases were referred to the courts and in accordance with how they were dealt with by the competent judicial agencies. Currently, there are 62 case files relating to trafficking and slavery.

122. Although there are ongoing difficulties of implementation, the public authorities spare no effort to ensure that effective legal, economic and social measures are taken to prosecute and punish the perpetrators and protect the victims.

123. In response to the constraints and observations noted, the Ministry of Justice, in collaboration with the Commission on Human Rights, Humanitarian Action and Relations with Civil Society and with the assistance of OHCHR, has carried out an analytical study of the functioning of the specialized anti-slavery courts with a view to proposing avenues for reform that would allow for the diligent, efficient handling of trafficking and slavery cases by a single jurisdiction. The option chosen, and the procedures adopted in relation thereto, will be enshrined in law by an amendment to the relevant laws.

124. The Government has established the National Agency on Trafficking in Persons and Smuggling of Migrants in order to ensure, in coordination with the services and bodies concerned, that the necessary social assistance is provided to potential victims of trafficking and slavery-like practices in order to facilitate their reception and accommodation prior to their social reintegration.
