



# International Covenant on Civil and Political Rights

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Human Rights Committee

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

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



## Introduction

1. The Human Rights Committee considered the second periodic report of the Islamic Republic of Mauritania at its 3615th and 3616th meetings, held on 4 and 5 July 2019.
2. Following that review, the Committee addressed comments and recommendations to Mauritania and requested that it take the necessary measures to implement those recommendations before the submission of its third periodic report, which is due on 26 July 2023.
3. The Committee also requested Mauritania, in accordance with rule 75 (1) of its rules of procedure, to provide, within one year of the adoption of the concluding observations, information on the implementation of the recommendations made in paragraphs 11, 21 and 43.
4. The present follow-up report therefore contains information on the measures taken by the Government to implement those recommendations.

### Paragraph 11

**The State party should take all necessary steps to definitively resolve the humanitarian consequences of the events of 1989 to 1991, for example by repealing the Amnesty Act of 1993 in order to establish the facts of the offences and to prosecute and appropriately punish those responsible and by awarding comprehensive reparation to all the victims and their beneficiaries.**

5. The unresolved humanitarian issues have always been of the utmost concern to the public authorities. The Government has made considerable, multifaceted efforts to settle this matter.
6. The human rights violations that occurred during this exceptional period deeply traumatized the victims and shocked all Mauritians. They also gave rise to a widely shared resolve that they must never be repeated. In the late 1990s, more than 35,000 Mauritanian refugees in Senegal were able to return individually and benefited from a special rapid integration programme. Pensions were granted to widows and other eligible parties.
7. The civilian component of the pending humanitarian issues was resolved through the conclusion of a tripartite agreement between Mauritania, Senegal and the Office of the United Nations High Commissioner for Refugees (UNHCR) on 12 November 2007. The agreement is based on the principles of humanitarian law relating to voluntary repatriation and the preservation of family unity in conditions that are consistent with human dignity.
8. Under the tripartite agreement, Mauritania was responsible for welcoming returnees, guaranteeing their security and dignity and ensuring their reintegration into the country's economic and social fabric. Senegal facilitated this repatriation and agreed to grant Senegalese nationality to refugees who chose not to return to Mauritania. UNHCR coordinated the repatriation and mobilized the necessary resources for it.
9. Consultations on resolving the pending humanitarian issues were held in November 2007 and led to the establishment of the National Agency to Assist and Integrate Refugees. In line with the recommendations made during the consultations, the following bodies were set up: an interministerial steering committee, a national consultation commission, a national identification commission and regional, departmental and local commissions.
10. A framework agreement to resolve the military component of the pending humanitarian issues was signed by the Government and the victims' relatives and was implemented by a commission for the resolution of the pending humanitarian issues in 2009. This agreement enshrined the main principles of transitional justice: remembrance, truth and reparation.
11. From a legal point of view, all persons, and their relatives, who have suffered harm as a result of acts punishable under criminal law are considered victims. The fundamental rights of victims are recognized, including the right to be treated with respect, the right to obtain

information, the right to provide information, the right to legal assistance, the right to reparation, the right to aid and the right to protection of and respect for privacy.

**(a) Recognition and the right to truth and remembrance**

12. Contrary to what was stated in the communication, on 29 June 2007, the President recognized the State's responsibility for the events of the period in question, thus honouring the duty of truth. The process of consultations between the public authorities and victims' relatives that was initiated in 2008 led to a solution that involved the duties of remembrance and reparation and the expression of a request for forgiveness on the day of national reconciliation that was held in Kaédi on 25 March 2009 in the presence of representatives of organizations of victims and their relatives, public figures, civil society organizations and relevant national institutions.

**(b) Repatriation of refugees**

13. The resolution of the pending humanitarian issues also involved the voluntary, humane and organized return of 24,536 Mauritanian refugees (5,817 families) from Senegal to 118 sites in five governorates (Trarza, Brakna, Gorgol, Guidimaka and Assaba).

14. The State put in place an appropriate mechanism to ensure the voluntary, organized repatriation of these refugees and their economic and social integration. In this context, the National Agency to Assist and Integrate Refugees was in charge of overseeing the reception and integration of returnees.

15. The central and local authorities were also involved in this process and played a key role in helping returnees to gain access to civil registration, land ownership, housing and agricultural work by settling any disputes concerning them.

16. The return operation was brought to a close on 25 March 2012 at a ceremony held in Rosso, which was attended by the President and the then United Nations High Commissioner for Refugees, Mr. António Guterres, now Secretary-General of the United Nations.

**(c) Reintegration**

17. The Government established a national commission to draw up a register of State employees that were victims of the events of 1989. The commission compiled a list of all the persons concerned, in Mauritania and abroad, with a view to reintegrating them into the world of work. A total of 1,159 persons have had their rights reinstated under the arrangements put forward by the commission and approved by representatives of the persons concerned.

18. In addition, significant efforts have been made to integrate returnees into economic and social life, including:

- Construction of basic infrastructure (schools, clinics, markets, mosques, borewells, dykes and embankments) and the development of agricultural areas
- Financing of microprojects and income-generating activities
- Reintegration of former State employees
- Distribution of land for residential use, etc.

19. The programmes initiated by the National Agency to Assist and Integrate Refugees were subsequently taken over by the National Agency for Social Integration, Poverty Alleviation and the Struggle against the Legacy of Slavery, known as the Tadamoun Agency.

**(d) Registration**

20. The registration of Mauritanian returnees from Senegal was the subject of a tripartite agreement between UNHCR, the National Agency to Assist and Integrate Refugees and the National Agency for Population Registration and Secure Documents. Under this agreement, the National Agency for Population Registration and Secure Documents prioritized the registration of returnees in all the special centres that had been opened in reception areas in the Governorates of Trarza, Gorgol, Brakna, Guidimaka and Assaba. UNHCR and the National Agency to Assist and Integrate Refugees were in charge of raising awareness of the

initiative in camps and providing transportation between reception centres and places of residence. This operation enabled the issuance of documents to returnees who had remained in reception areas and the establishment of a commission involving representatives of returnees that was responsible for deciding on pending cases.

21. Today, although the technical services of the National Agency for Population Registration and Secure Documents prioritize the registration of any person who can prove his or her status as a returnee, there is no demand for registration among returnees, which suggests that almost all of them have been registered.

22. It is also worth noting that the Taahoudaty Programme, or “My Commitments” programme, launched by the President, which serves as a blueprint for society for the current presidential term, provides for far-reaching measures to heal the wounds left by the events of the exceptional period of 1989 and 1990 and to shape a society that is proud of its diversity and reconciled with itself. The Government is therefore open to any initiative that would help to definitively heal these wounds. National consultations on all matters of national interest are planned for the near future.

## Paragraph 21

**The State party should:**

- (a) **Amend its legislation to prohibit the practice of female genital mutilation against all women and girls;**
- (b) **Ensure that all cases of female genital mutilation are promptly investigated, that prosecutions are brought, that perpetrators and accomplices are appropriately punished and that victims have access to social and medical services;**
- (c) **Strengthen awareness-raising and education programmes with a view to eradicating the practice;**
- (d) **Amend the Personal Status Code in order to prohibit marriage under the age of 18 years, without exception, and take all necessary steps to eliminate child marriage.**

23. Act No. 2017-025 of 15 November 2017 on Reproductive Health, which establishes female genital mutilation as a criminal offence, has been enacted and widely publicized among health-care personnel.

24. Female genital mutilation is established as an offence that constitutes cruel, inhuman or degrading treatment in article 79 of Act No. 2018-024 of 21 June 2018 establishing the General Child Protection Code, which reads as follows: “Cruel, inhuman or degrading treatment includes harmful excision and all other similar practices performed on girls, and negative customary, cultural and social practices that harm the physical integrity, health or dignity of the child.” This removes any ambiguity as to the interpretation of genital mutilation and all negative customary, cultural or social practices that harm the physical integrity, health or dignity of the child.

25. Article 12 of the Code governing the judicial protection of children criminalizes and penalizes any injury to the genitals of a girl by infibulation, desensitization or any other means that results in harm to the child. The penalty is increased when the perpetrator belongs to the medical or paramedical profession.

26. The bill on combating violence against women and girls, which has been approved by the Council of Ministers, would declare punishable female genital mutilation and all other practices that are harmful to the health of women and girls.

27. The National Reproductive Health Programme includes a component on fistula repair and the integration of women with fistulas into society through income-generating activities and material assistance.

28. The National Health Information System includes fistula cases in its routine data collection.

29. Female genital mutilation was included in the 2007, 2011 and 2015 multiple indicator cluster surveys and in the demographic and health survey that is currently being finalized.

30. Health professionals have been pioneers in the fight against female genital mutilation in Mauritania and on the basis of their statements, two fatwas (opinions of Muslim legal scholars) prohibiting female genital mutilation have been issued. Several awareness-raising workshops have been held for personnel.

31. Mauritania has strengthened its commitment to the promotion and protection of women's rights in recent years. With a view to combating violence against women, particularly female genital mutilation, the Government has set up an extensive institutional framework as follows:

- Establishment of the National Committee to Combat Gender-based Violence, including Female Genital Mutilation
- Establishment of regional committees to combat gender-based violence, including female genital mutilation
- Establishment of a network of non-governmental organizations (NGOs) specializing in female genital mutilation
- Implementation of standard operating procedures to combat violence against women in order to respond more effectively and provide holistic care to survivors of gender-based violence
- Drafting and approval of the bill on violence against women and girls (female genital mutilation, sexual violence, domestic violence, psychological violence and so on), which is in the process of adoption by the parliament
- Training on the prevention of female genital mutilation for 180 imams from regions where the practice is widespread
- Implementation of an action plan to encourage the voluntary discontinuation of female genital mutilation in governorates where the practice is widespread
- Dissemination of a fatwa on the prohibition of female genital mutilation via public and private media
- Development of a national action plan on gender-based violence in Mauritania for the period 2014–2018 that facilitated a comprehensive understanding and more effective management of the issue
- Roll-out of regional units and committees for the handling and resolution of family disputes
- Observance of the International Day of Zero Tolerance for Female Genital Mutilation
- Development of materials on female genital mutilation (booklets, brochures, films and courses)
- Development of a strategy to end female genital mutilation and a corresponding five-year plan
- Organization of awareness-raising campaigns against harmful practices, including female genital mutilation and child marriage
- Development of standardized training modules on female genital mutilation that include a cultural component
- Four-point decrease in the prevalence of female genital mutilation, according to the 2015 multiple indicator cluster survey

32. More than 1,600 cooperatives of women who perform female genital mutilation, throughout the country and especially in areas where the practice is widespread, have received funding to support income-generating activities.

33. Several awareness-raising and training activities have been carried out as part of the implementation of the National Strategy to Combat Female Genital Mutilation and have led

hundreds of communities in regions where female genital mutilation is widespread to commit to putting an end to the practice.

### Paragraph 43

**The State party should:**

- (a) **Amend the aforementioned Acts to align them with articles 18 and 19 of the Covenant;**
- (b) **Refrain from intimidating, harassing, arresting, detaining and prosecuting human rights defenders, on the basis of loosely defined offences, for exercising their right to freedom of expression;**
- (c) **Release unconditionally all human rights defenders who are being arbitrarily detained, including Mohamed Cheikh Ould Mkhaitir;**
- (d) **Ensure that all human rights violations committed against human rights defenders are thoroughly and impartially investigated as quickly as possible, that those responsible are prosecuted and sentenced to penalties commensurate with the gravity of their acts and that the victims receive redress.**

*(a) Follow-up information relating to paragraph 43 (a)*

34. The laws on the offence of discrimination, cybercrime, the fight against terrorism, and freedom of the press are an integral part of the national legislation in force. They are in accordance with the supreme law of the State, which is the Constitution.

35. The Government has nevertheless launched a study on the harmonization of national legislation with the international human rights conventions ratified by Mauritania. The study is still ongoing. It will highlight areas where compliance could be improved and will set out a harmonization road map for all government departments that initiate legislation.

*(b) Follow-up information relating to paragraph 43 (b)*

36. Freedom of expression and freedom of association and assembly are guaranteed under the Constitution and national law, subject to the regulations in force. The right to freedom of association is provided for in the preamble to the Constitution through the reference to the principles of democracy as they are defined in the Universal Declaration of Human Rights of 10 December 1948 and the African Charter on Human and Peoples' Rights of 28 June 1981. This affirmation in the preamble is further reinforced by article 10 of the Constitution, in which freedom of opinion, freedom of thought and freedom of assembly and association are enshrined.

37. Human rights associations, like all other associations, are now governed by the recently adopted Act No. 2021-004 on Associations, Foundations and Networks. The Act provides for a system of registration by declaration, regulates the exercise of the right to freedom of association and protects associations from all forms of intimidation, harassment and arbitrary interference. It greatly facilitates the registration of associations and takes into account the international conventions ratified by Mauritania. These conventions, such as the Covenant, guarantee the exercise of freedom of association and freedom of expression as fundamental freedoms.

38. The main changes brought about by this law are as follows:

- Introduction of a system whereby associations can be formed freely and registered by declaration without prior administrative authorization
- Loosening of provisions relating to stringent checks
- Introduction of provisions allowing NGOs to benefit from public, private and foreign funding and technical support under certain conditions
- Changes relating to the financial, accounting and tax regime applicable to associations

39. Human rights defenders and members of recognized organizations are protected by the law and engage in their activities freely, without constraint or intimidation.

40. Civil society organizations, which carry out their activities freely, are considered to be an important enabler of civic participation in the development, implementation and monitoring of public policies and the consolidation of democracy through effective institutions that respect the rule of law.

41. The Government recently finalized the National Strategy for the Promotion of Civil Society, the aim of which is to improve the performance of civil society. The Strategy, which is based on a clear methodology, starts with a detailed analysis of the situation of civil society, with reference to a baseline situation, and sets out ways to revitalize civil society organizations in order that they fulfil their role as partners, intermediaries and proactive contributors more effectively.

(c) *Follow-up information relating to paragraph 43 (c)*

42. No human rights defenders are currently deprived of their liberty or in arbitrary detention. Mohamed Cheikh Ould Mkhaitir has been permanently released.

43. In conclusion, the Government of the Islamic Republic of Mauritania would like the information provided to be taken into consideration and remains committed to continuing its constructive dialogue with the Committee and acting upon the comments and recommendations made.

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