



**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**

**Consideration of reports submitted by States parties  
under article 73 of the Convention pursuant to the  
simplified reporting procedure**

**Initial reports of States parties due in 2008**

**Mauritania\***

[Date received: 13 October 2015]

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



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## Introduction

1. This initial report of the Islamic Republic of Mauritania on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was prepared in accordance with the relevant guidelines of the Committee and in response to the questionnaire addressed to the Government.

2. It consists of two parts. Part I contains general information on the country (the common core document), and part II the Government's replies to the questionnaire sent by the Committee.

3. The Government of Mauritania wishes to take this opportunity to express its readiness to engage in constructive dialogue with the Committee with a view to ensuring the effective implementation of the Convention.

## Part I: General information on Mauritania

### A. Demographic, economic, social and cultural characteristics

#### 1. Demographic and ethnic characteristics

4. Mauritania is a multi-ethnic, multicultural country. The population is majority Arab and includes Fulani, Soninke and Wolof minorities. There were 3,537,628 inhabitants in 2013, of whom 27.1 per cent resided in the country's administrative capital Nouakchott.<sup>1</sup>

#### Distribution of the population by sex and age

Age	1977			1988			2000			2013		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
00-04	110 261	106 526	<b>216 787</b>	154 808	150 305	<b>305 113</b>	218 087	208 370	<b>426 457</b>	316 217	298 475	<b>614 692</b>
05-09	113 809	105 397	<b>219 206</b>	154 546	144 263	<b>298 809</b>	186 741	175 736	<b>362 477</b>	263 263	256 839	<b>520 102</b>
10-14	81 141	71 524	<b>152 665</b>	114 455	104 288	<b>218 743</b>	154 508	148 164	<b>302 672</b>	212 838	216 667	<b>429 505</b>
15-19	67 504	70 770	<b>138 274</b>	92 683	96 807	<b>189 490</b>	131 240	138 512	<b>269 752</b>	176 116	185 288	<b>361 404</b>
20-24	52 776	58 542	<b>111 318</b>	74 901	86 562	<b>161 463</b>	100 667	114 292	<b>214 959</b>	144 478	157 962	<b>302 440</b>
25-29	40 969	48 060	<b>89 029</b>	67 126	77 870	<b>144 996</b>	86 990	100 554	<b>187 544</b>	121 586	135 767	<b>257 353</b>
30-34	33 043	40 681	<b>73 724</b>	56 457	60 691	<b>117 148</b>	72 906	81 525	<b>154 431</b>	99 834	113 691	<b>213 525</b>
35-39	28 905	32 804	<b>61 709</b>	44 513	45 159	<b>89 672</b>	64 465	70 887	<b>135 352</b>	83 578	95 379	<b>178 957</b>
40-44	32 665	36 021	<b>68 686</b>	34 802	38 077	<b>72 879</b>	53 010	53 129	<b>106 139</b>	72 108	79 228	<b>151 336</b>
45-49	23 807	24 036	<b>47 843</b>	27 593	28 108	<b>55 701</b>	48 653	50 408	<b>99 061</b>	60 297	64 516	<b>124 813</b>
50-54	22 688	24 432	<b>47 120</b>	30 023	31 908	<b>61 931</b>	32 649	33 165	<b>65 814</b>	50 739	51 751	<b>102 490</b>
55-59	16 911	17 487	<b>34 398</b>	16 847	14 875	<b>31 722</b>	23 010	21 638	<b>44 648</b>	41 075	40 645	<b>81 720</b>
60-64	12 754	14 508	<b>27 262</b>	20 190	20 603	<b>40 793</b>	25 093	24 467	<b>49 560</b>	31 660	30 459	<b>62 119</b>
65-69	6 979	7 593	<b>14 572</b>	11 518	11 131	<b>22 649</b>	16 062	15 582	<b>31 644</b>	24 120	23 055	<b>47 175</b>
70-74	7 708	10 706	<b>18 414</b>	10 812	12 968	<b>23 780</b>	13 773	13 425	<b>27 198</b>	18 167	17 129	<b>35 296</b>

<sup>1</sup> Source: National Statistics Office (ONS).

Age	1977			1988			2000			2013		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
75 or over	6 441	11 382	17 823	11 901	17 446	29 347	13 858	16 593	30 451	26 998	27 443	54 441
<b>Total</b>	<b>658 361</b>	<b>680 469</b>	<b>1 338 830</b>	<b>923 175</b>	<b>941 061</b>	<b>1 864 236</b>	<b>1 241 712</b>	<b>1 266 447</b>	<b>2 508 159</b>	<b>1 743 074</b>	<b>1 794 294</b>	<b>3 537 368</b>

## 2. Socioeconomic data

5. Mauritania prepared a Strategic Framework for Poverty Reduction (SFPR) for the period 2001–2015, which was incorporated into a general policy act (No. 2001-050 of 25 July 2001) on poverty reduction. Total gross domestic product (GDP) was 6.4 per cent higher in nominal terms in 2013 than in 2012, despite the reduction in prices for certain minerals (gold and copper). Significant efforts have been made to develop human resources and expand basic services. Thus, in the field of education, at primary level: (i) the gross enrolment ratio in 2012/13 was 99.3 per cent, which represents a slight decrease compared with the previous year (100.2 per cent), attributable in part to a reduction in the number of late enrolments and in the repetition rate (3.4 per cent in 2012/13); (ii) the gross enrolment ratio for girls in 2012/13 was 102.5 per cent, as against 95.9 per cent for boys, giving a gender parity index of 1.07 in 2012–2013. This demonstrates that the efforts made to increase enrolment benefited girls more than boys in 2013; (iii) the retention rate in primary education showed steady growth, standing at 75 per cent in 2012/13, compared with 67.4 per cent in 2011/12. As for secondary education: (i) the gross enrolment ratio rose from 24.9 per cent in 2009/10 to 29.5 per cent in 2012/13; (ii) the participation rate for girls, which has yet to reach 50 per cent, was 47.6 per cent in 2012/13; and (iii) the transition rate stood at 52.7 per cent in 2012/13, or two percentage points more than in 2010/11. In health care, the Government's efforts in 2013 to improve the health of the population by enhancing the quality and accessibility of health services resulted in: (i) the building of an emergency medicine centre in Nouakchott, health centres in Monguel, in Gorgol wilaya, and Chami, in Dakhlet Nouadhibou wilaya, a clinic in Mberra reporting to the authorities in Bassiknou, in Hod Echarchi wilaya, and a maternity department at the hospital in Aleg; (ii) the expansion and renovation of the health centre in Bassiknou; (iii) the construction of nursing schools in Néma, Rosso and Sélibaby, and of 3 classrooms at the school in Nouakchott; (iv) the purchase of medical equipment for 2 newly-built hospitals (in Rosso and Kaédi) and for 17 clinics and 8 health centres; and (v) the purchase of 2 ambulances and 162 four-wheeled motorcycles, and, in order to boost the available human resources, the recruitment of 582 medical and paramedical staff, the selection of 440 students to train as paramedical staff, the hiring from abroad of 54 doctors and senior health workers, and the provision of support for the training of specialists and for the schools training paramedical staff. The status of the main health indicators is as follows: (i) the rate of health coverage within a 5-kilometre radius stands at 74 per cent; (ii) under-5 mortality is 114 per 1,000 live births; (iii) 78 per cent of 1-year-old children have been vaccinated against measles; (iv) the maternal mortality rate is 626 per 100,000 births; (v) the contraception rate is 11.4 per cent; (vi) the HIV/AIDS prevalence rate among 15- to 24-year-olds remains below 1 per cent, standing at 0.7 per cent; and (vii) the proportion of deaths from malaria among children under 5 is 5.1 per cent.

6. With regard to access to potable water, the infrastructure built in 2013 and the projects under way are enabling 58 per cent of the population — 48 per cent in rural and 60 per cent in urban areas — to have access to an improved potable water source. As for sanitation, the works undertaken have increased the rate of access to enhanced sanitation from 22 per cent of the population in 2010 to 34.5 per cent in 2013. Regarding universal access to basic services, which is a priority of the Government's

poverty reduction efforts, the roll-out of major electrification projects using solar and renewable energy has resulted in a marked increase in such access. During the third year of SFPR III, significant progress was achieved in all areas of governance (political, democratic, regional, local, environmental and economic) through the good governance and capacity-building initiatives implemented. Convinced that stability and the rule of law are not only guarantees of the liberty and protection of the individual but also prerequisites for long-term economic and social development, the Government has resolved to strengthen political and democratic governance, in accordance with the programme of the President of the Republic, through: (i) the establishment of an independent national electoral commission, translating into reality the outcome of a process of dialogue, consultation and open and constructive debate, the institutionalization of which is a priority for the authorities; and (ii) the organization of free and transparent legislative and municipal elections, civil society, the private sector and technical and financial partners. These measures are thus the fruit of national dialogue. The Strategic Framework for Poverty Reduction, which takes account of the Millennium Development Goals, initially had four strategic areas of focus: (i) accelerating economic growth and stabilizing the macroeconomic environment; (ii) ensuring that growth benefits the poor; (iii) developing human resources and expanding public services; and (iv) improving governance and building capacity. Implementation of the Strategic Framework for 2001-2015 began with the first four-year plan of action, which covered the period 2001-2004. During this time, the monitoring and evaluation system drew only on the general principles contained in the plan of action; there was no reference document setting out specific parameters for activities in this area (lines of responsibility, procedures for the exchange of information and reporting, monitoring and evaluation standards and so forth). For the most part, formal monitoring and evaluation was confined to the preparation of the annual implementation report. Implementation of the first plan of action was nevertheless subject to rigorous monitoring and participatory evaluation, first within the thematic technical groups, then by the various consultative committees (Government, civil society, private sector, State donors) and finally at national dialogues on the implementation of the Strategic Framework. As a result of this process, annual poverty monitoring reports were prepared on a regular basis, along with reports on the implementation of the plan of action. In sum, the Strategic Framework is: (i) the sole medium-term frame of reference for policy on economic and social development; (ii) the main reference for technical and financial partners providing support to the country; and (iii) the basic tool for mobilizing financing for development.

## **B. Constitutional, political and legal structure**

### **Constitutional structure**

7. Several institutions were established pursuant to the Constitution of 20 July 1991, as amended in 2006 and 2012:

- The Constitutional Council;
- The Economic and Social Council;
- The Supreme Islamic Council;
- The National Human Rights Commission;
- Local authorities.

**Political and legal framework**

8. In accordance with 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 Mauritanian people, who shall exercise it through their representatives or by referendum”.

9. The republican State is founded on the principle of separation of the executive, legislative and judicial branches. The President of the Republic is elected by direct universal suffrage for a term of five years, renewable once. The President defines national policy, which is implemented by the Government, led by a Prime Minister.

10. Legislative power is exercised by the parliament, which adopts laws and is responsible for oversight of government action. The parliament is divided into a lower house, the National Assembly, and an upper house, the Senate.

11. Mauritania has a decentralized and devolved administrative structure. Its territory is organized into several administrative levels.

12. There are 15 wilayas (regions), 58 moughataas (departments) and 218 districts. The manner in which authority is assigned to the different administrative levels ensures that regional and local government work together on political, economic and social development.

13. Associations are regulated by Act No. 64.098 of 9 June 1964, as amended by Act No. 73.007 of 23 June 1973 and Act No. 73.157 of 2 July 1973. These instruments establish a system for authorizing associations, and this responsibility is assigned to the Ministry of the Interior and Decentralization. In carrying out their missions, associations must refrain from engaging in any commercial or political activity.

14. Some 6,028 national associations and 57 international non-governmental organizations have been recognized under this authorization system. The number of associations has increased markedly since 2008, when only 1,106 were officially recognized.

15. Associations are active in the fields of human rights, social affairs, development, health, environment, culture, sport, arts and others.

16. They may, on request, be exempted from taxation on material intended for use in carrying out their activities. This exemption is automatic for recognized public-interest associations.

17. The judicial system is based on the second-hearing principle (the same case may be tried at first and second instance).

18. The system comprises courts at the level of the moughataas and wilayas, courts of appeal and a supreme court.

19. A High Court of Justice established pursuant to the Constitution is responsible for trying the highest State authorities (the President of the Republic and the members of the Government).

20. The Constitutional Court hears cases concerning constitutional matters.

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

22. 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 and a labour court in Zouerate. These new courts also includes an anti-slavery court created in May 2015, the establishment of which is in the process of being approved by the parliament.

### **Work of the courts of first instance (2014)**

#### **Civil, commercial and administrative cases**

<i>Type</i>	<i>Number</i>
Cases initiated	5 937
Judgements handed down	1 339
Conciliation proceedings	2 040
Appeals	984
Appeals in cassation	37
Provisional orders	4 601
Appeals against provisional orders	323
Applications to set aside judgements	49

#### **Work of the criminal courts, correctional courts and juvenile courts**

<i>Type</i>	<i>Number</i>
Cases initiated	2 159
Judgements handed down	1 589
Provisional orders	565
Appeals	1 237
Appeals against provisional orders	30
Applications to set aside judgements	16

#### **Work of the investigating judges (2014)**

<i>Type</i>	<i>Number</i>
Cases initiated	2 414
Accused persons	3 962
Cases referred to the criminal courts	594
Cases referred to the correctional courts	757
Cases in which the investigation was closed	1 395
Committal warrants	1 579
Release orders	421
Orders for release under judicial supervision	915
Dismissal orders	140
Orders resulting from conciliation proceedings	364
Suretias	440
Prison visits	689
Letters rogatory	145
Decisions on release on bail	43

<i>Type</i>	<i>Number</i>
Expert evaluations	63
Arrest warrants	297

### **Data from the Nouakchott prosecution service (2012)**

#### **Serious offences**

<i>Classification</i>	<i>Number</i>
Robbery	156
Rape	49
Possession, sale and importation of drugs	56
Sale of alcohol	52
Zina (unlawful intercourse)	12
Murder	22
Forgery and use of forged documents with intent to defraud	21
Destruction of the property of others	36
Death threats	15
Deliberate assault	47
Terrorism	7

#### **Ordinary offences**

<i>Classification</i>	<i>Number</i>
Theft	445
Assault and battery	104
Unintentional wounding	105
Manslaughter	73
Fraud	89
Fraudulent breach of trust	67
Drug-taking	49
Use of psychotropic substances	65
Forgery and use of forged documents with intent to defraud	21
Writing of uncovered cheques	106
Obstruction of justice	10
Filial disobedience	12
Sexual assault	22
Corruption	10
Threats of violence	15
Witchcraft and charlatanism	15
Gambling	4
Kidnapping	1
Vagrancy	3
Importation of weapons	2
Driving without a licence	21



<i>Classification</i>	<i>Number</i>
Driving without insurance	27
Acting under false pretences	13
Desertion	12
Escape from custody	4
Setting of house fires	1
Other ordinary offences	16

### C. General framework for the protection and promotion of human rights — acceptance of international human rights norms

**Table on the main international human rights instruments ratified by Mauritania**

<i>No.</i>	<i>Instrument</i>	<i>Date of adoption</i>	<i>Date of ratification</i>	<i>Reservations/Comments</i>
1	Universal Declaration of Human Rights	1948	Preamble of the Constitution of 20 July 1991	Incorporated into the preamble of the Constitution of 20 July 1991
2	United Nations Convention against Corruption	2003		
3	International Convention on the Elimination of All Forms of Racial Discrimination	1965	1988	Reservation: <ul style="list-style-type: none"> <li>• Art. 14: Mauritania has not made the declaration under article 14 recognizing the competence of the Committee to receive individual complaints</li> </ul>
4	Convention on the Elimination of All Forms of Discrimination against Women	1979	1990	Reservations: <ul style="list-style-type: none"> <li>• Art. 13, subpara. (a)</li> <li>• Art. 16</li> </ul>
5	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	1990	2003	
6	Convention on the Rights of the Child	1989	1990	Reservations: <p>Mauritania approved all parts of the Convention that are not contrary to the Islamic sharia</p>
7	Convention on the Rights of Persons with Disabilities	2006	2010	
8	International Convention for the Protection of All Persons from Enforced Disappearance	2006	2012	

<i>No.</i>	<i>Instrument</i>	<i>Date of adoption</i>	<i>Date of ratification</i>	<i>Reservations/Comments</i>
9	International Covenant on Civil and Political Rights	1966	1999	Reservations: <ul style="list-style-type: none"> <li>• Art. 18, paras. 2-4</li> <li>• Art. 23, para. 4</li> </ul> <p>The Mauritanian Government declared that the application of these provisions would be without prejudice to the Islamic sharia.</p>
10	International Covenant on Economic, Social and Cultural Rights	1966	1999	
11	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment		2012	
12	Optional Protocol to the Convention on the Rights of Persons with Disabilities	2006	2010	
13	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1984	1999	Reservations: <ul style="list-style-type: none"> <li>• Art. 20, paras. 1-5, concerning the competence of the Committee</li> <li>• Art. 30, para. 1, concerning the International Court of Justice</li> </ul>

### **Scope and nature of the reservations**

#### *1. Scope of the reservations*

23. Mauritania has entered reservations to several human rights conventions. These reservations are either general or specific in scope.

#### (a) Convention on the Elimination of All Forms of Discrimination against Women

Reservations:

- Art. 13, subpara. (a);
- Art. 16.

#### (b) Convention on the Rights of the Child

24. All parts of the Convention that are not contrary to the Islamic sharia were approved.

#### (c) International Covenant on Civil and Political Rights

Reservations:

- Art. 18, paras. 2-4;
- Art. 23, para. 4.

## (d) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

## Reservations:

- Art. 20, paras. 1-5, concerning the competence of the Committee;
- Art. 30, para. 1, concerning the International Court of Justice.

2. *Reason for the reservations*

25. The reason for which these reservations were deemed necessary is that they concern provisions that are contrary to the sharia, the sole source of law under the Constitution.

3. *Effect of the reservations*

26. Only the provisions to which the reservations relate are not applied; the other provisions retain their full legal force as stipulated in article 80 of the Constitution.

4. *Follow-up to declarations emanating from conferences*

27. Mauritania, by virtue of its participation in international human rights conferences, has given effective support to the declarations, recommendations and commitments adopted by those conferences.

28. Pursuant to the declarations and recommendations of the international conferences, notably the World Conference on Human Rights (Vienna, 1993), Mauritania withdrew and replaced its general reservation to the Convention on the Elimination of All Forms of Discrimination against Women and is contemplating similar action in respect of its general reservation to the Convention on the Rights of the Child.

5. *Derogations, restrictions or limitations*

29. Other than the reservations it has entered, Mauritania has not restricted, limited or derogated from the international instruments it has ratified.

## (a) Ratification of other United Nations human rights and related treaties

**Table on the main conventions of the International Labour Organization ratified by Mauritania**

<i>No. Instrument</i>	<i>Date of adoption</i>	<i>Date of ratification</i>	<i>Reservations/Comments</i>
1 ILO Discrimination (Employment and Occupation) Convention (No. 111)	1958	08/11/1963	
2 ILO Equality of Treatment (Accident Compensation) Convention (No. 19)	1925	08/11/1963	
3 ILO Equal Remuneration Convention (No. 100) (agriculture)	1951	03/12/2001	

<i>No. Instrument</i>	<i>Date of adoption</i>	<i>Date of ratification</i>	<i>Reservations/ Comments</i>
4 ILO Equality of Treatment (Social Security) Convention (No. 118)	1962	15/07/1968	Accepted in respect of branches (d) to (g) and (i)
5 ILO Abolition of Forced Labour Convention (No. 105)	1957	03/04/1997	
6 ILO Forced Labour Convention (No. 29)	1930	20/06/1961	
7 ILO Maternity Protection Convention (No. 3)	1919	08/11/1963	
8 ILO Night Work (Women) Convention (No. 4)	1919	20/06/1961	Denounced on 02/08/1965
9 ILO Night Work (Women) Convention (Revised) (No. 41)	1934	20/06/1961	Denounced on ratification of Convention No. 89
10 ILO Night Work (Women) Convention (Revised) (No. 89)	1948	08/11/1963	
11 ILO Worst Forms of Child Labour Convention (No. 182)	1999	03/12/2001	
12 ILO Minimum Age (Industry) Convention (No. 5)	1919	20/06/1961	Denounced on ratification of Convention No. 138
13 ILO Night Work of Young Persons (Industry) Convention (No. 6)	1919	20/06/1961	
14 ILO Minimum Age (Trimmers and Stokers) Convention (No. 15)	1921	08/11/1963	
15 ILO Minimum Age (Non-Industrial Employment) Convention (No. 33)	1932	20/06/1961	
16 ILO Minimum Age (Sea) Convention (No. 58)	1936	08/11/1963	
17 ILO Night Work of Young Persons (Industry) Convention (Revised) (No. 90)	1948	08/11/1963	
18 ILO Minimum Age (Fishermen) Convention (No. 112)	1957	08/11/1963	
19 ILO Minimum Age Convention (No. 138)	1973	03/12/2001	Minimum age specified: 14 years
20 ILO Holidays with Pay Convention (No. 52)	1936	08/11/1963	

<i>No. Instrument</i>	<i>Date of adoption</i>	<i>Date of ratification</i>	<i>Reservations/ Comments</i>
21 ILO Paid Vacations (Seafarers) Convention (Revised) (No. 91)	1949	08/11/1963	
22 ILO Right to Organise and Collective Bargaining Convention (No. 98)	1949	03/12/2001	
23 ILO Holiday with Pay (Agriculture) Convention (No. 101)	1952	08/11/1963	
24 ILO Social Security (Minimum Standards) Convention (No. 102)	1952	15/07/1968	Accepted parts V to VII, IX and X
25 ILO White Lead (Painting) Convention (No. 13)	1921	20/06/1961	
26 ILO Weekly Rest (Industry) Convention (No. 14)	1921	20/06/1961	
27 ILO Workmen's Compensation (Accidents) Convention (No. 17)	1925	08/01/1963	
28 ILO Workmen's Compensation (Industrial Diseases) Convention (No. 18)	1925	20/06/1961	
29 ILO Seamen's Articles of Agreement Convention (No. 22)	1926	08/11/1963	
30 ILO Repatriation of Seamen Convention (No. 23)	1926	08/11/1963	
31 ILO Minimum Wage-Fixing Machinery Convention (No. 26)	1928	20/06/1961	
32 ILO Officers' Competency Certificates Convention (No. 53)	1936	08/11/1963	
33 ILO Safety Provisions (Building) Convention (No. 62)	1937	08/11/1963	
34 ILO Labour Inspection Convention (No. 81)	1947	08/11/1963	
35 ILO Freedom of Association and Protection of the Right to Organise Convention (No. 87)	1948	20/06/1961	
36 ILO Labour Clauses (Public Contracts) Convention (No. 94)	1949	08/11/1963	
37 ILO Protection of Wages Convention (No. 95)	1949	20/06/1961	
38 ILO Fee-Charging Employment Agencies Convention (Revised) (No. 96)	1949	31/03/1964	Accepted the provisions of part II

<i>No. Instrument</i>	<i>Date of adoption</i>	<i>Date of ratification</i>	<i>Reservations/ Comments</i>
39 ILO Fishermen's Articles of Agreement Convention (No. 114)	1959	08/11/1963	
40 ILO Final Articles Revision Convention (No. 116)	1961	08/11/1963	
41 ILO Employment Policy Convention (No. 122)	1964	30/07/1971	

## (b) Ratification of other relevant international conventions

**Instruments on international humanitarian law and refugees**

<i>No. Instrument</i>	<i>Date of adoption</i>	<i>Date of ratification</i>	<i>Reservations/ Comments</i>
1 Convention relating to the Status of Refugees	1951	1987	
2 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	1949	1962	
3 Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	1949	1962	
4 Geneva Convention relative to the Treatment of Prisoners of War	1949	1962	
5 Geneva Convention relative to the Protection of Civilian Persons in Time of War	1949	1962	
6 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)	1977	1980	
7 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)	1977	1980	
8 Convention relating to the Status of Refugees	1951	1987	
9 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa	1969	1972	
10 Protocol to the Convention relating to the Status of Refugees	1967	1987	
11 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and On Their Destruction	1997	2000	

## (c) Ratification of regional human rights conventions

**Regional human rights instruments**

<i>No. Instrument</i>	<i>Date of adoption</i>	<i>Date of ratification</i>	<i>Reservations/ Comments</i>
1 African Charter on Human and Peoples' Rights	1981	1986	Incorporated into the preamble of the Constitution of 20 July 1991
2 Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	1988	2005	
3 African Charter on the Rights and Welfare of the Child	1990	2005	
4 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	2003	2005	
5 African Charter on Democracy, Elections and Governance	2011	2008	
6 Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	1998	2005	
7 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa	1969	1972	

**D. Legal framework for the protection of human rights at the national level**

30. The Constitution enshrines human rights in its preamble: "The Mauritanian people, fortified by their spiritual values and the development of their civilization, solemnly proclaim their attachment to Islam and to the principles of democracy, as defined by the Universal Declaration of Human Rights of 10 December 1948 and the African Charter on Human and Peoples' Rights of 28 June 1981 and by the other international conventions to which Mauritania is a party." The body of the Constitution contains provisions to protect all the rights and freedoms set forth in the aforementioned instruments.

**(a) Incorporation of human rights treaties**

31. Under the country's monist legal system, the human rights treaties ratified by Mauritania are incorporated into national legislation in accordance with article 80 of the Constitution.

**(b) Judicial, administrative and other authorities with competence affecting human rights matters**

32. The principal authorities with competence affecting human rights matters are the Constitutional Council, the courts, the Commission on Human Rights and Humanitarian Action, the National Human Rights Commission, the relevant ministries, the Ombudsman of the Republic, the High Council for Fatwa and the National Council for Children. They are competent at the national level for issues relating to their respective areas of responsibility.

33. All the provisions of the conventions ratified by Mauritania can be invoked before the courts, and judges are required to apply them.

34. Administrative and judicial remedies are available to individuals who consider that their rights have been violated and may result in the award of civil damages and the imposition of administrative and/or criminal penalties on the perpetrator.

35. There are several national mechanisms for the protection and promotion of human rights:

- The Commission on Human Rights and Humanitarian Action is responsible, in the field of human rights, for drafting and implementing national policy on the promotion, defence and protection of human rights; coordinating national human rights policy; providing human rights education and awareness-raising; preparing periodic reports pursuant to the requirements of the international and regional human rights instruments ratified by Mauritania; harmonizing national legislation with the provisions of the international and regional human rights conventions ratified by Mauritania; and drafting and translating action plans and programmes for vulnerable social groups, with a view to better promoting and protecting their rights;
- The Ministry of Social Affairs, Children and the Family is tasked, inter alia, with proposing projects and programmes to guarantee the advancement of women and their integration into the development process, and the promotion and protection of the rights of children and persons with disabilities; helping to evaluate the impact of programmes and projects on the situation of women, children and the family; contributing to the preparation and follow-up of national policies, strategies and programmes, and development projects having an impact on women, children and the family; promoting measures to ensure respect for women's rights in order to guarantee equality of opportunity in the political, economic, social and cultural spheres; raising public awareness with regard to the rights of women, children and the family; and monitoring the implementation of the international conventions ratified by Mauritania in the field of women's and children's rights. The Ministry has central directorates responsible for applying policy on the rights of women, children and persons with disabilities. The National Council for Children and the Multisectoral Council for Persons with Disabilities are advisory bodies that support the work of the Ministry on behalf of children and persons with disabilities, respectively;
- The independent National Human Rights Commission is responsible for rendering, either at the request of the Government or on its own initiative, advisory opinions on general and specific issues relating to the promotion and protection of human rights and respect for individual and collective freedoms; examining and rendering advisory opinions on draft or existing national legislation on human rights questions; contributing, by all appropriate means, to the dissemination and inculcation of a culture of human rights; promoting research, education and teaching in the field of human rights, in training courses



at all levels and in social and professional contexts; raising awareness of human rights and of the fight against all forms of discrimination and violations of human dignity, in particular racial discrimination, slavery-like practices and discrimination against women, by sensitizing the public through information, communication and education and by using the media in all its forms; and promoting national legislation and ensuring that it is in harmony with the international legal instruments ratified by Mauritania.

**(c) Acceptance of the jurisdiction of a regional human rights court or other mechanism**

36. Mauritania accepts the jurisdiction of the African Court on Human and Peoples' Rights.

**E. Framework within which human rights are promoted at the national level**

**Promotion of human rights**

37. The authorities, the National Human Rights Commission 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.

*National and regional parliaments and assemblies*

38. The parliament is, by definition, the institution responsible for making laws and ensuring that national legislation is in conformity with accepted international standards.

39. The parliamentary group on human rights recently established by the National Assembly sees to the promotion and dissemination of human rights principles and the protection of those rights.

*National human rights institutions*

40. The national human rights institutions are first and foremost the National Human Rights Commission and the Ombudsman of the Republic.

**Responsibilities with regard to gender equality, race relations and children's rights, and mandate, composition and financial resources**

*The National Human Rights Commission*

41. Established in 2006 by ordinance, the National Human Rights Commission is an independent advisory body, the main task of which is to promote and protect human rights.

42. The relevant ordinance was rescinded and superseded by a law in July 2010.

43. The Commission, which has been accredited with "A" status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights since May 2011, was made a constitutional institution in 2012.

*Composition*

44. 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.

*Financial resources*

45. The Commission is funded from the State budget, in which a separate budget line is dedicated to it.

*Activities*

46. The Commission's main activities are as follows:

- Promoting human rights through awareness-raising activities;
- Issuing opinions or recommendations on any question relating to human rights;
- Denouncing human rights violations and making recommendations on their curtailment and/or on redress;
- Reporting annually to the President of the Republic on the overall human rights situation in the country.

**Dissemination of human rights instruments**

47. The authorities are particularly concerned to create a culture of human rights and are working actively to disseminate the content of the international and regional instruments ratified by Mauritania.

**Dissemination of conventions**

48. As part of these efforts, several conventions have been the subject of information and awareness-raising campaigns, including:

The Convention on the Elimination of All Forms of Discrimination against Women

49. The following concrete steps have been taken to make the Convention more widely known: translation into the four national languages; publication of a simplified guide to the instrument; organization of large-scale awareness-raising campaigns in the State media (radio and television); conduct of campaigns at the local level by non-governmental organizations; and implementation of other programmes, supervised by the communication unit of the Ministry of Social Affairs, Children and the Family through its regional offices.

The Convention on the Rights of the Child

50. Efforts to disseminate the Convention have included:

- Preparation of a simplified guide to the instrument and its dissemination;
- Establishment of regional networks to promote the rights of the child, consisting mainly of departmental children's rights units;
- Organization of annual awareness-raising campaigns on the rights of the child during the Day of the Child;
- Provision of training on children's rights for civil society actors.

The Convention on the Rights of Persons with Disabilities

51. The Convention has been made more widely known through the following steps:

- Organization of campaigns in all the country's wilayas;
- Preparation of a simplified guide to the Convention's provisions;
- Provision of training for several organizations of persons with disabilities.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

52. Training and awareness-raising sessions were held for members of the law enforcement agencies focusing on the prohibition on torture and other cruel, inhuman or degrading treatment or punishment.

53. Workshops were organized in 2012 by the Ministry of Justice for judges and criminal investigation officers on police custody and torture prevention.

54. The administrative and judicial authorities are required to initiate investigations systematically into allegations of torture. The penalties imposed, in case of torture, are those stipulated in Act No. 2013.011 of 23 January 2013 on the punishment of torture and slavery as crimes against humanity.

55. All the international instruments that are subject to monitoring by the human rights treaty bodies and have been ratified by Mauritania have been published in the Official Gazette.

**Raising human rights awareness among public officials and other professionals**

56. Each institution and department has a human rights awareness and training plan for staff.

57. Seminars have been organized for law enforcement officers by the Ministry of Justice, the Commission on Human Rights and Humanitarian Action and the National Human Rights Commission, with technical support from the Office of the United Nations High Commissioner for Human Rights (OHCHR) country office and the Association for the Prevention of Torture (APT).

**Promotion of human rights awareness through educational programmes and Government-sponsored public information**

58. Human rights education is included in the syllabus for civic and religious instruction. There are mandatory annual modules, and human rights is one of the topics covered in assessed coursework and in the examinations that students must pass in order to move up to the next year.

59. Primary school provides the ideal environment for citizenship training. Open to all children, it is a fitting place for the transmission of fundamental values. In universities, human rights modules have been introduced into the curricula of the various branches (law, economics, medicine and others).

60. Human rights education in primary schools is provided for through programmes at two levels, as follows:

- Official programmes (on civics, citizenship and so forth), which are taught in Arabic from year 5;
- Experimental programmes incorporating the rights of the child, which are offered in certain primary schools, including through their hygiene, health and environment clubs;
- Initial training programmes, at primary teacher training colleges and higher teacher training colleges;
- In-service training programmes involving sensitization campaigns and ad hoc courses.

**Promotion of human rights awareness through the mass media**

61. State and private media are regularly solicited to provide national coverage of activities to promote and protect human rights. Radio and television programmes are made periodically on major themes of national interest and concern.

**Role of civil society, including non-governmental organizations**

62. The country's diverse civil society is endeavouring, through networks and/or in cooperation with the authorities, to raise awareness among officials and migrant workers about their respective rights and duties.

*Budget allocations and trends*

63. Budget allocations are made annually to ministerial departments, institutions and other structures, establishments and non-governmental organizations working in the field of human rights.

*Development cooperation and assistance*

64. Technical assistance with regard to human rights is provided mainly by the OHCHR country office, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and other technical cooperation agencies.

65. Factors or difficulties of a general nature affecting or impeding the implementation of international human rights obligations at the national level.

66. The main obstacles preventing the full enjoyment of human rights in Mauritania remain:

- The inadequacy of the human and financial resources of human rights institutions and organizations;
- The low level of specialization among judges, lawyers and court officials in human rights;
- The failure to properly integrate human rights into school curricula.

**F. Reporting process at the national level**

67. The Government has set up an interministerial technical committee responsible for drafting reports and monitoring the implementation of the recommendations made by the treaty bodies and during the country's universal periodic review.

68. The committee is made up of representatives of all ministerial departments, the National Human Rights Commission, the Office of the Ombudsman and the OHCHR country office, which has observer status in the committee. The Commission on Human Rights and Humanitarian Action acts as the committee's secretariat.

**Whether reports are made available to or examined by the national legislature prior to submission to the treaty monitoring bodies**

69. The national report submitted under the universal periodic review procedure was made available to the parliament for its observations and comments prior to its submission to the Working Group on the Universal Periodic Review. The authorities intend to replicate this good practice for the reports submitted to the treaty bodies.

**Nature of the participation of entities outside of government or relevant independent bodies at the various stages of the report preparation process or follow-up to it**

70. The reports take account of recommendations made during workshops held for the purposes of consulting and exchanging views with civil society and parliamentary bodies.

**Events, such as parliamentary debates and governmental conferences, workshops, seminars, radio or television broadcasts, and publications issued explaining the report, or any other similar events undertaken during the reporting period**

71. As stated above, reports are now submitted to the parliament for debate.

**Follow-up to concluding observations of human rights treaty bodies**

72. The Government attaches great importance to the dissemination of the treaty bodies' concluding observations. The various concluding observations and recommendations are shared with and discussed by workshops, whose conclusions are transmitted to the competent authorities. This was the case for the concluding observations of the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Committee against Torture, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. Sectoral action plans for implementing the concluding observations are being carried out. A national action plan is currently being drawn up, with the cooperation of the OHCHR country office, covering the recommendations of the treaty bodies and those made under the universal periodic review procedure.

**Measures and procedures adopted or foreseen, if any, to ensure wide dissemination of the concluding observations or recommendations issued by any of the treaty bodies after consideration of the State's reports, including any parliamentary hearing or media coverage**

73. The interministerial technical committee responsible for drafting the reports shares these documents and the concluding observations made by the treaty bodies and during the country's universal periodic review with the parliament. The media also contribute to their dissemination.

## **G. Other related human rights information**

**Follow-up to international conferences**

74. Mauritania follows up systematically on the declarations adopted at the various world conferences, principally the Vienna Conference of 1993, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001) and the Fourth World Conference on Women (Beijing, 1995). The Government is implementing the commitments entered into at the different conferences through its ministries and institutions.

**Information on non-discrimination and equality and effective remedies**

**Non-discrimination and equality**

75. The principle of non-discrimination is reaffirmed in the Constitution. It is incorporated in legislation and has been given concrete expression in several areas,

including taxation, access to justice, remuneration for employment (equal pay for work of equal value) and access to public services.

76. The Constitution guarantees women the right to participate in political and public life. It also recognizes for women all the civil, political, economic, social and cultural rights proclaimed in the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981.

77. In accordance with the second paragraph of article 1 of the Constitution: "The Republic guarantees all citizens equality before the law, without distinction as to origin, race, sex or social status." In addition, article 12 provides that: "All citizens may accede to public office or employment without any conditions other than those determined by law."

78. Positive discrimination and temporary special measures have been applied with regard to elections and elected office. The quota reserved for women in those areas represents a significant increase. Moreover, during all recruitment exercises, posts are set aside for women in order to give effect to the principle of non-discrimination against them in every area of life: political, economic, civil, cultural and social.

#### *Legislative measures*

- The 2001 Personal Status Code, which sets the legal age for marriage at 18 years;
- The 2005 Code on the Judicial Protection of Children, which prohibits, and establishes penalties for, female genital mutilation (art. 12);
- The 2001 Act on compulsory primary education, which sets the age for school attendance at 6 to 14 years;
- The 2006 Ordinance concerning the Organization Act on the promotion of women's access to elective posts and elected office, under which 20 per cent of seats are reserved for women;
- The 2005 Ordinance on legal assistance and legal aid for indigent persons;
- Ordinance 2006-043 on the protection and promotion of the rights of persons with disabilities;
- The 2004 Labour Code and the law rescinding and superseding certain provisions of Act No. 61-016 of 30 January 1961 on the establishment of the Pension Fund's civilian retirement pension scheme, as amended by Act No. 65-074 of 11 April 1965;
- The granting of pensions to the survivors of deceased female civil servants;
- The equalization of the retirement age at 60 years for women whose conditions of employment are governed by the collective agreement.

#### *Institutional measures*

79. The authorities have put in place an institutional framework to ensure that women's rights are promoted and gender is mainstreamed into public policy. This framework includes:

- The State Secretariat on the Status of Women, which was created in 1992, became the Ministry of Social Affairs, Children and the Family in 2007 and is responsible for promoting and protecting the rights of women, families and children;
- The National Gender Monitoring Group and its regional counterparts;

- The network of women ministers and parliamentarians, established in 2007;
- The National Committee to Combat Gender-based Violence, including Female Genital Mutilation;
- Regional and departmental committees to combat gender-based violence;
- Centres for addressing and resolving family disputes. Follow-up to the recommendations made in the Convention on the Elimination of All Forms of Discrimination against Women and promotion of human rights.

### **Measures taken to improve women's political participation and their involvement in decision-making**

#### *Political participation:*

- Adoption, in October 2011, following a political dialogue, of positive discrimination measures to promote the election of women to parliamentary institutions (the National Assembly and the Senate);
- Adoption of a national list of 20 women candidates for election as deputies;
- Adoption of a national list of 20 women candidates and another list of 18 women candidates for election in the Nouakchott constituency;
- Increase in the number of constituencies with three seats to be filled by proportional representation;
- Granting of financial incentives for political parties that increase the number of women candidates elected.

#### *Involvement in decision-making:*

- Organization in November 2011 of a competitive selection procedure specifically to allow 50 additional women to enter the National College of Administration, Journalism and the Judiciary;
- Creation of eight university posts for women;
- Increase in the number of bursaries reserved for girls.

### **Principle of non-discrimination and general binding principles**

80. The preamble of the Constitution of 20 July 1991 states that: "Human freedom, equality and dignity may be assured only in a society that honours the rule of law. The Mauritanian people, wishing to create lasting conditions for harmonious social development that respects the precepts of Islam, the only source of law and open to the requirements of the modern world, proclaim in particular the inalienable guarantee of the following rights and principles: the right to equality; fundamental human rights and freedoms; the right of ownership; political and trade union freedoms; economic and social rights; and the rights of the family as the basic unit of Islamic society."

81. The Constitution's provisions also guarantee the fundamental principle of non-discrimination, for all persons without distinction.

### **Measures taken to prevent and combat discrimination in all its forms**

#### *Legislative measures*

82. As emphasized above, these measures are provided for in the preamble and provisions of the Constitution and in the laws and regulations in force.

*Institutional measures*

83. Several institutions contribute to efforts to prevent and combat all forms of discrimination, including the ministerial departments responsible for human rights issues, the Tadamoun National Agency, which is charged with eradicating the legacy of slavery and promoting social integration and poverty reduction, the National Human Rights Commission, the Ombudsman of the Republic and the courts.

**General information regarding the human rights situation of persons belonging to specific vulnerable groups in the population**

84. The policy for reducing poverty, as set out in the Strategic Framework for Poverty Reduction, was designed specifically to have a strong and sustained focus on vulnerable segments of the population.

**Measures to reduce economic, social and geographical disparities, including between rural and urban areas, and to prevent discrimination, as well as situations of multiple discrimination, against the persons belonging to the most vulnerable groups, and educational programmes and public information campaigns**

85. The Strategic Framework provides for a number of measures to reduce economic, social and geographical disparities. Other measures target women. They include:

- Development and implementation of a National Action Plan on Gender-based Violence for the period 2015-2018, which has facilitated a general understanding of the problem and more effective action to manage it;
- Implementation of standard operating procedures to improve the response to gender-based violence and ensure holistic care for survivors;
- Implementation of an action plan to encourage the voluntary abandonment of female genital mutilation in seven wilayas where the practice is very widespread;
- Preparation and dissemination of a fatwa on female genital mutilation;
- Organization of campaigns to combat child marriage.

86. Several other measures have been taken to alert public opinion to stereotypes and practices that are harmful to women, including:

- Commemoration of a day of zero tolerance for female genital mutilation;
- Organization of awareness-raising campaigns and initiatives by technical and financial partners, non-governmental organizations and others as part of their efforts to combat female genital mutilation;
- Implementation of a programme to promote the abandonment of female genital mutilation;
- Preparation of relevant materials (booklets, brochures, films, etc.);
- Approval of a bill on the criminalization of female genital mutilation;
- Implementation of a project to encourage the abandonment of female genital mutilation in four wilayas — Assaba, Brakna, Guidimagha and Gorgol — where the practice is particularly prevalent;
- Organization of several awareness-raising campaigns to combat other harmful phenomena (obesity, forced or early marriage, etc.).



**Equality before the law and equal protection of the law**

87. Mauritania has established a judicial system founded on the second-hearing principle and has facilitated access to justice through the provision of legal assistance.

**Effective remedies**

88. The Constitution enshrines human rights in its preamble, which states that: “The Mauritanian people, fortified by their spiritual values and the development of their civilization, solemnly proclaim their attachment to Islam and to the principles of democracy, as defined by the Universal Declaration of Human Rights of 10 December 1948 and the African Charter on Human and Peoples’ Rights of 28 June 1981 and by the other international conventions to which Mauritania is a party.”

(a) The international human rights treaties ratified by Mauritania are incorporated directly into national legislation in accordance with article 80 of the Constitution;

(b) The principal judicial, administrative and other authorities with competence affecting human rights matters are the Constitutional Council, the courts, the National Human Rights Commission and the relevant ministries. As stated in article 80 of the Constitution, all the provisions on human rights contained in the conventions ratified by Mauritania can be invoked before the courts, and judges are required to apply them. However, given that they are not known to the public, they are seldom invoked;

(c) Persons claiming that their rights have been violated avail themselves of administrative and judicial remedies. This may result in the award of civil damages and the imposition of administrative and criminal penalties on the perpetrator;

(d) The importance that the country attaches to the promotion and protection of human rights has led it to bolster its institutional framework, including through the establishment of several ministerial departments and national institutions, as follows:

- The Commission on Human Rights and Humanitarian Action is the ministerial department with responsibility for human rights. It is tasked, in the field of human rights, with drafting and implementing national policy on the promotion, defence and protection of human rights; coordinating national human rights policy; providing human rights education and awareness-raising; preparing periodic reports pursuant to the requirements of the international and regional human rights instruments ratified by Mauritania; harmonizing national legislation with the provisions of the international and regional human rights conventions ratified by Mauritania; and drafting and translating action plans and programmes for vulnerable social groups, with a view to better promoting and protecting their rights;
- The Ministry of Social Affairs, Children and the Family is responsible for proposing projects and programmes to guarantee the promotion of the family, the integration of women into the development process, and the promotion and protection of the rights of persons with disabilities; helping to evaluate the impact of programmes and projects on the situation of women, children and the family; contributing to the preparation and follow-up of national policies, strategies and programmes, and development projects having an impact on women, children and the family; promoting measures to ensure respect for women’s rights in order to guarantee equality of opportunity in the political, economic, social and cultural spheres; raising public awareness with regard to the rights of women, children and the family; and monitoring the implementation of the

international conventions ratified by Mauritania in the field of women's and children's rights;

- The Ombudsman of the Republic is an independent administrative authority with whom individuals may lodge complaints through their elected representatives. The President of the Republic may refer matters to him or her. The Ombudsman plays a vital role as intermediary between the Government and citizens who feel that their rights or interests have been infringed;
- The independent National Human Rights Commission is responsible for rendering, either at the request of the Government or on its own initiative, advisory opinions on general and specific issues relating to the promotion and protection of human rights and respect for individual and collective freedoms; examining and rendering advisory opinions on draft or existing national legislation on human rights questions; contributing, by all appropriate means, to the dissemination and inculcation of a culture of human rights; promoting research, education and teaching in the field of human rights, in training courses at all levels and in social and professional contexts; raising awareness of human rights and of the fight against all forms of discrimination and violations of human dignity, in particular racial discrimination, slavery-like practices and discrimination against women, by sensitizing the public through information, communication and education and by using the media in all its forms; and promoting national legislation and ensuring that it is in harmony with the international legal instruments ratified by Mauritania;

(e) Mauritania has accepted the competence of the African Court on Human and Peoples' Rights.

## **Part II: Replies to the list of issues prepared by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families**

### **Part 1**

#### **A. General information**

##### **Reply to question 1**

(a) The status of treaties in national legislation is defined in article 80 of the Constitution of 20 July 1991, which states that: "Treaties or agreements duly ratified or approved shall on promulgation take precedence over national laws, provided that each agreement or treaty is applied by the other party." Mauritania, which ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2008, gives full effect to the instrument throughout its territory.

(b) The relevant national legislation regarding the protection of migrant workers and members of their families includes:

- The Labour Code adopted in 2004, which ensures the protection of the rights of migrant workers. The Code was drafted with support and technical assistance from the International Labour Organization (ILO) and it takes account of the provisions of the international conventions ratified by Mauritania;

- The law on social security (Act No. 67.039 of 23 February 1967), which concerns three branches of social security, namely, family benefit, old-age benefit and occupational hazards (accidents and industrial diseases). The rights of migrant workers during their stay in the territory of Mauritania are guaranteed and protected by law;
- Bilateral conventions governing transfers or reciprocity between social security institutions;
- The law on the suppression of trafficking in persons, adopted in 2003, which is aimed at combating all forms of abuse, exploitation or other cruel and/or inhuman treatment of any human being whether residing in or in transit through the territory of Mauritania;
- Act No. 048/2007 of 3 September 2007 on the criminalization of slavery and the suppression of slavery-like practices, recently revised, which provides for the punishment of forced labour and any other similar practices, thus affording migrants protection against all exploitation or abuse. The legislation regulating the employment of foreign labour establishes conditions to protect migrant workers;
- Decree No. 64-169 of 15 December 1964, which establishes the rules governing migration to the country, guarantees the political and economic rights of migrant workers and takes account of bilateral, subregional and international agreements; it contains no provisions of a discriminatory nature. Migrants working in Mauritania are subject to the collective agreement of 1974, under which they are accorded the same status as Mauritanian workers, as well as to Act No. 2004.017 of 6 July 2004 concerning the Labour Code, which, through Decree No. 2009-224 of 29 October 2009 rescinding and superseding Decree No. 74-092 of 19 April 1974, sets the conditions of employment for foreign labour and institutes work permits for migrant workers. The latter receive “A” or “B” permits, which allow them to work;
- Act No. 2010.021 of 10 February 2010 on the criminalization of the smuggling of migrants, which ensures the protection of victims while strengthening measures to suppress smuggling networks; these networks had previously operated relatively unchecked owing to the leniency of the penalties established for smuggling in the existing laws. Among other things, the Act allows for victims of migrant smuggling to be extricated from smuggling networks and absolved from punishment in the interests of cracking down effectively on the practice.

89. This legal arsenal is supplemented by the international conventions ratified by Mauritania and the bilateral agreements on migrant labour.

(c) Pursuant to the national migration management strategy, the Ministry of the Interior and Decentralization and the Ministry of Justice initiated a consultation with a view to updating relevant legislation and bringing it into line with standards regarding the treatment of migration by the law and the courts. The outcome of this consultation is currently being validated and will be reflected in the preparation of legislation that takes account of the Convention’s provisions.

(d) As stated above, the Constitution establishes the primacy of duly ratified treaties, which are incorporated ipso facto into national legislation and can be invoked before the courts. Mauritania has concluded a number of treaties on migration, at both the bilateral and multilateral levels.

90. In addition to France, Mauritania has concluded agreements with Morocco, Algeria, the Gambia, Senegal, Tunisia, Mali and Spain aimed at regulating migration flows while ensuring the free movement of persons and goods. Morocco is a special case in that, under the principle of reciprocity, nationals of each country are required to obtain entry visas for the other country. The situation with regard to the European countries is different insofar as the purpose of the agreements is to regulate immigration to those countries and combat migrant smuggling.

91. Despite its deeply-rooted cooperation with the Economic Community of West African States (ECOWAS), Mauritania lacks a set of laws to promote the integration of migrants from the Community, although it facilitates their free movement by applying the principle of reciprocity. Mauritania has ratified the main international instruments on migration including the ILO conventions, the major human rights treaties and, in 2008, the Migrant Workers Convention.

92. The country's migration policy in respect of the European Union is to be seen in the context of the political dialogue on migration and constitutes part of the follow-up to the Rabat and Tripoli Conferences on Migration and Development. This political dialogue is taking place within the framework of the Cotonou Agreement, in particular article 13, and the strategy for Africa established by the European Union in December 2005.

93. Mauritania, a Member of the United Nations and member of ILO, has ratified a number of international instruments relating to the rights of migrant workers:

- The Universal Declaration of Human Rights (incorporated into the preamble of the Constitution of 20 July 1991);
- The African Charter on Human and Peoples' Rights (incorporated into the preamble of the Constitution of 20 July 1991);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified in 2004);
- The International Convention on the Elimination of All Forms of Racial Discrimination (ratified in 1988);
- The Slavery Convention of 1926, as amended by the Protocol of 7 December 1953 (ratified in 1986);
- The International Convention on the Suppression and Punishment of the Crime of Apartheid (ratified in 1988);
- The Convention on the Political Rights of Women (ratified in 1976);
- The International Covenant on Civil and Political Rights (ratified in 2004);
- The International Covenant on Economic, Social and Cultural Rights (ratified in 2004);
- The Convention on the Rights of the Child (ratified in 1991);
- The Convention on the Elimination of All Forms of Discrimination against Women (ratified in 2000);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified in 2004);
- The International Convention against Apartheid in Sports (ratified in 1988);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ratified in 2008);

- The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 (ratified in 1986).

94. Mauritania, as a member of ILO since 20 June 1961, has ratified a number of conventions on labour law:

- ILO Maternity Protection Convention, 1919 (No. 3) (ratified in 1963);
- ILO Night Work (Women) Convention, 1919 (No. 4) (ratified in 1961);
- ILO Night Work (Women) Convention (Revised), 1948 (No. 89) (ratified in 1963);
- ILO Worst Forms of Child Labour Convention, 1999 (No. 182) (ratified in 2001);
- ILO Minimum Age (Industry) Convention, 1919 (No. 5) (ratified in 1961);
- ILO Night Work of Young Persons (Industry) Convention, 1919 (No. 6) (ratified in 1961);
- ILO Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15) (ratified in 1963);
- ILO Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33) (ratified in 1961);
- ILO Minimum Age (Sea) Convention, 1936 (No. 58) (ratified in 1963);
- ILO Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90) (ratified in 1963);
- ILO Minimum Age (Fishermen) Convention, 1957 (No. 112) (ratified in 1963);
- ILO Minimum Age Convention, 1973 (No. 138) (ratified in 2001);
- ILO Right of Association (Agriculture) Convention, 1921 (No. 11) (ratified in 1961);
- ILO Holidays with Pay Convention, 1936 (No. 52) (ratified in 1963);
- ILO Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91) (ratified in 1963);
- ILO Holiday with Pay (Agriculture) Convention, 1952 (No. 101) (ratified in 1963);
- ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) (ratified in 1968);
- ILO White Lead (Painting) Convention, 1921 (No. 13) (ratified in 1961);
- ILO Weekly Rest (Industry) Convention, 1921 (No. 14) (ratified in 1961);
- ILO Workmen's Compensation (Accidents) Convention, 1925 (No. 17) (ratified in 1963);
- ILO Workmen's Compensation (Industrial Diseases) Convention, 1925 (No. 18) (ratified in 1961);
- ILO Seamen's Articles of Agreement Convention, 1926 (No. 22) (ratified in 1963);
- ILO Repatriation of Seamen Convention, 1926 (No. 23) (ratified in 1963);
- ILO Minimum Wage-Fixing Machinery Convention 1928 (No. 26) (ratified in June 1961);

- ILO Officers' Competency Certificates Convention, 1936 (No. 53) (ratified in 1963);
- ILO Safety Provisions (Building) Convention, 1937 (No. 62) (ratified in 1963);
- ILO Labour Inspection Convention, 1947 (No. 81) (ratified in 1963);
- ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (ratified in 1961);
- ILO Labour Clauses (Public Contracts) Convention, 1949 (No. 94) (ratified in 1961);
- ILO Protection of Wages Convention, 1949 (No. 95) (ratified in 1961);
- ILO Fishermen's Articles of Agreement Convention, 1959 (No. 114) (ratified in 1963);
- ILO Final Articles Revision Convention, 1961 (No. 116) (ratified in 1963);
- ILO Employment Policy Convention, 1964 (No. 122) (ratified in 1971);
- ILO Night Work (Women) Convention (Revised), 1948 (No. 89), as amended by ILO Night Work Convention, 1990 (No. 171) (ratified in 1963);
- ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1963);
- ILO Forced Labour Convention, 1930 (No. 29) (ratified in 1961);
- ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (ratified in 2001);
- ILO Equal Remuneration Convention, 1951 (No. 100) (agriculture) (ratified in 2001);
- ILO Abolition of Forced Labour Convention, 1957 (No. 105) (ratified in 1997);
- ILO Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) (ratified in 1963);
- ILO Equality of Treatment (Social Security) Convention, 1962 (No. 118) (ratified in 1968).

95. As a State party to the forced labour and equal remuneration conventions, Mauritania ensures that no person is engaged in labour under constraint, threat or force. Remuneration must reflect the services rendered, without distinction as to sex, colour, nationality, social condition and/or status. The conventions ratified in this area include:

- ILO Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) (ratified in 1964);
- ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified in 1963).

96. The ratification of the Migrant Workers Convention demonstrates the political will on the part of the authorities to apply international legislation and guarantee for migrant workers the fundamental rights referred to in the Convention.

### **Reply to question 2**

97. Since 2010, the authorities have developed a national migration management strategy. The strategy represents the fruit of a participatory process involving the principal concerned ministries, development partners and civil society organizations.

The advantages of such a method are that it generates a sense of ownership in the process of strategy design and that relevant information is disseminated to both government and civil society. The strategy is a national policy instrument, implemented by the Government as part of a long-term holistic approach to migration. It has four main areas of focus:

- (a) The framework for managing and measuring immigration;
- (b) Migration and development;
- (c) The promotion of the fundamental rights of returnees, migrants, refugees and asylum seekers;
- (d) The management of migration flows.

98. The authorities have kept the strategy in mind as they seek to develop a holistic and balanced vision of migratory phenomena. It has enabled the authorities to:

- Acquire an overview of migratory phenomena through constant dialogue among all the relevant actors in the national migration management commission;
- Have tools available to assist it in making decisions on the implementation of migration policy;
- Contribute to a view of migration as positive for the country's development;
- Protect migrants and refugees, in accordance with the country's commitments in that regard;
- Control entries to and departures from the territory while respecting the bilateral and multilateral agreements Mauritania has signed.

99. With regard to the framework for managing and measuring migration, institutions exist to manage, monitor and evaluate migration, and resources for the production of scientific and statistical outputs have been bolstered, with the result that sufficient information is now available on the scale of migration and the factors that drive it.

100. Regarding migration and development, access to basic services for foreigners has been improved, respect for the rights of migrant workers is guaranteed and, in order to give greater consideration to the Mauritanian diaspora, arrangements for its representation have been put in place.

101. To promote the fundamental rights of returnees, migrants, refugees and asylum seekers, the capacity of the authorities to process asylum applications has been strengthened, and information and awareness-raising campaigns on the reality of life for migrants have been organized along with training initiatives on the fight against trafficking in child migrants in partnership with non-governmental organizations. As for the management of migration flows, border posts have been built and duly equipped at the main crossing points and the chief border posts have been connected with one another.

### **Reply to question 3**

102. The main actor responsible for managing and regulating migration flows is the Government, specifically the ministerial departments concerned with migration. There is no ministerial department or any other body tasked with coordinating migration in all its aspects.

103. The Ministry of the Interior and Decentralization is the lead agency for a process in which a large number of ministries are involved. Structurally, the Ministry is not able to oversee all aspects of migration, and the relationship between migration and

development in particular falls outside its remit. Another 17 ministerial services have competence in the area of migration, which makes it very difficult to have an overview of the issue.

104. The Ministry has responsibility for issues relating to the control of migration flows, that is the entry and departure of migrants, and the processing of asylum applications. The control of migration flows is assigned to the Directorate-General for National Security, the gendarmerie and the road safety unit, which carry out tasks relating to internal security, including combating illegal immigration.

105. A ministry of State within the Ministry of Foreign Affairs and Cooperation deals with Mauritians living abroad. It is responsible for the ratification of all conventions on migration and for monitoring their implementation through the country's consular and diplomatic offices. These tasks fall to the Directorate for Mauritanians Abroad and Consular Affairs, the role of which is to monitor and address issues relating to the situation of Mauritanians abroad and the protection of their person, property and interests; to afford diplomatic and consular protection, as needed, to any Mauritanian national abroad; and to ensure respect for procedures and authenticate documents bearing an official stamp.

106. The Ministry of the Civil Service, Labour and the Modernization of Public Administration deals with the application of labour law. It is instructed to ensure respect for the rights of migrant workers. This function is delegated to the Directorate-General for Labour and Social Security, which coordinates, monitors and oversees all activities of the relevant services. It prepares and implements labour and social security regulations, seeing to it that migrant workers' rights are respected.

107. Among other things, this department is assigned to ensure compliance with conventions and legal instruments on migrant labour and social security. The ministry responsible for employment manages the issue of migration through the design and coordination of policies and strategies on employment.

108. The Ministry of National Defence is becoming increasingly important owing to the authorities' new focus on border post management. It plays the lead role in managing the country's land and sea borders. This task comes within the purview of the Directorate for Documentation and Military Security, established pursuant to Decree No. 180-2008 of 14 October 2008, which sets out the Ministry's mandate and the organizational structure of its central administration.

109. Since 2006, the Ministry of Justice has been responsible for developing the legal framework with regard to the regulation of migration flows on the one hand, through legislation on entry into and stay in Mauritania and on asylum, and migrant smuggling on the other. This task has been entrusted to the Directorate for Studies, Legislation and Cooperation. Its activities include studying and preparing draft laws and regulations on economic and social matters.

110. The national courts are tasked with applying the laws on migration currently in force.

111. The Commission on Human Rights and Humanitarian Action is responsible for developing, coordinating and implementing national policy on human rights. As part of these efforts, it endeavours to put in place the necessary conditions for the implementation of programmes to promote and protect human rights. The Commission's Directorate-General for Human Rights is instructed, inter alia, to coordinate the drafting of periodic reports on the implementation of human rights treaties, including the Migrant Workers Convention.



**Reply to question 4**

112. The main source of data is the national population and housing census. According to the 2013 census, the resident foreign population stood at 88,661 persons, or 2.5 per cent of the total population. The majority of migrants were men, around 54.6 per cent, compared with women, 45.6 per cent. In 2000, the total number of migrants was 34,481 according to the population and housing census of the same year.

**Distribution of foreigners in Mauritania in 2013**

<i>Nationality</i>	<i>National population and housing census 2013</i>	
	<i>Number</i>	<i>Percentage</i>
Algeria	136	0.2
Morocco	1 217	1.4
Mali	60 605	68.4
Senegal	17 646	19.9
Other Arab countries	1 103	1.2
Other African countries	6 266	7.1
Europe	703	0.8
Rest of the world	985	1.1
<b>Total number of foreigners</b>	<b>88 661</b>	<b>100.0</b>

113. The flows of migrants from Mauritania abroad break down as follows:

- Europe: migration is mainly to France and Spain;
- Gulf countries: migration is to Saudi Arabia, the United Arab Emirates and Kuwait (migrants are principally imams, religious teachers and *cadis* (judges));
- Sub-Saharan Africa and Asia: migrants are mainly engaged in commercial activities;
- United States of America: migrants are skilled workers in the services sector (hotels, restaurants, transport, etc.).

114. In general, migrants to all these destinations are men.

**Reply to question 5**

115. The National Human Rights Commission, which was established pursuant to Ordinance No. 2006-015 of 12 July 2006 and is now regulated by Act No. 2010-31 of 20 July 2010, is a consultative body for the promotion and protection of human rights.

116. In 2012, it was made a constitutional institution. Enjoying administrative and financial autonomy, it is also an advisory body with observation, early-warning and mediation functions that assesses compliance with human rights and humanitarian law.

117. It renders, either at the request of the Government or the parliament or on its own initiative, advisory opinions on national legislation relating to human rights; contributes to the dissemination and inculcation of a culture of human rights; and promotes research, education and teaching in the field of human rights.

118. On account of its conformity with the Paris Principles, it is accredited as a national institution for the promotion and protection of human rights with “A” status.

It serves as an interface between non-governmental human rights organizations and the relevant authorities.

119. It is provided with financial resources by the State and works in partnership with civil society organizations, professional bodies, democratic institutions, the authorities, and technical and financial partners. The Commission has 27 members and a staff of 20.

120. It deals with all categories of human rights, including the rights of migrant workers. A number of initiatives have been organized by the Commission to sensitize the authorities and migrant workers themselves to their rights:

- Awareness-raising days, arranged in partnership with the Italian Refugee Council (CIR), in Nouadhibou and Nouakchott in 2011 and 2012;
- Workshops in border areas at Rosso, Boghé and Kaédi, organized jointly with the OHCHR country office;
- Publication, on a regular basis, of mission reports assessing the situation of migrants.

#### **Reply to question 6**

121. Civil society has organized awareness-raising seminars on the Convention aimed at the general public. Trade unions have arranged similar events for migrant workers, and employers' organizations have done likewise for entrepreneurs. Workshops focusing on the Convention's provisions have been held for members of the border security forces, officials of the justice system and the press.

122. Officials of the country's embassies and consulates abroad have received training on the Convention's provisions. The Directorate for Mauritians Abroad and Consular Affairs endeavours to provide its staff with all the information they need in order to assist and support migrant workers who are planning to initiate legal proceedings or against whom such proceedings have been brought in their country of residence.

#### **Reply to question 7**

123. Mauritania, as a member of the Arab Maghreb Union, has entered into various bilateral agreements while retaining its ties to its immediate neighbours in Sub-Saharan Africa and continuing to apply the conventions concluded with certain ECOWAS countries.

124. A number of conventions and agreements govern the country's relations with the States parties to these instruments, first and foremost:

- The headquarters agreement signed with the International Organization for Migration (IOM);
- The Convention between Mali and Mauritania of 25 July 1963 on the establishment and movement of persons;
- The Convention between Mauritania and the Gambia of 9 December 1966 on freedom of movement and establishment, and the Agreement of 9 May 2001 on the free movement of persons;
- The Convention between Mauritania and Algeria of 6 July 1996 on the establishment and movement of persons, which replaced the consular agreement of 3 December 1969;

- The consular agreement between Mauritania and Tunisia of 25 September 1964 regulating the entry and free movement of persons;
- The Agreement between Mauritania and the Islamic Republic of Iran of 2009 on the abolition of visas for diplomatic and official passports;
- The Agreement between Mauritania and the Syrian Arab Republic on the abolition of visas for diplomatic and official passports;
- The Agreement between Mauritania and Morocco of 29 February 1972 on the abolition of visas for diplomatic and official passports;
- The consular agreement between Mauritania and Turkey of 19 June 2007 on the abolition of visas for diplomatic and official passports;
- The consular agreement between Mauritania and Yemen of 3 December 2007 on the abolition of entry visas.

#### **Reply to question 8**

(a) The labour inspectorates contribute to the effective application of the law and the Migrant Workers Convention through the conduct of regular inspections. Moreover, trade unions and associations of migrant workers work closely with the Directorate-General for Labour to inform migrants of all their rights, holding periodic meetings;

(b) There are no private employment agencies in Mauritania;

(c) Labour inspectors ensure that all the regulations on labour relations are complied with and have at their disposal a legal arsenal, including dissuasive penalties, for that purpose.

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

### **General principles**

#### **Reply to question 9**

125. The Convention's provisions are directly applied and may be invoked before the courts. In 2014, the Convention was invoked when the dismissal of migrant workers in Nouakchott and Zouerate was rejected.

(a) The judicial institutions competent to apply the Convention throughout the country's territory are the labour courts;

(b) 21 cases were examined by the labour courts in 2014;

(c) In accordance with the 2006 Ordinance, migrant workers and members of their families who are indigent have access to legal assistance;

(d) The redress available to victims of violations of the Convention's provisions consists of civil damages and reinstatement at work;

(e) The Government is to publish the Convention in a special issue of the Official Gazette. Workshops and seminars have been organized for labour inspectors to inform them of the Convention's content and to educate trade unions so that they are better able to defend the rights of migrant workers.

## **Part II of the Convention**

### **Article 7**

#### **Reply to question 10**

126. The Labour Code applies to all workers and employers, including migrant workers. It was drafted within a short time of Mauritanian independence, in a spirit of openness and with a view to encouraging migration as a contribution to the country's construction. Neither the Code, nor any subsequent regulations, contain provisions that are discriminatory, either directly or indirectly, within the meaning of article 7 of the Convention.

127. Any restrictions are based on objective factors linked to the technical nature of particular jobs.

## **Part III of the Convention**

### **Articles 8 to 15**

#### **Reply to question 11**

128. Under articles 306 and 311 of the Criminal Code, prostitution and procuring are prohibited and punished. Prostitutes are often arrested by the police and brought before the courts.

129. Children's general welfare and their protection from economic exploitation and harmful work are ongoing concerns of the authorities, as reflected by the following regulations and institutional arrangements:

- The order governing domestic work;
- The action plan to combat child labour;
- The creation of child protection centres with the means to identify children in difficulty and place them in alternative care settings.

130. Mauritania is putting into practice the ideals of family reunification and protection from all forms of exploitation, torture or other cruel, inhuman or degrading treatment and from unlawful and arbitrary punishment or deprivation of liberty by joining and establishing mechanisms for that purpose, notably a national mechanism for the prevention of torture.

#### **Reply to question 12**

131. Allegations by migrants that they have been abused or ill-treated by officials on entering the territory of Mauritania are investigated by both the administrative and consular authorities of the respective countries.

#### **Reply to question 13**

132. Mauritania has diplomatic relations with the Holy See. Christians worship freely in churches located in some towns.

133. In accordance with the Constitution, Islam is the religion of the State and the people. Foreigners enjoy freedom of worship, which they exercise in public and/or private places reserved for the purpose.

## Articles 16 to 22

### Reply to question 14

134. The principle of respect for migrants' human rights and dignity is reiterated in legislation reaffirming the fundamental rights of migrants and members of their families.

135. Thus, the Constitution of 20 July 1991 and Act No. 2004-015 concerning the Labour Code enshrine migrant workers' human rights and call for their dignity to be respected. National legislation on migration establishes the principle of the equality of migrant workers and guarantees their enjoyment of all the rights flowing therefrom.

136. The right to liberty and security of person is recognized in article 13 of the Constitution, and any violation of that right is punished. The right to a defence, including the right to be assisted by counsel of one's own choosing, is guaranteed from the time that a person is taken into police custody. Furthermore, the guiding principles with regard to criminal procedure, which are summarized in the preambular article of the Code of Criminal Procedure, ensure migrants, in both regular and irregular situations, protection against arbitrariness. Under this article, criminal proceedings must be fair, allow due participation of the contending parties and maintain a balance between the rights of the parties.

137. In addition, the separation of the prosecuting authorities and the judicial authorities must be guaranteed. Persons in similar conditions who are prosecuted for the same offences must be judged according to the same rules. Under the law, the judicial authorities must ensure that victims are informed of their rights and that these rights are safeguarded throughout criminal proceedings. The fifth subparagraph of the aforementioned article reinforces the protection against arbitrariness, which applies equally to migrants and nationals: "Any suspect or person prosecuted for an offence is presumed innocent until pronounced guilty."

138. The provisions of the Code of Criminal Procedure on the interpretation of doubt in favour of the accused and the invalidity of confessions obtained by means of torture, violence or duress form part of the protections afforded against arbitrariness.

139. The procedural guarantees are recognized in article 13 of the Constitution, in the Code of Civil, Commercial and Administrative Procedure and in the Code of Criminal Procedure and the Criminal Code.

140. Family members of migrants are generally allowed to remain in communities of their fellow nationals until their cases have been dealt with. Unaccompanied children are placed with voluntary organizations pending the regulation of their administrative situation.

141. A bill on the entry and stay of foreigners has been drafted. The bill has been divided into two parts, one on the status of refugees and the other on migration. In the meantime, the plan of action for implementing the national migration management strategy provides for the reform of the entire legal and institutional framework pertaining to migration.

### Reply to question 15

142. Migrants in an irregular situation are placed in custody at the local gendarmerie or police station. When the period of custody ends, they are brought before the public prosecutor, who must either charge or release them. If they are placed in detention, they are sent to ordinary prisons, where women are held apart from men in separate

buildings. Unaccompanied children are cared for in child protection and integration centres.

#### **Reply to question 16**

143. The allegations that, in recent years, Mauritania has expelled some migrants in an irregular situation and some asylum seekers are inaccurate. Migrants in that position are asked to regularize their situation within the prescribed time limits.

144. The scale of migration can now be measured thanks to the existence of controlled crossing points along the borders with neighbouring countries and an identification system for foreigners resident in Mauritania, who are now subject to checks, and thanks too to the 2007 survey on foreign labour. According to these data, foreigners residing in the cities of Nouakchott, Nouadhibou and Rosso are for the most part Africans (89 per cent), while Arabs represent around 6 per cent of the foreign population and Europeans 5 per cent. Senegal has the largest foreign community, with 10,276 nationals (42 per cent), followed by Mali with 5,000 (20 per cent), then the two Guineas with 4,900, the Gambia with 1,128 and France with around 800. The Senegalese form the largest single groups in Nouakchott (43 per cent of the foreign population) and Rosso (59 per cent), while Malians predominate in Nouadhibou (42 per cent), followed by Guineans (29 per cent). These statistics, drawn from the 2007 survey on foreign labour, show that, compared with 2010 [sic.], the number of Guineans and Gambians increased by 150 per cent between 2000 and 2007, the number of Malians by 96 per cent, the number of Senegalese by 57 per cent and the number of Arabs by 31 per cent. According to the media kit circulated at the press conference organized to launch certain awareness-raising activities on illegal migration, the city of Nouakchott has absorbed 90 per cent of the foreign population in Mauritania and is followed by Nouadhibou with 7 per cent and Rosso with 2 per cent. With regard to migration flows, the Ministry of the Interior reported a total of 5,295 migrants in an irregular situation in 2008, which represents a decrease compared with 2007 and 2006, according to sources.

145. The Convention relating to the Status of Refugees and the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, which prohibit collective expulsions of asylum seekers and refugees, have formed part of Mauritanian legislation since 2005.

#### **Reply to question 17**

(a) In accordance with the Decree of 1964, as amended in 1965, migrants may be expelled only pursuant to an administrative decision taken by the Minister of the Interior. This decision can be appealed. The decision is not enforced until the deadline for the submission of an appeal has expired or until the court of appeal has ruled;

(b) Appeals against expulsion decisions have suspensive effect.

#### **Article 23**

##### **Reply to question 18**

146. The main consular services provided are as follows:

- Repatriation duty-free of property belonging to family members for those who wish to return to their country of origin;
- Issuance of consular identification cards and civil status documents;
- Visits and assistance to Mauritians detained abroad;

- Authentication of civil status documents for persons deprived of their liberty so that travel documents (*laissez-passer*) can be issued and their expulsion carried out.

**Reply to question 19**

147. Migrants and their families living in Mauritania are entitled to the protection and help of the consular or diplomatic authorities of their country of origin, particularly in cases of arrest, detention or deportation proceedings.

148. The same privileges are granted to Mauritians working abroad on a reciprocal basis and pursuant to international conventions.

149. The diplomatic and consular missions of Mauritania provide help and assistance to citizens who are deprived of their liberty.

**Articles 25 to 30****Reply to question 30**

150. Migrant workers' right to equality is established in the Labour Code. The labour inspectorate, which is present in the main towns of every wilaya, applies this principle and its inspectors have been trained on the content of the Migrant Workers Convention. In addition, the Directorate-General for Labour supervises and coordinates the implementation of the Convention throughout the territory. The labour tribunals punish any violation of the principle of equality between workers. The trade unions ensure that they are not subject to discrimination.

**Reply to question 21**

151. The authorities have instituted labour inspections to ensure that migrant workers' employment contracts comply with legislation; this is in keeping with the collective agreement, which applies to both Mauritanian nationals and migrants.

**Reply to question 22**

152. The country's biometric civil-status records include registers reserved for foreigners, who may register the birth of their children. In addition, the parents are issued with residence permits. Children born in Mauritania of migrant parents may apply for naturalization on attaining their majority.

153. Children of migrant workers are admitted to public educational establishments free of charge, according to their level. They are enrolled under the same conditions as Mauritanian children. They may sit all national public examinations, and those who graduate from secondary school may enter university and undertake a course of academic study chosen according to their wishes and qualifications.

**Articles 31 to 33****Reply to question 23**

154. Migrants are able to transfer funds through the Mauritanian banking system. The legality of banking operations is subject to monitoring so as to prevent money-laundering. Migrants are also able to transfer their personal effects and belongings, without payment of duty.

**Reply to question 24**

155. There are no regular pre-departure programmes for Mauritanian nationals. However, if the opportunity arises, the authorities inform those selected of their rights and obligations before their departure.

156. Information is provided at all entry points on the country's borders by the gendarmerie, the police and civil society and at the offices of the different authorities where migrant workers are required by law to present themselves.

**Part IV of the Convention****Article 37****Reply to question 25**

157. Information on labour legislation, employment and investment opportunities, the judicial system, access to public services and to the different segments of the Mauritanian market is available at the country's embassies and consulates and at the chamber of commerce and industry. Mauritanian nationals, for their part, are informed by the authorities of their rights and obligations before their departure, as stated in the reply to question 24.

**Article 40****Reply to question 26**

158. The Labour Code provides, in article 273, that persons responsible for the organization or leadership of a trade union must be Mauritanian nationals or, if they are foreigners, must demonstrate that they have been engaged for at least five consecutive years in Mauritania in the profession that the union was established to defend. Under Act No. 64-098 of 9 June 1964 on associations, foreigners have the right to organize their own associations or to join other associations.

**Article 41****Reply to question 27**

159. The biometric census now allows all Mauritanian nationals who are abroad to participate in elections on the same basis as Mauritians who remain in Mauritania.

160. Voting is organized in constituencies with at least 100 persons on the electoral roll.

161. Voters must be at least 18 years of age, be listed on the electoral roll, have been resident in their constituency for six months and have a national identity card or valid passport.

162. There are no impediments to the exercise of the right to vote by Mauritians abroad.

**Articles 43 and 45****Reply to question 28**

163. No restrictions are placed in the Constitution of 20 July 1991, the Act on compulsory primary education of 2001 or the Labour Code of 2004 on access to



education, training or employment. Access to educational and/or vocational training institutions and services, health services, housing and cultural life is also open to all users, including migrants.

## **Articles 46 to 48**

### **Reply to question 29**

164. Social benefits and allowances for which migrants have paid contributions through social security schemes (National Health Insurance Fund (CNAM), National Social Security Fund (CNSS)) remain payable to the affiliated beneficiaries and their dependants.

165. No restrictions are placed on the transfer of earnings abroad under the relevant legal framework, which consists of Ordinance 2007.02 of March 2007 on the regulation of credit institutions. As stated above, migrants are entirely free to transfer their earnings and savings to their country of origin or any other country.

166. Mauritania has concluded agreements with France and Mali allowing for the transfer of family allowance payments intended for migrant workers' children who reside in those countries.

## **Article 49**

### **Reply to question 30**

167. Migrant workers are subject to the rules established under the collective agreement of 1974, which grants them the same rights as Mauritanian nationals. Act No. 2004.017 of 6 July 2004 concerning the Labour Code sets the conditions of employment for foreign labour and institutes work permits for migrant workers.

168. Work and residence permits are separate documents issued by different authorities. The duration of migrant workers' residence permits is equal to or greater than the period for which they are authorized to engage in paid employment.

### **Reply to question 31**

169. The labour inspectorate ensures that migrant workers are allowed freely to choose their employment; the labour market is open and free. Migrant workers who are dismissed or have a disagreement with their employer are given time to find a new job but must do so within a reasonable period.

170. Unemployment benefit does not exist in Mauritania, but the right to retirement benefits is retained.

## **Articles 51 and 52**

### **Reply to question 32**

171. Under the Labour Code, migrant workers whose contracts are terminated may seek new employment.

### **Reply to question 33**

172. Access to employment is free; workers compete with one another for selection on the basis of competence alone. However, there are certain areas of strategic

importance for the country's development and security in which migrant workers may not occupy leadership positions, for example, currency, finance, credit and defence.

173. Work permits are issued to migrant workers on application by the employer, who seeks authorization from the competent authority to recruit a foreign worker.

174. All jobs, without exception, are open to migrant workers. There are no protected or reserved categories of employment. The number of work permits issued each year over the past five years is: 1,100 in 2010; 1,300 in 2011; 2,600 in 2012; 1,180 in 2013; and 1,040 in 2015.

## **Article 54**

### **Reply to question 34**

175. The Labour Code is based on the principle of non-discrimination between Mauritanian and migrant workers, and the labour inspectorate enforces compliance with this principle.

## **Part V of the Convention**

### **Article 58**

#### **Reply to question 35**

176. Labour law is currently being reviewed in the light of the new employment context. Consideration is being given to the incorporation of legal provisions on frontier workers.

### **Article 61**

#### **Reply to question 36**

177. The bilateral agreements concluded by Mauritania include:

- The bilateral agreements concluded with Spain in 2003 on the readmission or admission to the territory of Mauritania of foreigners who have entered Spain illegally, and the agreement on managing the flows of migrant workers between the two States. Pursuant to the latter agreement, 40 young Mauritians were able to obtain seasonal contracts in 2008;
- The convention concluded with Senegal in 1992;
- The conventions on migration concluded with eight countries: Libya in 1995, Senegal, Mali, France, Algeria, Tunisia, Morocco and the Gambia;
- The bilateral agreement on migration concluded with France in 2002. This agreement has expired and has not yet been renewed.

## **Part VI of the Convention**

### **Articles 64 to 68**

#### **Reply to question 37**

178. There are no specific agreements in this area.

**Reply to question 38**

179. The national migration management strategy includes a section on migration and development, which sets out methods and initiatives for promoting and protecting migrant children.

**Reply to question 39**

180. The strategy also has a section on the management of migration flows, which contains a component on efforts to combat the trafficking and smuggling of migrants, including women and children. It also provides for ongoing awareness-raising campaigns to be conducted, with the assistance of civil society, in order to inform would-be migrants to Mauritania about the realities of life in the country.

**Reply to question 40**

181. Act No. 2010.021 of 10 February 2010 on the criminalization of the smuggling of migrants ensures the protection of victims while strengthening measures to suppress smuggling networks; these networks had previously operated relatively unchecked owing to the leniency of the penalties established for smuggling in the existing laws. Among other things, the Act allows for victims of migrant smuggling to be extricated from smuggling networks and absolved from punishment in the interests of cracking down effectively on the practice.

182. Since it began to be applied in 2010, the Act has made it possible to dismantle smuggling networks operating out of the north of the country and the Senegal River region. Together with the institution of biometric identity checks and the establishment of border posts, this has resulted in a significant reduction in illegal movements of migrants, which are currently minimal according to information provided by the Ministry of the Interior and Decentralization.

**Article 69****Reply to question 41**

183. Thanks to the biometric census, migrant workers and members of their families have been able to regularize their situation by becoming registered, with the assistance of their diplomatic or consular offices and their associations. Registration is permanent and allows migrants, of whom there are now 114,425 according to the Ministry of the Interior and Decentralization, to regularize their situation.

**Reply to question 42**

184. Periodic meetings are held with the authorities of the countries in question to discuss the improvement of relations and the situation of their nationals in Mauritania. The major joint commissions on cooperation between Mauritania and these countries are helping to resolve problems affecting Mauritanian nationals residing there.

**Reply to question 43**

185. Mauritians first migrated to nearby African countries (Senegal, Côte d'Ivoire, Congo), then to Europe. While Mauritanian migration can be considered a relatively ancient phenomenon, with traditional routes to destinations in Africa, Europe and certain Arab countries, new trends have emerged, shaped by economic and social change. Along with the widening of the range of destinations for Mauritanian emigrants observed in recent years, there has been an increase in young people's readiness to migrate in search of work and they have favoured new destinations

(including the United Arab Emirates, Spain, Angola and the United States of America) over established ones. The major Mauritanian diasporas remain those in Sub-Saharan Africa, the Gulf Arab countries, Western Europe and North America. The countries with large Mauritanian diasporas are: Mali, Saudi Arabia, France, Senegal, Côte d'Ivoire and the Gambia. As regards the major regions, the countries of West and Central Africa host just under 60 per cent of Mauritanian migrants.

186. According to the results of a study carried out in 2009<sup>2</sup> by the Groupe de Recherches et de Réalisations pour le Développement Rural (Group on Research and Projects for Rural Development) (GRDR) on migration from Guidimagha, a region known for being a source of relatively organized international migration, the migration rate in 2009 stood at 20 per cent of the region's total population, or 56,900 migrants. European countries were the main destination, attracting 72 per cent of the migrants, with the remaining 28 per cent travelling to African countries (20 per cent), Arab countries (4 per cent), Asia (2 per cent) and the Americas (2 per cent). Mauritanian migrants have formed associations in every country. The ministry of State within the Ministry of Foreign Affairs responsible for the Maghreb, Africa and Mauritians abroad monitors and provides support to the Mauritanian diaspora.

## **Part 2**

187. The Government considers that it has provided the necessary information on the legal and institutional framework for the Convention's implementation. It remains ready to accede to international standards on migrant workers and to strengthen the laws and institutions intended to protect their rights.

## **Part 3**

188. In the study undertaken for IOM in 2008, the number of Mauritanian emigrants was estimated at 105,315, of whom 65.6 per cent were established in West Africa, 2.4 per cent in Central Africa, 20.6 per cent in Europe, 0.3 per cent in Arab countries, 2.5 per cent in North America and 8.6 per cent in other countries. According to the same source, 17,623 Mauritanian-born migrants were registered in the main European destination countries, including France (8,237 persons in 1999) and Spain (8,410 persons in 2006).

189. Emigration by Mauritians is driven by several factors: on the one hand, cultural and religious ties with neighbouring countries and Arab countries, and, on the other, the labour market situation in Mauritania and in the destination countries.

190. The number of migrant workers registered in Mauritania is 114,425, mainly from West African countries.

191. There are currently no cases to report of migrant workers in detention, migrants who have been expelled or children who have been separated from their parents.

192. Concerning important developments made, the Government has adopted a proactive policy for the implementation of the national migration management strategy. Awareness-raising campaigns targeting migrant communities were rolled out in 2014. Other sensitization campaigns have been launched in Nouakchott and in the interior and target young people, along with families of would-be migrants.

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<sup>2</sup> Virginie Le Couster. *Étude d'impact des migrants sur le développement de la wilaya du Guidimakha*. GRDR Sélibaby unit. 2009.

193. In addition, the authorities have taken cognizance of the impact of migration on the country's security and also in the economic and social spheres. The European Union is providing support worth €11 million for the implementation of the relevant project.

194. Until 2010, there were few non-governmental organizations focusing on migration. Today, civil society organizations in Mauritania are becoming more involved in migration matters, primarily trade unions engaged in the defence of migrant workers' rights. In addition, some organizations provide substantial support to capacity-building for young people, with a view to their reintegration into working life.

## **Conclusion**

195. The Government of Mauritania reiterates its commitment to implement the Convention and remains ready to engage in constructive dialogue with the Committee with a view to overcoming the shortcomings observed in its application of this international legal instrument to which it has become a party. It wishes to take this opportunity to thank all partners that have supported the implementation of its migration policy.

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