



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Concluding observations on the second periodic report of Mauritania\*

1. The Committee considered the second periodic report of Mauritania<sup>1</sup> at its 4th and 6th meetings,<sup>2</sup> held on 13 and 14 February 2024, and adopted the present concluding observations at its 29th meeting, held on 1 March 2024.

#### A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party, as well as the written responses to the list of issues.<sup>3</sup> The Committee is appreciative of the constructive dialogue held with the delegation of the State party and the information provided during and after the discussion.

#### B. Positive aspects

3. The Committee welcomes the progress made by the State party in promoting and protecting economic, social and cultural rights. In particular, it welcomes the efforts to combat slavery, including the adoption of Act No. 2015-031 criminalizing slavery and punishing slavery-like practices. The Committee also welcomes the measures taken by the State party to combat poverty and strengthen the protection of the rights contained in the International Covenant on Economic, Social and Cultural Rights, such as the Strategy for Accelerated Growth and Shared Prosperity, the creation of the National Health Solidarity Fund, which provides health insurance for the informal sector, and other measures mentioned in the present concluding observations.

#### C. Principal subjects of concern and recommendations

##### Applicability of the Covenant

4. The Committee notes with satisfaction the publication of the Covenant in the Official Gazette of the State party on 9 December 2014. However, it regrets that the provisions of the Covenant have still not been invoked before or applied by the courts. It is also concerned about the inadequate training on the applicability of the Covenant provided to legal professionals, including law enforcement officials, parliamentarians and other relevant actors.

5. **The Committee recalls the recommendation made in this regard in its previous concluding observations<sup>4</sup> and urges the State party to redouble its efforts to ensure that**

\* Adopted by the Committee at its seventy-fifth session (12 February–1 March 2024).

<sup>1</sup> [E/C.12/MRT/2](#).

<sup>2</sup> See [E/C.12/2024/SR.4](#) and [E/C.12/2024/SR.6](#).

<sup>3</sup> [E/C.12/MRT/RQ/2](#).

<sup>4</sup> [E/C.12/MRT/CO/1](#), para. 7.



economic, social and cultural rights can be invoked before the courts at all levels and to facilitate access to effective remedies for victims of violations of these rights. It urges the State party to continue to provide training on a regular basis, in particular to judges, lawyers, law enforcement officers, parliamentarians and other stakeholders, concerning the rights enshrined in the Covenant and their enforceability in the courts, and to provide rights holders with the information they need to demand that those rights be respected. In this connection, the Committee refers the State party to its general comment No. 9 (1998) on the domestic application of the Covenant.

#### **Situation of human rights defenders**

6. The Committee takes note of the information provided by the delegation on the initiatives undertaken to draft a law for the protection of human rights defenders in the State party. It nevertheless remains concerned by reports that human rights defenders, including defenders of economic, social and cultural rights working to combat discrimination, slavery and slavery-like practices, carry out their activities under restrictive conditions and are often exposed to various forms of harassment or reprisals. The Committee is also concerned that legal provisions, including those contained in Act No. 2021-021 of 2 December 2021 protecting national symbols and criminalizing acts against the State's authority and citizens' honour, could be used to arbitrarily restrict the activities and work of human rights defenders.

#### **7. The Committee recommends that the State party:**

(a) Accelerate the process of adopting the bill on protecting human rights defenders mentioned during the dialogue and other necessary measures to provide effective protection for human rights defenders, including those working to defend economic, social and cultural rights, against all forms of harassment, intimidation and reprisal and ensure that the perpetrators of acts of this nature are brought to justice;

(b) Engage in open and transparent consultations with civil society organizations, human rights defenders and other stakeholders in the process of drafting and adopting the bill on protecting human rights defenders;

(c) Adopt the necessary measures to prevent legal provisions, in particular those introduced pursuant to Act No. 2021-021, from being used arbitrarily to restrict the activities and work of defenders of economic, social and cultural rights, especially those working in the fight against discrimination, slavery and slavery-like practices;

(d) Carry out information and awareness-raising campaigns highlighting the importance of the work of human rights defenders with a view to instilling a climate of tolerance in which they can carry out their missions without fear of intimidation, threats or reprisals of any kind;

(e) Take account of the Committee's statement on human rights defenders and economic, social and cultural rights,<sup>5</sup> adopted in 2016.

#### **Business and economic, social and cultural rights**

8. The Committee regrets that it did not receive any in-depth information on the legal framework for ensuring that companies exercise human rights due diligence.

9. The Committee recommends that the State party, in the framework of a consultative and participatory process with stakeholders, including workers and businesses, take legislative and administrative measures, including the adoption of an action plan, to ensure that the activities carried out by national and international enterprises in the State party do not adversely affect the enjoyment of economic, social and cultural rights. The Committee also recommends that the State party adopt a legal framework governing social and environmental responsibility and the legal regime and regulatory standards applicable to mining and logging businesses, in order to impose on such businesses the obligation to exercise due diligence in respect of human rights with a view to identifying the risks of violation of the rights guaranteed under the

<sup>5</sup> [E/C.12/2016/2](#).

**Covenant, preventing and mitigating those risks and preventing violations of those rights. In this regard, the Committee refers to its general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities.**

### **Corruption**

10. The Committee notes that, with the adoption of Act No. 2016-014 of 15 April 2016 on combating corruption, the State party has strengthened its legal framework for combating corruption. It nevertheless remains concerned about the persistent corruption in the State party, which continues to constitute an obstacle to the enjoyment of economic, social and cultural rights (art. 2 (1)).

11. **Recalling its previous concluding observations concerning corruption,<sup>6</sup> the Committee recommends that the State party continue to address, as a matter of priority, the root causes of corruption, to ensure the strict application of measures adopted to combat corruption and to fight effectively against the impunity enjoyed by perpetrators. It also recommends that the State party take the legislative and administrative measures necessary to ensure transparency in the public administration and protect whistle-blowers and civil society activists who fight corruption, as well as witnesses and journalists.**

### **Maximum available resources**

12. The Committee regrets that it did not receive in-depth information on the mobilization of resources for the realization of economic, social and cultural rights, in particular on the proportion of the State party's income derived from taxation or from productive sectors such as mining. Noting that foreign debt represents 44.8 per cent of gross domestic product, the Committee regrets that it did not receive any additional information concerning the impact of the debt on the budgetary space needed for the progressive realization of economic, social and cultural rights (art. 2 (1)).

13. **The Committee recommends that the State party ensure the effective mobilization of domestic resources by, inter alia, developing a more efficient, progressive and socially just fiscal policy and a royalties charge for foreign investors licensed to exploit natural resources such as mining resources that is fair and equitable, with the aim of combating economic inequalities and progressively guaranteeing the full exercise of economic, social and cultural rights. It also recommends that the State party ensure that the process of strengthening fiscal policy and formulating budget proposals is transparent and participatory. The Committee urges the State party to take adequate measures, in liaison with international financial institutions and other creditors, to ensure that commitments arising from public debt, including debt servicing, do not have an impact on budgetary space and do not divert the resources needed for it to meet its obligations under the Covenant, particularly in the areas of education, health, access to adequate food, access to water and social security. In particular, the Committee stresses the obligation imposed on both lending and borrowing States, as well as on other private creditors and international financial institutions, to carry out a human rights impact assessment before granting loans and, in this regard, refers the State party to its 2016 statement on public debt and austerity measures from the perspective of the Covenant.<sup>7</sup>**

### **Data collection**

14. The Committee regrets that the State party did not provide complete and up-to-date statistical information. It is concerned that the measures taken are not sufficient to ensure the collection and production of the reliable and disaggregated data needed to monitor the progressive realization of the rights recognized in the Covenant and to assess the impact of the social and economic public policies adopted by the State party (art. 2 (1) and (2)).

<sup>6</sup> E/C.12/MRT/CO/1, para. 9.

<sup>7</sup> E/C.12/2016/1.

**15. The Committee recommends that the State party:**

(a) **Ensure that official statistical data that make it possible to assess the level of enjoyment of Covenant rights are collected in an impartial, technically sound and transparent manner, with comprehensive public data disaggregated by sex, age, ethnicity, geographical region, socioeconomic level and any other situation;**

(b) **Include in its next periodic report the annual comparative statistics needed to assess the progress made;**

(c) **Measure the impact of economic and social policies and programmes using indicators to measure the availability, accessibility, acceptability and quality of goods and services;**

(d) **Take into account publications by the Office of the United Nations High Commissioner for Human Rights on the human rights-based approach to data,<sup>8</sup> and the conceptual and methodological framework for human rights indicators.<sup>9</sup>**

**Non-discrimination**

16. The Committee notes with concern the lack of effective measures to combat the de facto discrimination in the effective enjoyment of economic, social and cultural rights faced by certain minority and disadvantaged groups. It also notes with concern the discrimination and social exclusion suffered by members of the Haratine and Afro-Mauritanian (Halpular, Soninké and Wolof) communities, as well as by victims of slavery, descendants of slaves and those who have recently escaped slavery. The Committee further notes the discrimination against migrants, asylum-seekers and refugees. It also notes with concern that consensual relations between people of the same sex are criminalized under article 308 of the Criminal Code (art. 2).

**17. The Committee recommends that the State party:**

(a) **Ensure that its legal framework for combating discrimination complies with international human rights standards and principles, and specifically article 2 (2) of the Covenant, and to refer in this regard to the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, which prohibits direct and indirect discrimination on any grounds in all areas covered by the Covenant;**

(b) **Ensure access to effective remedies for victims of discrimination, including the possibility of obtaining redress;**

(c) **Effectively prevent and combat the discrimination suffered by members of the Haratine and Afro-Mauritanian communities, migrants, asylum-seekers and refugees, notably through awareness-raising campaigns and affirmative action measures, in order to guarantee the enjoyment of all Covenant rights by all persons without discrimination;**

(d) **Decriminalize consensual homosexual relations and repeal article 308 of the Criminal Code, as well as all discriminatory legal provisions concerning sexual orientation and gender identity, and combat discrimination and stigmatization of lesbian, gay, bisexual, transgender and intersex persons, including through awareness-raising campaigns, and ensure that no one is discriminated against in the enjoyment of economic, social and cultural rights on the grounds of sexual orientation or gender identity.**

**Civil register**

18. Despite the measures adopted by the State party, the Committee notes with concern reports that many persons, including members of the Haratine and Afro-Mauritanian communities, as well as victims of slavery and descendants of slaves, continue to face great

<sup>8</sup> Office of the United Nations High Commissioner for Human Rights, *A human-rights-based approach to data, guidance note*, 2018.

<sup>9</sup> Office of the United Nations High Commissioner for Human Rights, *Human rights indicators: a guide to measurement and implementation*, HR/PUB/12/5, 2012.

difficulties in civil registration and obtaining identity documents. The Committee also notes with concern that the measures taken by the State party to ensure that civil registration is carried out are not systematically applied in all jurisdictions (arts. 2 and 10).

19. **The Committee recommends that the State party step up its efforts to increase the rate of birth registration and to guarantee access to identity cards for all persons without discrimination, in particular members of the Haratine and Afro-Mauritanian communities, victims of slavery, descendants of slaves, victims of the unresolved humanitarian issues who have returned to the country, and migrants, in order to ensure their access to economic, social and cultural rights, including to education, formal employment and land ownership. In particular, the Committee calls on the State party to: (a) ensure that birth registration is free in practice; (b) guarantee the accessibility of the office of the civil registry throughout the country, including through the use of mobile units; and (c) ensure that the measures adopted to facilitate civil registration are applied firmly and without discrimination in all jurisdictions, particularly in rural areas, including through the allocation of adequate resources.**

#### **Equality between men and women**

20. The Committee notes that Act No. 2001-052 of 19 July 2001 on the Personal Status Code is under revision. The Committee remains concerned, however, about the legal provisions that discriminate against women, particularly those relating to marriage, divorce, guardianship, property management and inheritance, which are still in force in the State party. The Committee is also concerned about the persistence of stereotypes, as well as certain traditional practices that continue to reinforce inequality between men and women, particularly with regard to their access to education, land, the labour market, equal pay and just and favourable conditions of work, as well as their participation in public and political life (art. 3).

21. **The Committee recalls its previous concluding observations<sup>10</sup> and urges the State party to make ending the persistent inequality that exists between men and women a priority. To this end, it calls on the State party to:**

(a) **Expedite the revision of Act No. 2001-052 on the Personal Status Code in order to repeal or modify all provisions that discriminate against women and to include a definition of and a prohibition against all forms of discrimination against women, including an intersectional perspective;**

(b) **Take measures to combat gender stereotypes and encourage a change in traditional attitudes that hinder women's enjoyment of economic, social and cultural rights, particularly their access to education, land and inheritance, the labour market and equal pay and working conditions. In particular, it recommends that the State party take measures to redistribute the unpaid work carried out by women, for example by increasing the availability of affordable childcare and other care policies, and by encouraging men to participate in domestic and family responsibilities through the provision of parental leave, including shared parental leave;**

(c) **Adopt all necessary measures, including temporary special measures, to ensure that women have access in equal conditions to all areas of political and public life;**

(d) **Step up awareness-raising campaigns on equality between women and men in all areas of public and private life, targeting religious leaders, politicians, members of the legislature and the judiciary, and lawyers, law enforcement officers and other law enforcement officials, in both urban and rural areas;**

(e) **Refer to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights and to the**

<sup>10</sup> E/C.12/MRT/CO/1, paras. 10 and 11.

**recommendations of the Committee on the Elimination of Discrimination against Women.<sup>11</sup>**

**Right to work**

22. While noting the measures adopted to promote access to the labour market, the Committee points out that unemployment rates among young people and women remain high. It is also concerned about the challenges faced by members of the Haratine and Afro-Mauritanian communities in accessing the labour market (art. 6).

**23. The Committee recommends that the State party:**

(a) **Develop and implement, in consultation with social partners, a national employment policy with specific goals for reducing unemployment and combating all forms of discrimination, targeting its efforts at young persons, women, persons with disabilities and all other groups affected by discrimination, particularly the Haratine and Afro-Mauritanian communities;**

(b) **Redouble its efforts to improve the quality of education and technical and vocational training programmes, and to adapt them so that they enable access to and integration into the workforce, particularly for those groups most affected by unemployment;**

(c) **Refer in this regard to the Committee's general comment No. 18 (2005) on the right to work.**

**Informal sector**

24. The Committee notes with concern that the vast majority of workers remain employed in the informal sector of the economy and are therefore not adequately protected under labour legislation or the social protection system (arts. 6, 7 and 9).

25. **The Committee urges the State party to ensure that workers, especially women, employed in the informal sector of the economy are protected by labour legislation and enjoy social protection, in particular by ensuring that the labour inspection services also cover this sector. It also urges the State party to continue consultations with the International Labour Office aimed at taking all necessary measures to gradually formalize the situation of workers in the informal economy and also refers it in this regard to the Committee's general comments No. 18 (2005) on the right to work, No. 19 (2009) on the right to social security and No. 23 (2016) on the right to just and favourable conditions of work.**

**Application of the legal framework for combating slavery and contemporary forms of slavery**

26. The Committee recognizes the significant progress made by the State party in the fight against slavery, as well as against contemporary forms of slavery, notably through the strengthening of its legal framework. The Committee nevertheless remains concerned about the inadequate implementation of the legal framework, partly due to the limited resources available, as well as to the social and cultural acceptance of slavery-like practices that persists in the State party. The Committee is also concerned about reports that the practices of forced labour and economic exploitation continue to be used, notably in domestic and agricultural work, particularly among migrant workers and women (art. 7).

<sup>11</sup> CEDAW/C/MRT/CO/4.

27. **The Committee recommends that the State party:**

- (a) **Strengthen the implementation of its legal framework to combat slavery and contemporary forms of slavery and ensure that all cases of slavery and contemporary forms of slavery are thoroughly investigated and that the perpetrators of these practices are brought to justice and sentenced to penalties commensurate with the seriousness of their acts;**
- (b) **Ensure that the specialized criminal courts have the necessary human, financial and technical resources to guarantee the effective application of the legal framework against slavery;**
- (c) **Ensure that victims of slavery or other contemporary forms of slavery have access to effective remedies and redress, as well as to means of support aimed at their economic and political empowerment and their social reintegration, including through special positive measures that guarantee them access to education, employment, housing, land and natural resources, and to health services;**
- (d) **Continue its efforts to raise awareness, educate and communicate with the population, in particular with traditional chiefs and religious and customary leaders, about the nature of slavery and contemporary slavery practices, as well as about anti-slavery legislation and the complaints mechanisms that exist;**
- (e) **Refer to the recommendations contained in the Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, issued after his visit to Mauritania in 2022.<sup>12</sup>**

#### **Trade union rights**

28. The Committee is concerned about the allegations of intimidation, pressure and discrimination against workers and trade union leaders and that, in practice, the exercise of certain trade union rights is not guaranteed (art. 8).

29. **The Committee recommends that the State party establish effective mechanisms to protect the trade union rights of all workers, in accordance with article 8 of the Covenant, taking into account the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98). It also recommends that the State party ensure that trade union members and leaders are able to carry out their activities in a climate free from intimidation and discrimination.**

#### **Right to social security**

30. The Committee takes note of the efforts made by the State party to strengthen its social security system, in particular by adopting cash transfer programmes for the most disadvantaged families and by setting up the National Health Solidarity Fund to protect workers in the informal sector. The Committee is, however, concerned that, despite these efforts, large numbers of people continue to be excluded from the system, which does not cover all social risks and contingencies. The Committee regrets that it did not receive any information on access to social security for the elderly and persons with disabilities (art. 9).

31. **The Committee recommends that the State party redouble its efforts to develop a social security system that is adequate and accessible to all and that, in particular, guarantees universal social coverage and provides sufficient benefits for everyone, especially the most disadvantaged and marginalized groups, in order to guarantee them a decent standard of living; and that covers all social risks and contingencies. It encourages the State party to expand coverage of cash transfer programmes to all the most disadvantaged and marginalized families to guarantee them decent living conditions. It also recommends that the State party continue its efforts to introduce a social protection floor that incorporates basic universal social guarantees and, in this connection, refers to the its general comment No. 19 (2007) on the right to social security**

<sup>12</sup> See [A/HRC/54/30/Add.2](#).



**and to its 2015 statement on social protection floors as an essential element of the right to social security and of the sustainable development goals.<sup>13</sup>**

### **Economic exploitation of children**

32. The Committee notes with concern that, despite the measures adopted to combat child labour, many children under the age of 14 years are engaged in some form of economic activity. These children, especially those descended from slaves, migrant children and children most affected by poverty, are often victims of economic exploitation or subjected to the worst forms of child labour. The Committee also notes with concern that a significant number of children, in particular talibé children and street children, are subjected to forced begging (art. 10).

**33. The Committee recommends that the State party:**

(a) **Strengthen its comprehensive child protection system, including the National Council for Children, to guarantee effective care for children in particularly vulnerable situations, such as child victims of slavery, migrant children, street children and talibé children;**

(b) **Take effective measures to prevent and combat the worst forms of child labour, as well as the economic exploitation of children, especially in the informal economy, and ensure that the legal provisions on child labour are duly applied and that those who exploit children are duly punished, and to ensure effective monitoring of the application of the legal provisions on child labour;**

(c) **Strengthen the mechanisms in place to ensure that disadvantaged families, particularly victims of slavery, benefit from support measures that enable them to escape from the poverty and exclusion that is often at the root of the economic exploitation of children.**

### **Harmful practices against women and girls**

34. The Committee notes with concern that harmful practices against women and girls, such as early marriage and female genital mutilation, remain widespread in the State party, despite their explicit prohibition in the State party's domestic criminal legislation (arts. 3 and 10).

**35. The Committee recommends that the State party put priority on the adoption of comprehensive measures to eliminate all harmful practices against women and girls. To this end, it urges the State party to:**

(a) **Strengthen the mechanisms used to enforce its legislation to combat harmful practices against women and girls in order to ensure that perpetrators are brought to justice and sentenced to penalties commensurate with the seriousness of their acts, and that victims have access to effective remedies, as well as to compensation measures;**

(b) **Remove all exceptions that permit marriage under the age of 18 and ensure that the minimum legal age of marriage of 18 for girls and boys is duly respected;**

(c) **Take effective measures to prevent early marriage and female genital mutilation, including by strengthening education and awareness-raising campaigns on the harmful nature of these practices.**

### **Poverty**

36. The Committee notes the efforts made to combat poverty under the Strategy for Accelerated Growth and Shared Prosperity. It regrets, however, that it did not receive any specific information, accompanied by statistics, on the results of the anti-poverty measures put in place. It also notes that poverty and extreme poverty continue to disproportionately affect the inhabitants of rural areas, as well as victims of slavery, descendants of slaves and

<sup>13</sup> [E/C.12/2015/1](#).



members of the Haratine and Afro-Mauritanian communities. The Committee further regrets that it did not receive any information on the impact of the measures adopted to mitigate the effects of the coronavirus disease (COVID-19) pandemic on the rise in poverty and inequality (art. 11).

37. **The Committee recommends that the State party redouble its efforts to combat poverty, particularly extreme poverty, inter alia by undertaking a thorough evaluation of existing anti-poverty programmes and strategies, including the Strategy for Accelerated Growth and Shared Prosperity, with a view to identifying obstacles and making the changes necessary to allow for the implementation of a comprehensive poverty reduction strategy. The Committee urges the State party to ensure that this strategy is accompanied by clear-cut, measurable objectives, is properly funded, includes effective mechanisms for coordination among the various actors, is implemented in accordance with human rights standards and principles, and takes due account of existing regional disparities and the real needs of the population, especially the most disadvantaged and marginalized groups. The Committee recommends that the State party include in its poverty reduction strategy the measures needed to address the impact of the COVID-19 pandemic on poverty. Lastly, the Committee refers the State party to its 2001 statement on poverty and the Covenant.<sup>14</sup>**

#### **Extractive activities**

38. The Committee notes the information provided concerning the application of the legal framework to the extractive and mining industries in the State party and the measures adopted on conducting environmental impact studies. It remains concerned, however, by reports of the ineffective application of these measures and the adverse effects of extractive and mining activities on the environment, as well as on access to land, adequate food, water and an adequate standard of living, and on the health of the communities affected (art. 11).

39. **The Committee recalls its previous concluding observations<sup>15</sup> and recommends that the State party:**

(a) **Ensure that impact studies on economic, social and cultural rights and on the environment are carried out in a transparent and systematic way before the implementation of economic development and natural resource exploitation projects, particularly mining projects;**

(b) **Take the necessary steps to ensure that the communities affected by activities linked to economic development and the exploitation of natural resources are consulted in a free, prior and informed fashion, receive compensation for damage and loss and draw tangible benefits from the activities;**

(c) **Take corrective measures to remedy environmental and health risks created by economic development and natural resource exploitation projects, particularly mining.**

#### **Adaptation to climate change**

40. The Committee is concerned about the lack of a national climate change adaptation plan and that the environmental consequences of climate change, including drought, are having a considerable impact on the enjoyment of economic, social and cultural rights in the State party (art. 11).

41. **The Committee recommends that the State party redouble its efforts to expedite the process of formulating and implementing a national climate change adaptation plan and take all adaption measures necessary to protect the environment and address environmental degradation, taking into account its effects on economic, social and cultural rights.**

<sup>14</sup> E/C.12/2001/10.

<sup>15</sup> E/C.12/MRT/CO/1, para. 8.

**Right to food**

42. The Committee notes with concern that a large number of people continue to face food insecurity, especially in rural areas. Despite the efforts made by the State party, there is a high prevalence of malnutrition, particularly among children and the most disadvantaged and marginalized groups (art. 11).

43. **The Committee recommends that the State party:**

(a) **Adopt a legislative and institutional framework and a comprehensive strategy to guarantee the right to adequate food and to combat food insecurity and malnutrition, particularly for children under the age of 5 years, pregnant and breastfeeding women and persons living in rural areas, and to call on the Right to Food Team of the Food and Agriculture Organization of the United Nations (FAO) for the technical support in this regard;**

(b) **Step up its efforts to improve the productivity of smallholder farmers by facilitating access to appropriate technologies and local markets with a view to raising income levels in rural areas;**

(c) **Refer in this regard to the Committee's general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the FAO Council in 2004.**

**Access to land**

44. The Committee is concerned about the conflicts over access to land that arise from the current system of land ownership. It is also concerned about the difficulties faced by the most disadvantaged and marginalized groups, notably victims of the unresolved humanitarian issues who have returned to the country, victims of slavery and women, in gaining access to land (art. 11).

45. **The Committee recommends that the State party continue the reform of the land sector in order to put in place measures aimed at the rational use of land and to overcome existing discriminatory practices, especially against victims of the unresolved humanitarian issues, victims of slavery and women. As part of this reform, the Committee urges the State party to carry out wide-ranging and transparent consultations with the communities and individuals affected by land disputes, confiscations and evictions, in particular victims of the unresolved humanitarian issues and victims of slavery. In this regard, the Committee refers the State party to its general comment No. 26 (2022) on land and economic, social and cultural rights.**

**Access to safe drinking water and sanitation**

46. Despite the efforts that the State party has made, the Committee is concerned that the supply of safe drinking water and sanitation facilities remains limited, especially in rural areas. The Committee notes with concern reports that a large number of health centres and schools have no access to drinking water or sanitation (art. 11).

47. **The Committee urges the State party to redouble its efforts to ensure that the entire population, in particular the most marginalized and disadvantaged groups and those living in rural and remote areas, has access to safe drinking water and sanitation services, and to ensure the adequate provision of such services in health centres and schools. It also recommends that the country protect its water resources, in particular by adopting a law on the right to water and sanitation that: (a) recognizes the right to have access to drinking water and the right to sanitation as human rights to be guaranteed without discrimination; (b) addresses the negative impact of economic activities and natural resource exploitation and the effects of climate change; (c) defines sanctions and penalties for companies whose activities lead to the pollution of water resources; and (d) introduces an adequate and sustainable wastewater management and treatment system. The Committee invites the State party to ensure that the law is drawn up in consultation with all the social actors concerned and to refer in this regard to its general comment No. 15 (2002) on the right to water.**

### **Right to physical and mental health**

48. The Committee is concerned that access to physical and mental health services and their availability and quality in the State party remain limited, due in particular to the still restricted access to the Health and Social Action Fund, the lack of infrastructure and adequate medical equipment and the lack of qualified medical staff. The Committee also notes with concern the limited access to quality medicines (art. 12).

49. **The Committee recommends that the State party:**

(a) **Allocate sufficient resources to the health sector and strengthen the national system that provides access to quality care and essential medicines, the Mouyassar system;**

(b) **Guarantee the accessibility, availability and quality of health-care provision in all regions, in particular by improving the infrastructure of the primary health-care system, and ensure that hospitals have enough medical staff and adequate infrastructure and medical equipment, in sufficient quantity, as well as a regular supply of medicines;**

(c) **Take all necessary budgetary and administrative measures, including through the National Social Security Fund, to increase the coverage of the Health and Social Action Fund to the 70 per cent of the population who currently do not have access to it;**

(d) **Adopt legislation and a general policy on health, including mental health, in order to ensure the provision of mental health services, including community services, and to increase the number of professionals working in this field;**

(e) **Refer in this regard to its general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12).**

### **Sexual and reproductive health**

50. The Committee notes with concern the limited access to sexual and reproductive health services and information, including to contraceptives. It is also concerned about the fact that voluntary termination of pregnancy is authorized only in very restrictive circumstances. The Committee notes with concern that, despite a reduction in the rate, maternal mortality remains high (art. 12).

51. **The Committee recommends that the State party:**

(a) **Revise its criminal legislation prohibiting abortion to make it compatible with women's rights, to broaden the circumstances in which legal abortion is permitted, and to eliminate the restrictive requirements that limit access to legal abortion and, in this regard, take account of the World Health Organization abortion care guidelines;<sup>16</sup>**

(b) **Ensure the accessibility and availability of appropriate, good-quality sexual and reproductive health-care services and information, notably access to methods of contraception, including emergency contraception, and to antenatal and postnatal care for all women and adolescent girls in the State party, in particular those living in rural or remote areas;**

(c) **Take the legislative and administrative measures necessary to prevent maternal mortality and morbidity, taking into account the technical guidance provided by the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality;<sup>17</sup>**

(d) **Refer in this regard to the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health.**

<sup>16</sup> World Health Organization, *Abortion care guideline*, Geneva, 2022.

<sup>17</sup> [A/HRC/21/22](#).

### Drugs policy

52. The Committee notes with concern that the State party criminalizes the use of drugs, which has adverse effects on the rights of users (art. 12).

**53. The Committee recommends that the State party review its legislation criminalizing drug use, including the death penalty for certain cases of repeated drug-related offences, and establish risk-reduction services that are available and accessible throughout the territory of the State party for persons who use drugs or other substances.**

### Right to education

54. The Committee notes the progress made in access to education in the State party, in particular with the development of preschool education and the promulgation of Act No. 2022-023 of 17 August 2022, the Framework Act on the National Education System. It nevertheless remains concerned about the many challenges that remain with regard to the effective exercise of the right to education in the State party and is particularly concerned about:

- (a) The high rate of children not enrolled in school;
- (b) The high rates of dropout from primary and secondary school;
- (c) The low enrolment rate among girls and the persistent difficulties in keeping them in school;
- (d) The poor quality of education, which is due in part to the lack of sufficient resources and the inadequate number of teachers;
- (e) The lack of adequate educational infrastructure, characterized by inadequate access to drinking water and sanitary facilities;
- (f) Obstacles to the realization of the right to education for children from disadvantaged backgrounds, such as child victims of slavery, migrant children and children with disabilities;
- (g) The lack of information on how respect for academic freedom at university is guaranteed (arts. 13 and 14).

**55. The Committee recommends that the State party:**

- (a) **Redouble its efforts to increase enrolment in primary and secondary education and expand the availability of preschool education;**
- (b) **Take the necessary measures to bring down the high dropout rate in primary and secondary education;**
- (c) **Tackle the difficulties and obstacles that remain to ensuring that girls have access to education under the same conditions as boys, from preschool through to tertiary education;**
- (d) **Continue its efforts to improve the quality of education, in particular by allocating sufficient resources, increasing the number of qualified teachers and their pay, improving the quality of teaching materials and including human rights education in school curricula with a view to strengthening respect for human rights, the principle of non-discrimination and fundamental freedoms;**
- (e) **Take the necessary steps to improve educational infrastructure, in particular by ensuring access to drinking water and adequate sanitary facilities;**
- (f) **Guarantee access to quality education for children from disadvantaged backgrounds, in particular child victims of slavery, migrant children and children with disabilities;**
- (g) **Take measures to ensure respect for the principle of academic freedom, freedom of thought, opinion and expression at university and freedom of scientific research and creative activity.**

### Cultural diversity

56. The Committee recognizes the State party's efforts to preserve the cultural and linguistic diversity of its society, including through the recognition of Pulaar, Soninké and Wolof as national languages and the adoption of Act No. 2019-024 of 14 May 2019 on the protection of cultural heritage. The Committee nevertheless remains concerned about the limited promotion and dissemination of the culture, languages and traditions of the various ethnic and linguistic minorities (art. 15).

57. **The Committee recommends that the State party redouble its efforts to strengthen respect for cultural diversity and to create conditions that will enable minorities to preserve, develop, express and disseminate their identity, history, languages, culture, traditions and customs. It recommends that the State party also strengthen the teaching and use of the Pulaar, Soninke and Wolof languages, including in official documents.**

### Access to science for women and girls

58. The Committee regrets that the State party did not provide adequate information, including statistical information, on women's and girls' access to science (arts. 3 and 15).

59. **The Committee recommends that the State party take appropriate measures to identify and eliminate laws, policies, practices, prejudices and stereotypes of any kind that impede the participation of women and girls in science and technology, referring in this regard the State party to its general comment No. 25 (2020) on science and economic, social and cultural rights.**

## D. Other recommendations

60. The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

61. **The Committee recommends that the State party consider ratifying the core human rights treaties to which it is not yet a party, namely the Optional Protocol to the International Covenant on Civil and Political Rights; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

62. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in both the implementation of the 2030 Agenda for Sustainable Development at the national level and the measures taken towards the country's recovery from the COVID-19 pandemic, with the cooperation of the international community when needed. Achievement of the Sustainable Development Goals would be significantly facilitated if the State party were to establish independent mechanisms to monitor progress and treat beneficiaries of public programmes as rights holders who can claim entitlements. The Committee recommends that the State party support the global commitments in respect of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.<sup>18</sup>

63. The Committee requests that the State party widely disseminate the present concluding observations at all levels of society, including at the national level and in the *wilayas*, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. It encourages the State party to involve the National Human Rights

<sup>18</sup> [E/C.12/2019/1](#).

**Commission and non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.**

64. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations (31 March 2026), information on the implementation of the recommendations contained in paragraphs 19 (civil registry), 27 (c) (application of the legal framework to combat slavery and contemporary forms of slavery) and 49 (c) (right to physical and mental health) above.

65. The Committee requests the State party to submit its third periodic report in accordance with article 16 of the Covenant by 31 March 2029, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

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