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## Mauritania

### **Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with human rights mechanisms**

2. The Committee on Economic, Social and Cultural Rights recommended that Mauritania ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 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 and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.<sup>2</sup>

3. The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women recommended that Mauritania ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.<sup>3</sup>

4. The Committee on the Elimination of Discrimination against Women recommended that Mauritania accede to the Convention relating to the Status of Stateless Persons.<sup>4</sup> The Committee and the United Nations country team recommended that Mauritania accede to the Convention on the Reduction of Statelessness.<sup>5</sup>

5. The same Committee recommended that Mauritania lift its reservation to article 13 (a) of the Convention on the Elimination of All Forms of Discrimination against Women with a view to the withdrawal also of the reservation to article 16.<sup>6</sup>

6. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Mauritania ratify the Convention against Discrimination in Education.<sup>7</sup>



### **III. National human rights framework**

#### **1. Constitutional and legislative framework**

7. UNESCO noted that the Constitution of Mauritania of 1991, as amended in 2017, did not guarantee the right to education. UNESCO recommended that Mauritania guarantee the right to education in the Constitution.<sup>8</sup>

8. The Committee on the Rights of Persons with Disabilities was concerned about: (a) the lack of harmonization of national legislation and the policy framework with the Convention on the Rights of Persons with Disabilities; and (b) the use, in laws and policies, of derogatory concepts and terminology concerning persons with disabilities that emphasized a person's impairments, reflected medical and paternalistic approaches to disability and reinforced stigma against persons with disabilities. The Committee recommended that Mauritania: (a) harmonize its Constitution, as well as its legal and policy framework on disability, with the provisions of the Convention by integrating the human rights-based model of disability into its laws, regulations and policies; and (b) repeal all sections in legislation, policies and regulations that used derogatory terms and ensure that they conformed with the human rights-based model of disability.<sup>9</sup>

9. The Committee on the Elimination of Discrimination against Women was concerned by the absence in the Personal Status Code and the Nationality Code of a legal definition of discrimination against women that explicitly prohibited direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination. It noted with concern that there were still legal provisions that discriminated against women, including articles 307 and 308 of the Penal Code regarding consensual sex outside of marriage (zina) and other so-called moral crimes, articles 8, 13 and 16 of the Nationality Code concerning the transmission of nationality to children and foreign spouses, and provisions in the Personal Status Code on guardianship, child and forced marriage, polygamy, divorce, custody and management of property.<sup>10</sup>

10. The same Committee recommended that Mauritania: (a) urgently repeal or amend all provisions that discriminated against women; and (b) adopt a definition of discrimination against women encompassing direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination.<sup>11</sup>

#### **2. Institutional infrastructure and policy measures**

11. The Committee on Enforced Disappearances recommended that Mauritania ensure that the National Human Rights Commission had the financial, technical and human resources necessary for it to fully carry out its work throughout the national territory. It also recommended that Mauritania promote awareness of the Commission and its competencies, particularly those related to enforced disappearances, among the general public and national and local authorities.<sup>12</sup>

12. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families encouraged Mauritania to fully implement the recommendations made in paragraph 17 of its concluding observations<sup>13</sup> to strengthen the interministerial committee responsible for preparing reports and endow it with sufficient resources to implement the recommendations of the Committee and other human rights treaty bodies.<sup>14</sup>

### **IV. Promotion and protection of human rights**

#### **A. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

##### **1. Equality and non-discrimination**

13. The Committee on Economic, Social and Cultural Rights noted 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 noted 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 had recently escaped slavery. The same Committee noted the discrimination against migrants, asylum-seekers and refugees.<sup>15</sup>

14. The same Committee also noted with concern that consensual relations between people of the same sex were criminalized under article 308 of the Criminal Code.<sup>16</sup>

15. The same Committee recommended that Mauritania: (a) ensure that its legal framework for combating discrimination complied with international human rights standards and principles; (b) ensure access to effective remedies for victims of discrimination, including the possibility of obtaining redress; and (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.<sup>17</sup>

16. The Committee on the Elimination of Discrimination against Women was concerned that the 2021 amendment to the Nationality Code retained provisions that discriminated against Mauritanian women in relation to the transfer of their nationality to their children and foreign spouses. It noted with concern that the limited access of women – in particular Haratine, refugee, asylum-seeking and migrant women, their children, children born to unmarried mothers, and women in rural areas of the south of the country – to civil registration procedures increased their risk of statelessness and could deprive them of access to basic services.<sup>18</sup>

17. The same Committee recommended that Mauritania: (a) amend articles 8, 13, 16 and 18 of the Nationality Code to ensure that Mauritanian women had rights equal to those of Mauritanian men to transfer their nationality, including to their children born abroad and to a foreign spouse; (b) ensure that all women, irrespective of their marital status, had access to birth registration for their children born in Mauritania, and amend the Personal Status Code to ensure that all women and men were entitled to obtain birth certificates for their children, regardless of their marital status; and (c) ensure affordable and unbureaucratic access to birth registration and identity documents for Haratine, refugee, asylum-seeking and migrant women and women in rural areas of the south of the country to guarantee their access to basic services.<sup>19</sup>

## **2. Right to life, liberty and security of person, and freedom from torture**

18. The Committee on the Elimination of Discrimination against Women recommended that Mauritania revise the Penal Code in order to abolish the death penalty and commute the sentences of women sentenced to death for killing a person who had perpetrated gender-based violence against them.<sup>20</sup>

19. The Committee on the Rights of Persons with Disabilities was concerned that: (a) the Criminal Code still contained provisions authorizing public stoning to death, whipping and amputation, which – despite the existing legal provisions, such as Act No. 2015-033 on combating torture and slavery and the de facto moratorium on the death penalty – could be used by the courts; (b) the authorities continued to impose corporal punishment against persons with disabilities, including children with disabilities; and (c) female genital mutilation continued to take place, particularly in wilayas.<sup>21</sup>

20. The same Committee recommended that Mauritania: (a) repeal all provisions permitting public stoning to death, whipping and amputation and strengthen the application of national legislation, policies and practices that prohibited torture or other cruel, inhuman or degrading treatment or punishment of persons with disabilities; (b) abolish corporal punishment against persons with disabilities, including children with disabilities, without any exceptions, in all settings; and (c) strengthen the implementation of national legislation and the national action plan on the voluntary abandonment of female genital mutilation in wilayas, to eliminate that practice.<sup>22</sup>

21. The Committee on Enforced Disappearances was concerned about the principle of obedience to superior orders provided for in article 8 of the Civil Servants and State Contract Workers General Regulations Act and the legal possibility of exempting subordinates from

any responsibility under article 111 of the Criminal Code. The Committee also noted that criminal law did not sufficiently address the issue of the criminal responsibility of hierarchical superiors. The Committee recommended that Mauritania ensure that no order or instruction from any public authority – civilian, military or other – could be invoked to justify an offence of enforced disappearance and that subordinates who refused to obey an order to commit enforced disappearance would not be punished. It also recommended that Mauritania provide for the criminal responsibility of superiors.<sup>23</sup>

### **3. Human rights and counter-terrorism**

22. The United Nations country team noted that Mauritanian counter-terrorism legislation, specifically article 23 of Act No. 2010-035 as amended by Act No. 2016-015, authorized police custody of up to 15 days, renewable twice, for persons suspected of terrorist offences. This raised serious concerns with regard to international human rights standards, particularly concerning the prevention of torture, protection against arbitrary detention and the right to a fair trial. The United Nations country team recommended that Mauritania limit the initial duration of police custody to 7 days, renewable once only by reasoned decision of a judge.<sup>24</sup>

### **4. Administration of justice, including impunity, and the rule of law**

23. The Committee on the Elimination of Discrimination against Women noted with concern that perpetrators of gender-based violence often enjoyed impunity owing to an inadequate legal framework protecting women, as well as the underreporting of incidents owing to women's mistrust in the justice system and the police, including their risk of being subjected to prosecution under an accusation of having sexual relations outside of marriage (*zina*), to which the death penalty applied, and to virginity testing during forensic examinations for rape that did not meet international health protocols and standards. The Committee also noted with concern that women were required to produce four witnesses to establish a *prima facie* case of rape and were often revictimized owing to gender-insensitive responses by first-line responders and law enforcement officers. It regretted the lack of victim protection and support services in Mauritania, which were delegated largely to non-governmental organizations.<sup>25</sup>

24. The same Committee recommended that Mauritania: (a) immediately release any girls detained on charges of *zina*, discontinue the prosecution against and repeal the procedural requirement for women to produce four witnesses to establish a case of rape; (b) adequately fund victim support services and shelters run by non-governmental organizations and ensure their availability and accessibility in all regions of the country; (c) encourage reporting of gender-based violence against women, including by establishing special gender-responsive sections in police stations to receive and register women's complaints and by establishing a protection programme for victims and witnesses; (d) support the establishment of sexual violence units for women and children in public hospitals and health centres, as well as digitized gender-based violence response and management systems; and (e) adopt forensic guidelines and protocols on gender-sensitive documentation of cases of sexual violence, prohibit so-called virginity tests and remove any requirement for a police requisition in order to receive medical assistance and forensic analysis.<sup>26</sup>

25. The same Committee was gravely concerned by the persistence of female circumcision and similar harmful practices inflicted on girls throughout Mauritania and the widespread impunity enjoyed by perpetrators. It urged Mauritania to ensure that perpetrators of female genital mutilation were prosecuted and adequately punished, including those involved in procuring, aiding or abetting that harmful practice, and provide alternative income opportunities for traditional circumcisers.<sup>27</sup>

26. The Committee on Enforced Disappearances noted that, to date, proposals to establish a truth and reconciliation process to settle the unresolved humanitarian issues (*passif humanitaire*) had not been given detailed consideration.<sup>28</sup>

27. The same Committee recommended that Mauritania intensify its efforts to ensure that: (a) all cases of enforced disappearance connected with the period of unresolved humanitarian issues were investigated thoroughly and impartially and that investigations continued until

the fate of the disappeared persons was clarified; (b) all those involved in the perpetration of an enforced disappearance, including military and civilian superiors, were prosecuted and, if found guilty, punished in accordance with the gravity of their acts; (c) all disappeared persons whose whereabouts were unknown were searched for and located and, in the event of death, their remains were identified, respected and returned to their families by the means and procedures needed to ensure a dignified burial consistent with the wishes and cultural customs of the families and their communities; and (d) all persons who had suffered direct harm as a result of an enforced disappearance received prompt, full and adequate reparation.<sup>29</sup>

## **5. Fundamental freedoms and the right to participate in public and political life**

28. The Committee on Economic, Social and Cultural Rights was concerned by reports that human rights defenders, including defenders of economic, social and cultural rights working to combat discrimination, slavery and slavery-like practices, carried out their activities under restrictive conditions and were often exposed to various forms of harassment or reprisals. The Committee was 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.<sup>30</sup>

29. The same Committee recommended that Mauritania: (a) accelerate the process of adopting the bill on protecting human rights defenders; (b) engage in open and transparent consultations with civil society organizations and other stakeholders in the process of drafting and adopting that bill; and (c) adopt the measures necessary to prevent legal provisions 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.<sup>31</sup>

## **6. Prohibition of all forms of slavery, including trafficking in persons**

30. The United Nations country team stressed that slavery-like practices persisted in rural areas, and that efforts were still required to combat discrimination against and the stigmatization of former slaves and descendants of slaves. The country team recommended rigorous enforcement of the law and capacity-building for the specialized prosecutor's office, as well as systematic and coordinated action involving all stakeholders, including workers' and employers' organizations, in order to combat the root causes of slavery and respond effectively to its multiple dimensions.<sup>32</sup>

31. The Committee on the Elimination of Discrimination against Women noted with concern the lack of a gender perspective in the legislative and institutional framework to combat and prevent trafficking in persons, the limited attention paid to disadvantaged groups and the lack of early identification and referral of victims of trafficking to appropriate assistance and protection services and of the prosecution of their perpetrators.<sup>33</sup>

32. The same Committee recommended that Mauritania integrate a gender perspective into its anti-trafficking framework, strengthen the early identification and referral of victims of trafficking to appropriate services and protect and support disadvantaged groups of women and girls who were at higher risk of being trafficked, including migrant women, Haratine women, women in prostitution, women with disabilities and girls who were exploited in forced begging. It requested Mauritania to provide in its subsequent periodic report information on the number of investigations, prosecutions and convictions and on the sentences imposed on perpetrators in trafficking cases.<sup>34</sup>

## **7. Right to work and to just and favourable conditions of work**

33. The Committee on Economic, Social and Cultural Rights noted that unemployment rates among young people and women remained high. It was concerned about the challenges faced by members of the Haratine and Afro-Mauritanian communities in accessing the labour market.<sup>35</sup>

34. The same Committee recommended that Mauritania: (a) develop and implement 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; and (b) redouble its efforts to improve the quality of education and technical and vocational training programmes, and to adapt them so that they enabled access to and integration into the workforce, particularly for those groups most affected by unemployment.<sup>36</sup>

35. The same Committee was concerned about allegations of intimidation, pressure and discrimination against workers and trade union leaders and that, in practice, the exercise of certain trade union rights was not guaranteed. It recommended that Mauritania establish effective mechanisms to protect the trade union rights of all workers. It also recommended that Mauritania ensure that trade union members and leaders were able to carry out their activities in a climate free from intimidation and discrimination.<sup>37</sup>

## **8. Right to social security**

36. The Committee on Economic, Social and Cultural Rights was concerned that, despite the efforts of Mauritania to strengthen its social security system, large numbers of people continued to be excluded from the system, which did not cover all social risks and contingencies. The Committee recommended that Mauritania redouble its efforts to develop a social security system that was adequate and accessible to all, that guaranteed universal social coverage and provided sufficient benefits for everyone, especially the most disadvantaged and marginalized groups, in order to guarantee them a decent standard of living, and that covered all social risks and contingencies. It encouraged Mauritania to expand the coverage of cash transfer programmes to all the most disadvantaged and marginalized families to guarantee them decent living conditions.<sup>38</sup>

## **9. Right to an adequate standard of living**

37. The Committee on Economic, Social and Cultural Rights noted with concern that many people continued to face food insecurity, especially in rural areas. It was concerned that the supply of safe drinking water and sanitation facilities remained limited, especially in rural areas. It recommended that Mauritania 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. It also recommended that Mauritania 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, had access to safe drinking water and sanitation services, and to ensure the adequate provision of such services in health centres and schools.<sup>39</sup>

## **10. Right to health**

38. The Committee on the Elimination of Discrimination against Women noted with concern: (a) the inadequacy of women's and girls' access to sexual and reproductive health services and to the digital technologies that accelerated health service delivery, in particular in rural areas; (b) the persistently high maternal mortality rates, including among adolescent girls, and the lack of adequate basic emergency obstetric and neonatal care in the country; and (c) the high number of unsafe abortions in the country, where abortions could be legally performed only in extremely restricted circumstances, including when the life of a pregnant woman was at risk.<sup>40</sup>

39. The same Committee recommended that Mauritania: (a) effectively implement and raise awareness of the Reproductive Health Act (2017) and the national reproductive health strategy, with a special focus on girls and women who were victims of child and/or forced marriage and on rural women and girls; (b) increase its health expenditure and enhance coverage of and access to high-quality health services throughout its territory; and (c) amend article 23 of the Penal Code and article 21 of the Reproductive Health Act to decriminalize abortion in all cases to ensure that women who attempted or underwent the procedure could not be criminally prosecuted, and legalize abortion at least in cases of rape, incest, threats to the life or health of the pregnant woman or severe fetal impairment.<sup>41</sup>

## 11. Right to education

40. UNESCO stated that Act No. 23 of 2022 on the national education system did guarantee the right to education, but only for citizens, along with a principle of non-discrimination. That Act guaranteed compulsory education from ages 6 to 15, for a duration of nine years. It provided for free public education, although it did not explicitly specify the levels concerned by this provision. It also provided for three years of pre-primary education for children aged 3 to 5; however, it was neither compulsory nor explicitly stated as free.<sup>42</sup>

41. UNESCO recommended that Mauritania: (a) guarantee the right to education for all, not only for citizens, in the legislation; (b) guarantee in the legislation at least 12 years of free primary and secondary education and at least 4 years of free and compulsory pre-primary education; and (c) ensure regular reporting to the UNESCO Institute for Statistics on education data, especially on pre-primary education, secondary education and tertiary education, as well as on literacy rates for girls and women.<sup>43</sup>

## 12. Development, the environment, and business and human rights

42. The United Nations country team noted that United Nations system projects had included marginalized groups in development dynamics, but that territorial inequalities persisted and hindered overall impact. The country team recommended that Mauritania give priority to regions with high vulnerability and poverty profiles in the implementation of development projects, focusing on the empowerment of women and young people.<sup>44</sup>

43. The Committee on Economic, Social and Cultural Rights was concerned about the lack of a national climate change adaptation plan and that the environmental consequences of climate change, including drought, were having a considerable impact on the enjoyment of economic, social and cultural rights in the country. It recommended that Mauritania 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.<sup>45</sup>

44. The same Committee regretted that it had not received any in-depth information from Mauritania on the legal framework for ensuring that companies exercised human rights due diligence. It recommended that Mauritania, 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 country did not adversely affect the enjoyment of economic, social and cultural rights.<sup>46</sup>

## B. Rights of specific persons or groups

### 1. Women

45. The Committee on the Elimination of Discrimination against Women noted with concern the high levels of gender-based violence against women in Mauritania, disproportionately affecting disadvantaged groups of women. The Committee recommended that Mauritania: (a) urgently submit to the parliament for adoption the draft law on combating violence against women and girls and adopt targeted measures to protect Haratine women, refugee, stateless and migrant women, women with disabilities and rural women; and (b) criminalize all forms of gender-based violence against women, including domestic violence, marital rape and sexual harassment in the workplace, without exemptions, ensuring that the definition of rape was based on the lack of consent and took into account all coercive circumstances, in line with international human rights standards.<sup>47</sup>

46. The same Committee noted with concern allegations of sexual exploitation or sexual abuse in 13 cases perpetrated by uniformed personnel of United Nations peace missions contributed by Mauritania. It recommended that Mauritania: (a) implement the national action plan on Security Council resolution 1325 (2000) on women and peace and security, and its renewal; (b) investigate, prosecute and adequately punish cases of sexual exploitation and abuse by uniformed personnel of United Nations peace missions contributed by

Mauritania; and (c) nominate a focal point to address paternity and child maintenance claims in the aforementioned cases where the sexual misconduct by contributed personnel had resulted in the conception and birth of a child.<sup>48</sup>

## 2. Children

47. The Committee on Economic, Social and Cultural Rights noted with concern that, despite the measures adopted to combat child labour, many children under the age of 14 years were engaged in some form of economic activity. Those children, especially those descended from slaves, migrant children and children most affected by poverty, were often victims of economic exploitation or subjected to the worst forms of child labour. The Committee also noted with concern that a significant number of children, in particular talibé children and street children, were subjected to forced begging.<sup>49</sup>

48. The same Committee recommended that Mauritania: (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 children who were victims of slavery, migrant children, street children and talibé children; and (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 were duly applied and that those who exploited children were duly punished, and to ensure effective monitoring of the application of the legal provisions on child labour.<sup>50</sup>

49. The Committee on the Elimination of Discrimination against Women noted with concern the exceptions to the legal minimum age of marriage of 18 years under article 6 of the Personal Status Code (2001) and the persistently high rates of child and/or forced marriage in Mauritania, especially in rural areas, exposing girls and women in such forced unions to damaging consequences, in particular regarding the health and development of girls, including their right to education and bodily integrity, and increased risk of gender-based violence.<sup>51</sup>

50. The same Committee recommended that Mauritania: (a) amend article 6 of the Personal Status Code to remove all exceptions to the minimum age of marriage of 18 years for both women and men; and (b) criminalize child marriage and prosecute and adequately punish adults married to children, as well as persons who facilitated child marriage and the marriage of girls deemed to lack capacity under article 6 of the Personal Status Code.<sup>52</sup>

## 3. Persons with disabilities

51. The Committee on the Rights of Persons with Disabilities was concerned about: (a) the absence of a comprehensive definition of discrimination against persons with disabilities, encompassing multiple and intersectional forms of discrimination; and (b) the lack of recognition of denial of reasonable accommodation as a form of discrimination on the basis of disability. The Committee recommended that Mauritania: (a) adopt a comprehensive definition of discrimination on grounds of disability, including multiple and intersectional disability, encompassing age, race, gender, ethnicity, religion, language, sexual orientation, nationality and migration status, or any other status, and ensure that persons with disabilities were comprehensively protected from discrimination; and (b) adopt legal provisions to recognize denial of reasonable accommodation as a form of discrimination in all areas of life and include an express definition of reasonable accommodation consistent with article 2 of the Convention.<sup>53</sup>

## 4. Lesbian, gay, bisexual, transgender and intersex persons

52. The Committee on Economic, Social and Cultural Rights recommended that Mauritania decriminalize consensual relations between people of the same sex and repeal article 308 of the Criminal Code, as well as all discriminatory legal provisions concerning sexual orientation and gender identity, and combat discrimination against and the stigmatization of lesbian, gay, bisexual, transgender and intersex persons, including through awareness-raising campaigns, and ensure that no one was discriminated against in the enjoyment of economic, social and cultural rights on the grounds of sexual orientation or gender identity.<sup>54</sup>



## 5. Migrants, refugees and asylum-seekers

53. The Special Rapporteur on the human rights of migrants stressed that migrants, refugees and asylum-seekers still faced arbitrary arrest, detention, refoulement, abuse, discrimination and systemic corruption in Mauritania, and that women migrants faced particular risks. The Special Rapporteur had received reports of night raids by police, verbal and physical abuse, sexual assault and extortion. Many women were handcuffed during deportations, a degrading practice. In some cases, they were expelled separately from their children or spouses, which violated the principle of family unity. In addition to reports of arbitrary detention and deportation, the Special Rapporteur had received information that asylum-seekers and refugees suffered the same fate as other migrants.<sup>55</sup>

54. The same Special Rapporteur recommended that Mauritania: (a) end collective expulsions of migrants and ensure that every individual case was assessed before a person was removed; (b) ensure the protection of family unity and the best interests of the child by implementing protocols that prevented family separation during deportation and disembarkation; (c) establish independent bodies to investigate and sanction corruption and abuse against migrants, asylum-seekers and refugees by police officers; and (d) strengthen judicial oversight of detention and guarantee humane conditions in all centres.<sup>56</sup>

55. The United Nations country team noted that Mauritania had demonstrated a strong commitment to refugee protection. However, concerns remained, particularly regarding respect for the principle of non-refoulement and detention. The absence of a comprehensive national legislative framework on asylum was a major obstacle to the effective protection of refugees. The country team emphasized that there was still no specific law on asylum, a fact that limited legal safeguards, particularly with regard to access to the territory and freedom of movement. It also noted that the protection of vulnerable refugees, particularly women and children, remained inadequate. They were exposed to significant risks of violence, exploitation or forced marriage, while existing mechanisms – in terms of shelters, emergency services and access to justice – remained generally limited.<sup>57</sup>

56. The United Nations country team recommended that Mauritania: (a) adopt a national asylum law in line with the Convention relating to the Status of Refugees and the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa; (b) clarify disembarkation procedures in the context of mixed movements to ensure protection against refoulement; (c) issue a circular excluding refugees from the expulsion provisions of the Migration Act; and (d) issue identity cards and travel documents in accordance with international standards.<sup>58</sup>

## 6. Stateless persons

57. The United Nations country team noted that the risk of statelessness remained high in Mauritania, and that many refugee children born in the country still did not have birth certificates. It recommended expediting the registration and issuance of identity numbers.<sup>59</sup>

### Notes

<sup>1</sup> [A/HRC/47/6](#), [A/HRC/47/6/Add.1](#) and [A/HRC/47/2](#).

<sup>2</sup> [E/C.12/MRT/CO/2](#), paras. 60 and 61.

<sup>3</sup> [CEDAW/C/MRT/CO/4](#), para. 45; and [E/C.12/MRT/CO/2](#), para. 61.

<sup>4</sup> [CEDAW/C/MRT/CO/4](#), para. 31 (e).

<sup>5</sup> *Ibid.*; and United Nations country team submission for the universal periodic review of Mauritania, p. 14.

<sup>6</sup> [CEDAW/C/MRT/CO/4](#), para. 9.

<sup>7</sup> UNESCO submission for the universal periodic review of Mauritania, para. 22 (i).

<sup>8</sup> *Ibid.*, paras. 2 and 22 (ii).

<sup>9</sup> [CRPD/C/MRT/CO/1](#), paras. 5 (a) and (b) and 6 (a) and (b).

<sup>10</sup> [CEDAW/C/MRT/CO/4](#), para. 10.

<sup>11</sup> *Ibid.*, para. 11 (a) and (b).

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

<sup>13</sup> [CMW/C/MRT/CO/1](#), para. 17.

- 14 See [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCMW%2FFUL%2FMRT%2F50310&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCMW%2FFUL%2FMRT%2F50310&Lang=en).
- 15 [E/C.12/MRT/CO/2](#), para. 16.
- 16 Ibid.
- 17 Ibid.
- 18 [CEDAW/C/MRT/CO/4](#), para. 30.
- 19 Ibid., para. 31 (b)–(d).
- 20 Ibid., para. 25 (c).
- 21 [CRPD/C/MRT/CO/1](#), para. 27.
- 22 Ibid., para. 28.
- 23 [CED/C/MRT/CO/1](#), paras. 19 and 20.
- 24 United Nations country team submission, pp. 3 and 4.
- 25 [CEDAW/C/MRT/CO/4](#), para. 24.
- 26 Ibid., para. 25 (d)–(h).
- 27 Ibid., paras. 20 and 21 (b).
- 28 [CED/C/MRT/CO/1](#), para. 21.
- 29 Ibid., para. 22.
- 30 [E/C.12/MRT/CO/2](#), para. 6.
- 31 Ibid., para. 7 (a)–(c).
- 32 United Nations country team submission, pp. 2 and 5.
- 33 [CEDAW/C/MRT/CO/4](#), para. 26.
- 34 Ibid., para. 27.
- 35 [E/C.12/MRT/CO/2](#), para. 22.
- 36 Ibid., para. 23.
- 37 Ibid., paras. 28 and 29.
- 38 Ibid., paras. 30 and 31.
- 39 Ibid., paras. 42, 43 (a), 46 and 47.
- 40 [CEDAW/C/MRT/CO/4](#), para. 36 (a)–(c).
- 41 Ibid., para. 37 (a)–(c).
- 42 UNESCO submission, para. 3.
- 43 Ibid., para. 22 (iii), (iv) and (vi).
- 44 United Nations country team submission, p. 3.
- 45 [E/C.12/MRT/CO/2](#), paras. 40 and 41.
- 46 Ibid., paras. 8 and 9.
- 47 [CEDAW/C/MRT/CO/4](#), paras. 24 and 25 (a) and (b).
- 48 Ibid., paras. 16 and 17.
- 49 [E/C.12/MRT/CO/2](#), para. 32.
- 50 Ibid., para. 33 (a) and (b).
- 51 [CEDAW/C/MRT/CO/4](#), para. 22.
- 52 Ibid., para. 23 (a) and (b).
- 53 [CRPD/C/MRT/CO/1](#), paras. 9 and 10.
- 54 [E/C.12/MRT/CO/2](#), para. 17 (d).
- 55 See <https://www.ohchr.org/sites/default/files/statements/20250912-eom-stm-sr-migrants-en.pdf>.
- 56 Ibid.
- 57 United Nations country team submission, pp. 13 and 14.
- 58 Ibid., p. 14.
- 59 Ibid., pp. 13 and 14.