


AFRICAN UNION		UNION AFRICAINE
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Concluding Observations and Recommendations on the Periodic and Combined Report of the Islamic Republic of Mauritania on the Implementation of the African Charter on Human and Peoples' Rights (2006 - 2014) and the Initial Report on the Maputo Protocol

I. Introduction

1. The Islamic Republic of Mauritania is a State Party to the African Charter on Human and Peoples' Rights (the African Charter), which it ratified on 26 June, 1986.
2. The Islamic Republic of Mauritania presented its Combined Periodic Reports (10th, 11th, 12th, 13th and 14th), in accordance with Article 62 of the African Charter and the Initial Report under Article 26 of the Maputo Protocol at the 60th Ordinary Session of the African Commission on Human and Peoples' Rights (the Commission), held from 8 to 22 May, 2017 in Niamey, Niger.
3. The Report was presented by the Delegation of the Islamic Republic of Mauritania (the Delegation), led by His Excellency Mr. Cheikh Tourad Ould Abdel MALICK, Commissioner for Human Rights and Humanitarian Action.
4. The delegation was made up of the following personalities:
 - Mr Mohamed Lemine Ould Aboye Ould Cheikh Hadrami, Ambassador of the Islamic Republic of Mauritania to Niger,
 - Mr Isselmou Ould Meinouh, Adviser to the Prime Minister and Chairperson of the State's Report Drafting Committee in respect of treaty bodies and the African Commission on Human and Peoples' Rights,
 - Mr Hamada Ould Meimou, Director- General of the Ministry of the Interior and Decentralization,

- Mr Khaled Babacar, Adviser to the Minister of Public Service, Labour and Modernisation of the Administration,
- Mr Dieh Ould Sidi Haiba, Adviser to the Minister of Agriculture
- Mr Abdallahi DIAKITE, Adviser to the Minister of Social, Children and Family Affairs,
- Mr Saleck Ould Jereb, Director of Cooperation and Monitoring Studies at the Ministry of Social, Children and Family Affairs,
- Mrs Lebneik Mint Soulé, Deputy Director at the Ministry of Social, Children and Family Affairs,
- Gueitana Mint Mohamed, Head of Department at the Ministry of Social, Children and Family Affairs.

5. The report highlights the developments that took place in the Islamic Republic of Mauritania in the area of human and peoples' rights and the legislative, administrative and other measures taken with the view to giving effect to the implementation of the rights and freedoms recognized and guaranteed by the African Charter since the presentation of its Combined Preliminary Periodic Report at the 31st Ordinary Session held from 2 to 16 May, in Pretoria, South Africa.
6. These Concluding Observations present positive factors and limitations to the effective enjoyment of human rights and the areas of concern regarding the respect for human rights in the country in relation to the African Charter on Human and Peoples' Rights and the Maputo Protocol. Furthermore, the Commission has come up with recommendations for the Mauritanian Government to strengthen the enjoyment of human rights by all the people of Mauritania.
7. The Commission commends the Delegation of the Islamic Republic of Mauritania for the open and constructive dialogue that characterized the presentation of the Combined Periodic Report and the information provided in response to the concerns expressed by Members of the Commission.

PART ONE: THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

I. POSITIVE FACTORS

Obligation of Reporting and Cooperation with the Commission

8. The Commission:

- i. Commends Mauritania for the political will demonstrated by the Government for the regular submission of its periodic reports.
- ii. Notes with satisfaction the inclusive and participatory approach adopted in preparing the report, in particular by establishing an inter-ministerial technical Committee in charge of preparing reports, which includes all departments at the Ministries, the National Human Rights Commission, the Mediator of the Republic, the Office of the United Nations High Commissioner for Human Rights in Mauritania with Observer status, as well as the involvement of Non-governmental Organisations or independent bodies in the process of preparing and validating this report.
- iii. Commends the measures taken by the government towards the implementation of the recommendations made by the Commission following the consideration of its preliminary report at the 31st Ordinary Session held from 2-16 May, 2002 in Pretoria, in particular by disseminating the Concluding Observations to the population and the different stakeholders including the measures taken towards the eradication of the effects and contemporary forms of slavery and the repatriation of Mauritanian refugees from Senegal.

Ratification of regional/international human rights instruments

9. The Commission commends Mauritania for ratifying the following texts and instruments:

At the regional level

- The Protocol on the Establishment of an African Court on Human and Peoples' Rights (2005)
- The African Charter on the Rights and Welfare of the Child (2005)
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2005)
- The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (2005).
- The African Charter on Democracy, Elections and Governance (2008)
- African Youth Charter (2012)
- African Union Convention for the protection and assistance of internally displaced persons in Africa (Kampala Convention) (2015)

At the international level:

- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2012);
- The International Convention for the Protection of Persons against Enforced Disappearances (2012)
- The Convention and Protocol on the Rights of Persons with Disabilities (2010)

10. The Commission further commends the State for the measures taken to popularise the human rights instruments, in particular by the following means:

- Translation into the four national languages, simplification by providing guidance and the organisation of large-scale awareness raising campaigns through the public media (radio and television channels),
- Organisation of community-based campaigns in collaboration with NGOs,
- Establishment of programmes supervised by the Communication Department of the Ministry of Social, Children and Family Affairs (MASEF) through its regional coordination mechanisms.
- Establishment in the regions of Child Rights Movements made up essentially of Departmental Child Rights Promotion Units;
- Annual organisation of child rights awareness raising campaigns during Child Rights Days;
- Training of civil society stakeholders on child rights.
- Organisation of sensitisation campaigns in all the Wilayas of the country;
- Training of several organisations of persons with disabilities concerning their rights.
- Organisation of training seminars and awareness-raising campaigns among police officers with a focus on prohibition of torture and other cruel, inhuman or degrading treatment or punishment.
- Organisation of workshops for magistrates and criminal investigation police officers on pre-trial detention issues and combating torture;

Civil and Political Rights

11. The Commission commends Mauritania for the non-existence of a prisoner of conscience.

Administration of Criminal Justice

12. The Commission takes note of the following:

- i. The establishment of judicial assistance provided for by Law No. 2015-031 of 10 September, 2015 ;

- ii. The coverage by the State of legal costs and expenses borne by indigent litigants;
- iii. The strengthening of people in custody rights through the Code of criminal procedure;
- iv. The right to access to a lawyer and contact with one's family immediately upon one's arrest;
- v. The adoption of a Fatwa to delegitimise slavery;
- vi. The establishment of three (3) Anti-Slavery Special Courts to stem slave-related practices and tendencies by putting into effect an institutional framework forming a solid basis for the protection of victims against abuses and exploitation ;
- vii. The exemption from all legal expenses and costs in slave-related cases where costs are awarded against victims of slavery or an award against the enjoyment of judicial assistance;
- viii. The information on the number of cases submitted to the Special Courts (22) and the right to compensation granted to the victims;

Prohibition of Torture and Cruel, Inhuman and Degrading Treatment

13. The Commission commends Mauritania for :

- i. The enactment of Law No. 2015.033 of 10 September 2015 on sanctions against torture.
- ii. The establishment of a National Mechanism for the Prevention of Torture;
- iii. The organisation of training seminars and awareness-raising campaigns for officers of the police and security agencies concerning the interdiction of torture and other inhuman, cruel or degrading treatment or punishment.
- iv. The organisation of workshops for magistrates and judicial police officers on pre-trial detention issues and the fight against torture;
- v. The obligation for the administrative and judicial authorities to systematically open inquiries immediately there is an allegation of torture.
- vi. Sentencing to terms of imprisonment ranging between 10 and 20 years for any person who commits an act of torture (Law of 2015)
- vii. Sentencing of accomplices and perpetrators of acts of cruel and inhuman treatment to between 10 and 20 years in prison (Law of 2015).
- viii. Possibility of depriving civic rights to a perpetrator of an act of torture if certain conditions are met (Law of 2015).
- ix. Recognition and establishment of the right to compensation for victims by the perpetrator of the act of torture and equitable compensation by the State including the necessary resources for their rehabilitation, the most comprehensive as possible through appropriate medical care and medical and social rehabilitation.

Death Penalty

14. The Commission commends Mauritania for its efforts to guarantee the right to life; particularly by observing the moratorium on the death penalty since 1987.

Respect for legality and conditions of detention

15. The Commission commends Mauritania for adopting policies to decongest the prisons, especially by:

- i. Implementing a rehabilitation policy for prisoners;
- ii. The construction of new prisons in Nouadhibou and Aleg
- iii. The establishment of rehabilitation centres for children in conflict with the law at Nouadhibou and Nouakchott
- iv. The implementation of the policy of decriminalisation thanks to a presidential pardon on the occasion of the celebration of the major religious festivities
- v. The improvement in the living conditions in places of detention
- vi. The socio-economic integration of detainees

Decriminalization policy

16. The Commission welcomes the establishment of:

- i. A decriminalization policy for certain offenses;
- ii. The use of presidential pardon on the occasion of major religious 'celebration.

Right to the freedom of expression and access to information

17. The Commission commends Mauritania for the following:

- i. The total liberalisation of the means of expression (print, audio-visual and electronic media) ;
- ii. The simplification of procedures for the establishment media bodies and the elimination of any control over media bodies;
- iii. The decriminalisation of press offences;
- iv. The elimination of terms of imprisonment imposed on journalists in the course of carrying out their professional duties and public assistance to the private media as a means of contributing to the effectiveness of the right to information.
- v. The establishment of the High Media and Audio-visual Council to ensure the enforcement of the regulations governing the media and communication.

Human Rights Defenders

18. The Commission notes with satisfaction the establishment of a public utility system for non-governmental organisations to ensure that they enjoy some benefits.

Fight against the consequences of slavery

19. The Commission commends Mauritania for the following:

- i. The establishment of the Agency, "TADAMOUN" as part of the eradication of the legacy of slavery,
- ii. to realize projects relating to education, vocational training, health, water, agriculture, livestock, fisheries, environment, social housing and small businesses especially in priority zones. Moreover, this institution is authorized to file civil suit in cases relating to slavery.
- iii. The design of specific programmes geared towards locations usually inhabited by people likely to fall victim to the harmful or in precarious situation due to the consequences of slavery (ADWABA) in order to contribute to promoting schooling, access to water, health, land ownership and development of income-generating activities.

The right to food security

20. The Commission welcomes the following:

- i. Establishment of a network of village food security stocks including 4,439 cereal banks;
- ii. The national strategy for food security (SNSA) and the rural sector strategy helped to enhance the resilience of vulnerable populations including women;
- iii. Development of 55,000 ha for rice-farming in 2015 compared to 18,000 in 2009 covering 86% of the country's needs compared to 35% in 2009;
- iv. Supply of agricultural inputs at subsidized rates equivalent to 45% of their cost price with the free distribution of fertilizers for village cooperatives;
- v. Implementation of land reform for irrigation;
- vi. Launch of the process for the establishment of an agricultural insurance scheme and a program on consolidating and bringing the seed industry up to standards;
 - Debt cancellation for farmers amounting to more than 10 billion in order to facilitate their contribution to the development of the sector;
 - Financing of agricultural projects implemented by unemployed graduates;
 - Transfer of agricultural equipment at concessional prices to 48 Collective Economic Interest Groups (GIE) belonging to the vulnerable segments of the society (65 combine harvesters, 135 tractors) ;
 - Free supply of fertilizers to village cooperatives and subsidization of agricultural inputs for other producers;
 - Distribution of additional food supplies for 9600 children attending 233 kindergartens in 7 Wilayas;

Right to housing

21. The Commission notes with satisfaction the following:

- i. The construction of hundreds of houses at Zouératt and at Nouadhibou (Tarhil) for public servants;
- ii. The servicing and provision of plots for social housing for the most underprivileged;
- iii. The implementation of a modernisation programme of urban townships and restructuring of the poorer neighbourhoods through land planning (GAZRA) in order to offer the most deprived people serviced plots equipped with all the necessary community amenities and infrastructure to a standard of living that is in keeping with a modern city.

Right to education

22. The Commission notes with satisfaction the following:

- i. The consecration by Law No. 2001-054 of 19 July 2001 on the obligation of basic education, which makes primary education compulsory for all Mauritanian children "of two sexes aged six (6) to fourteen (14) years old for a duration of schooling of at least six (6) years
- ii. Establishment of rules and penalties that sanction the non-respect of this obligation.
- iii. Academic Freedom and Institutional autonomy of Higher Education Institutions
- iv. Respect for equal access to higher education,
- v. Gratuity of higher education in general, except for symbolic fees.
- vi. Award of scholarships to graduates from the regions and to all students from the 3rd year
- vii. Grant of social assistance, equivalent to the scholarship, is reserved for poor students who have not met the conditions of allocation of the ordinary stock exchange
- viii. Creation of the National Center of University Works (CNOU), public institution in charge of catering, accommodation, and university transportation.

Right to Health

23. The Commission notes with satisfaction the following:

- i. The adoption of health and social protection measures, especially by enacting a law on social security just like the law on health insurance and occupational health which compel the employer to allow every formal or informal worker to join their preferred insurance schemes. To this end, they enjoy social coverage provided by the institution;

- ii. Provision by the centre for the protection and social integration of children, of nutritional, medical, psycho-social, educational and vocational support to 457 children living in difficult circumstances including 31 without family support;
- iii. Monitoring and screening of 18,000 children under the age of 5 at local nutrition centres;
- iv. Deworming of 12,349 children;
- v. Transfer of 1,854 malnourished children in dedicated structures (CRENAM, CRENAS);
- vi. Management of 52,000 beneficiaries in 700 CRENAMs in collaboration with WFP

HIV/AIDS

24. The Commission commends Mauritania for the following:

- i. The low HIV/AIDS prevalence rate (1%)
- ii. The multisectoral and decentralized approach which gives to each of the development stakeholders (public, private, civil society and partners) their due role in the fight against AIDS concerning the national response aimed at combating STIs/HIV/AIDS.
- iii. The establishment of a National Executive Secretariat (SENLS) attached to the Office of the Prime Minister in charge of technical coordination of the national HIV/AIDS epidemic response and the creation of Regional HIV/AIDS Control Committees (CRLS) and Sectoral Committees attached to the Cabinet of the Ministry of Health.
- iv. The promotion of voluntary testing across the country and the supply of anti-retroviral drugs and the continual organisation of information and sensitisation campaigns among the general public.

Extractive industries, environment and human rights

25. The Commission notes with appreciation the following:

- i. The priority given by the Mauritanian government to the right to a healthy environment that is conducive to development by taking into account the intersectoral dimension of the environmental by adopting Decree No. 184-2014/PR of 16 September 2013 to raise the profile of the Department of Environment in the new government scheme.
- ii. The establishment of general rules by the Environmental Code on required precautions and especially criminal sanctions applicable to the entire toxic waste management chain right from the source through storage and transportation until their elimination.
- iii. The enactment of a Law prohibiting plastic materials as part of the control of domestic waste.

- iv. The introduction of coordination measures to incorporate all the activities outlined at the different levels of planning concerning environmental management: (i) the finalisation of PANE II; (ii) the integration of environmental issues in the major policies and development strategies (rural sector strategy, national food security strategy, energy sector strategy, social protection policy, targeted projects to address poverty...); (iii) the implementation of the project dubbed Mauritania Poverty-Environment Initiative (2014-2017).

Return of Mauritanian refugees

26. The Commission commends the steps taken by Mauritania in repatriating 24.536 Mauritanian refugees in Senegal, distributed across 118 sites in five (5) Wilayas and consisting of 5817 families characterized mainly by the following measures :

- i. The signing of a Tripartite Agreement on 12 November, 2007 between Mauritania, Senegal and the United Nations High Commission for Refugees (HCR) for the return of Mauritanian refugees in Senegal under which Mauritania had the responsibility to welcome the returnees by guaranteeing their safety, dignity and reintegrating them into the economic and social fabric of the country.
- ii. The establishment by the State of a satisfactory mechanism to ensure organized voluntary repatriation and their integration into the economic and social fabric of the country.
- iii. Establishment of a National Refugee Assistance and Integration Agency (ANAIR) in 2008 with the aim of conducting and ensuring that repatriated persons are welcomed and integrated.
- iv. The ongoing preparation of an asylum law with the support of the UNHCR.

Persons with Disabilities

27. The Commission commends Mauritania for the different legislatives and administrative measures taken in respect of the rights of persons with disabilities, namely:

- i. *Adoption of legislative measures:*
 - The enactment of implementing laws of Order 43/2006 on the promotion and protection of the following persons with disabilities:
 - Decree No. 2013-129 defining the condition/characteristics of people with disabilities and the determination of measures for the prevention of disabilities.
 - Decree No. 2010-222 of 20 October, 2010 establishing a Multisectoral National Council responsible for the promotion of persons with disabilities and Order No. 61/2013 on the appointment of members of the Council.

- Decree No. 2014-142 on the creation of a training and social promotion centre for children with disabilities.
- Decree No. 062/2015 on the implementation of Article 46 of Order No. 2006-043 relating to the 5% recruitment quota granted to persons with disabilities.
- Decree on the accessibility of persons with disabilities to public buildings, means of transport and communications.

ii. Adoption of administrative measures

- Establishment of various administrative measures for persons with disabilities, including the development of a national strategy for the promotion and protection of persons with disabilities in 2013.
- Development of a five-year action plan (2016-2020) of a Multisectoral National Council responsible for the development of persons with disabilities and adoption by the government in July 2016.
- Allocation of an annual investment budget for the purchase of technical materials for the mobility of persons with disabilities.
- Allocation of an annual subsidy to organisations of persons with disabilities for the functioning and support for the socio-economic integration of their members.
- Establishment of monthly cash transfer to families of children with multiple disabilities,
- The appointment of a representative of persons with disabilities on the National Human Rights Commission.
- The appointment of leaders of organisations of persons with disabilities to national bodies, in particular the National Human Rights Commission, the Economic and Social Council, the National Multisectoral Council responsible for the development of persons with disabilities, the Joint Committee responsible for persons with disabilities at the MASEF.
- Establishment of a National Strategy for the Protection and Development of Persons with Disabilities.

iii. Actions

- The recruitment into the public service of 100 unemployed graduates with disabilities;
- The allocation of 200 plots of land in 2013 to persons with disabilities as part of the affirmative action for access by persons with disabilities to decent housing;
- The organization of awareness-raising campaigns in the capital cities on the International Convention on the Rights of Persons with Disabilities and Order No. 43 of 2006 on the promotion and protection of persons with disabilities;

- Training of teachers of the Training and Social Development Centre of children with disabilities and the opening of classes for children who are intellectually deficient and those with autism at the aforementioned centre between 2015 and 2016;
- The training of several civil society organizations working in the area of persons with disabilities on the International Convention on Persons with Disabilities following its ratification by the State.

Older persons

28. The Commission commends Mauritania for the measures taken in respect of older persons, in particular:
- i. Free health care for poor older persons or those without any families;
 - ii. Coverage by the State of the national health insurance scheme of the National health insurance fund (CNAM) or all persons who are over 70 years.

III - FACTORS LIMITING THE ENJOYMENT OF HUMAN RIGHTS GUARANTEED BY THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

29. The limitations of financial resources for the effective implementation of State programmes for the realisation of certain rights.
30. The low level of specialisation of stakeholders working in the area of promoting and protecting human rights.
31. Inadequate human and financial resources of human rights defence institutions and organisations;
32. The influence of sociological and cultural factors, the persistence of customary rites and deep-rooted prejudices especially against women are bottlenecks to the attainment of the rights of women.
33. The liabilities of slavery despite the efforts of the state in managing the aftermath of slavery

IV AREAS OF CONCERN

Obligation of establishing relations and cooperation with the Commission

34. Though the Commission appreciates Mauritania's positive responses concerning the various recommendations regarding the combined periodic reports (10th, 11th, 12th, 13th and 14th) of 2016, it however notes that the report does not provide precise and detailed answers to some concerns raised by the Commission.

Ratification of regional/international human rights instruments

35. The Commission deplores
- i. the non-ratification of the following human rights instruments
 - Protocol of the Court of Justice of the African Union
 - Protocol to The African Charter On Human and Peoples' Rights on the Rights of Older Persons
 - ii. The slow pace of the ratification process on the ratification of the second Additional Protocol to the International Covenant on Civil and Political Rights relating to the abolition of the death penalty from legislation in force, in particular from the Criminal Code.

Domestication of ratified texts

36. Notwithstanding the ratification of the Kampala Convention in 2015, no information has been provided regarding its implementation.

Civil and Political Rights

37. The Commission deplores the lack of information regarding:
- i. The involvement of the youth in the management of the country's affairs;
 - ii. The representation of former slaves in decision-making bodies.

Administration of Criminal Justice

38. The Commission has concerns about the following:
- i. The existence of a dualistic judicial system;
 - ii. The low level of cases submitted to the three Special Anti-Slavery Practices Courts;
 - iii. The weak sentencing regime (2 year suspended sentence) looking at the gravity of the offences;
 - iv. The low rate of training and integration of women judges in the judicial system

Conditions of detention

39. The Commission is concerned by the following:
- i. The lack of disaggregated statistics on the number of detainees: women, men, minors, and foreign prisoners;
 - ii. The lack of statistical data on the number of detainees: women, men and juveniles, and the percentage of prisoners in pre-trial detention;
 - iii. The lack of information on the treatment meted out to vulnerable groups in the prisons, especially to women, pregnant women and women nursing children, persons living with HIV and persons with disabilities.;

- iv. The dearth of information concerning the types of medical equipment, facilities/educational, recreational and rehabilitation programmes available in the prisons;
- v. The lack of information on the conditions imposed on civil society institutions and organisations to visit the prisons and other detention centres in Mauritania.

Freedom of expression and access to information

40. The Commission notes the non-existence of a national law on access to information that is consistent with the model established by the Commission

Human Rights Defenders

41. The Commission has observed the following:
- i. The inadequacy of the capacity building for human rights defenders, in particular in the conduct of their human rights defence activities in spite of the training and support by human rights defence NGOs engaged by the State;
 - ii. The difficulty for some NGOs to operate on the territory due to some limits that are imposed on them;
 - iii. The absence of a Protection law for human rights defenders.

HIV/ AIDS

42. The Commission deplores the lack of information concerning:
- i. The percentage of the budget allocated to health, in accordance with the Abuja Declaration to the effect that States should allocate at least 15% of their national budgets to health.
 - ii. The lack of information on the implementation of a human rights-based approach, as well as the inclusive participation of all stakeholders, in particular, the key segments of the population and vulnerable groups?
 - iii. The lack of information on the existence of a programme on sex education for the youth and possible challenges encountered in its implementation, where necessary.
 - iv. The existence or not of a nutritional programme in addition to the ARV distribution programme to support persons living with HIV.

Right to education

43. The Commission has observed the lack of structures in new sites;

Extractive industries, environment and human rights

44. The Commission notes the lack of information concerning the following:

- i. How many businesses are engaged in the extractive industries and in which areas do they operate?
- ii. What is the level of artisanal mining in the country and the existence or not of programmes or policies for monitoring or regulating this practice;
- iii. Is there any government policy aimed at raising awareness about safety standards in view of the threats to the environment and to the health of small-scale miners?
- iv. What measures have been planned in cases of violations of environmental standards or in cases where the activities of the extractive industries lead to a degradation of the environment?

V - RECOMMENDATIONS

Obligations Concerning Reporting

45. Mauritania must continue to comply with its obligations under Article 62 of the African Charter by implementing its recommendations;

Ratification of regional/international human rights instruments

46. Mauritania should:
 - i. Take all the necessary measures to accelerate the process of ratification of the Second Additional Protocol to the International Covenant on Civil and Political Rights, concerning the abolition of the death penalty and the removal of the death penalty from the relevant legislative texts in force, in particular from the Criminal Code.
 - ii. Take necessary measures to ensure ratification of the following human rights instruments:
 - Protocol of the Court of Justice of the African Union
 - Protocol to The African Charter On Human and Peoples' Rights on the Rights of Older Persons

Domestication of ratified texts

47. Mauritania should provide information on the implementation of the Kampala Convention.

Civil and Political Rights

48. Mauritania should
 - i. Take into account, the youth dimension in the implementation of the right to take part in the direction of public affairs of the country;

- ii. Set up a quota for the representation of former slaves in the decision-making bodies.

Administration of Criminal Justice

49. Mauritania should:

- i. Take steps towards the unification of the judicial system
- ii. Carry out awareness-raising campaigns to encourage people to send cases to the Special Anti-Slavery Practices Courts;
- iii. Review the sanctions laid down for this type of offence, in particular by establishing a more deterrent punishment;
- iv. Develop a training and integration policy for women in the justice system.

Freedom of expression and access to information

50. Mauritania must enact a Law on access to information according to the Model Law for African States on Access to Information designed and adopted by the Commission.

Human Rights Defenders

51. Mauritania should:

- i. pursue and increase the support and training activities in terms of capacity building of human rights defenders to ensure that they are better equipped.
- ii. Refrain from any harassment against NGOs that fight against certain sensitive issues; such as slavery while conducting their human rights activities.

Respect for legality and conditions of detention

52. The State should:

- i. Compile statistical data on the number of detainees: women, men and juveniles, and the percentage of prisoners in pre-trial detention;
- ii. Ensure good treatment for vulnerable groups in the prisons, in particular for women, pregnant women and women nursing children, persons living with HIV and those with disabilities;
- iii. Ensure that prisons are fitted with good medical equipment, facilities and educational, recreational and rehabilitation programmes;
- iv. Adopt legislative measures that guarantee access for institutions and civil society organisations to visit the prisons and other detention centres in Mauritania according to international standards.
- v. Utilise the Guidelines on Conditions of Arrest, Custody and Preventive Detention in Africa of Luanda and train police officers, undertake a review of the laws and policies on arrest, custody and pre-trial detention.

- vi. Put in place an independent police surveillance institution that provides unfettered access to civilians to draw attention to cases of human rights abuses perpetrated by the police.

Extractives Industries, environment and human rights

53. The State should:

- i. Provide the number of businesses engaged in the extractive industries and the activities they undertake;
- v. Monitor and support traditional mining in the country by designing programmes and policies aimed at monitoring and regulating the practice;
- vi. Put into effect a government policy to raise awareness about safety standards in view of the threats posed to the environment and to the health of small-scale miners;
- vii. Introduce measures for cases of abuse of environmental standards or in cases where the activities of extractive industries lead to environmental degradation.

Right to Health

54. The Mauritanian State must:

- i. Ensure that the percentage of the budget allocated to health falls in line with the requirements of the Abuja Declaration (15% of their national budget to health);
- ii. Put in place programmes for the sex education of the youth.

HIV/ AIDS

55. The Mauritanian State must:

- i. Embark on the implementation of a human rights-based approach, the inclusion of stakeholders, in particular, key segments of the population and vulnerable groups;
- ii. Establish a nutritional programme to complement the ARV distribution programme to support persons living with HIV.

SECOND PART: MAPUTO PROTOCOL

I- POSITIVE FACTORS

56. The Commission has noted several positive factors with regard to the respect by Mauritania of its obligations under the Maputo Protocol:

Obligation of reporting and cooperation with the Commission

57. The Commission positively appreciates the presentation of the first report according to the provisions of Article 26 of the Maputo Protocol. This report is in two parts, one of which concerns the implementation of the Maputo Protocol.

Legal Framework for the Rights of Women in Mauritania

58. The Commission notes with satisfaction the adoption of a legal framework to address women's rights through the adoption of legislation and Orders:

i. *Laws:*

- Enactment of the Law of 2016 on promoting the involvement of women in the decision-making process which sets aside a 20% quota for representation by women on each municipal and legislative list.
- The approval of a draft framework bill on the fight against gender-based violence. This draft bill defines and makes rape a punishable offence;
- The development of a law that sanctions Female Genital Mutilation (FGM), and the promulgation of Fatwas (Muslim jurisprudential opinions) at the national and sub-regional levels that encourage people to abandon the practice of FGM;

ii. *Orders*

- Order to grant women the right to vote and to be eligible to be elected
- Order No. 091-027 of 7 October 1991, Presidency of the Republic
- Order No. 091-027 of 7 October 1991), National Assembly
- Order No. 091-028 of 7 October 1991 on the Election of Parliamentarians, Senate
- Order No. 091-029 of 7 October 1991 on the Organic Law for the Election of Senators
- Order No. 087-289 of 20 October, 1987, Municipal Councils.

iii. *Others measures*

- Enactment of the Personal Status Code regulating marriages, divorce, parentage and inheritance (age for marriage at over 18 years for both boys and girls, marriage contract, the right to pursue one's studies and carry out one's professional activities).;

- The development of a national action plan on gender-based violence (GBV) in Mauritania (2014-2018) ;
- Establishment of equality in the retirement pension system.
- Harmonisation of the retirement age

Institutions of State dealing with women rights issues

59. The Commission takes note with appreciation of the establishment of the following institutions:

- i. The Ministry of Social, Children and Family Affairs (MASEF) is in particular responsible for proposal of projects and programmes intended to ensure the promotion and protection of the rights of women and their integration and full participation in the decision-making process and in the economic and social development in order to guarantee equality of opportunities in the political, economic and social spheres; supported by:
 - The National Gender Institutionalisation Committee chaired by the Prime Minister and Sectoral Gender Units;
 - The Mauritanian Women Ministers and Parliamentarians’ Network;
 - The National Gender-Based Violence and FGM Committee;
 - An inter-ministerial committee in charge of drafting State reports relating to international human rights instruments (CTIER);
 - The MASEF Regional Coordination Units;
 - The Women’s Training and Development Centre;
 - The Early Childhood Training Centre ;
 - The Children’s Social Integration Centre;
 - Children with Disabilities Social Integration and Training Centre

Policies and Strategies for the Promotion of the Rights of Women

60. The Commission notes with appreciation the State for the development and implementation of the following policies and strategies:

- i. *Policies*
 - The National Family Policy,
 - The Early Childhood Development Policy,
 - The National Nutrition Development Policy,
 - The National Population Policy
 - The Social Development Policy.
- ii. *Strategies*
 - The National Women’s Development Policy.
 - The National FGM Abandonment Strategy

- The National Gender Institutionalisation Strategy (SNIG) which integrates the provisions of the protocol and gender in all aspects of public policies , particularly by integrating gender into public policies and sectorial programmes , empowerment of women and combating stereotypes and gender-based violence (VBG).
 - The National Strategy for Combating Poverty;
 - The General Assembly on Employment Issues,
- iii. Organisation of several awareness-raising campaigns to ensure that the citizenry appreciate all the national and international legal instruments on women.

Political participation and decision-making

61. The Commission commends the State for the following:

- i. On the political front:
 - The place set aside for women in the political sphere in decision-making bodies with the law on quotas.
 - The establishment of a national list of 20 women for the election of Parliamentarians at the National Assembly;
 - The establishment of a list of 18 seats in Nouakchott, with alternate composition of men and women (1 man, 1 woman) ;
 - The increase in the number of constituencies to 3 seats to be filled with at least one of them being occupied by a woman;
 - The increase in the rate of participation of women in the National Assembly to 19% in 2006 and to 22.4% in 2013, and at the communal level to 30% in 2006, to 35.58% in 2013 and at the Senate from 16% in 2006 to 18% in 2010.
 - Presence of a female candidate in the presidential election of June 2014
- ii. With regard to the presence of women in the decision-making sphere:
 - 9 ministers out of 27 are women (33%);
 - 31 Parliamentarians out of 147, representing a rate of 21%;
 - 10 Senators out of 56;
 - 6 women mayors including the President of the Urban Community of Nouakchott, the capital city of the country and 4 mayors of rural communes out of 218;
 - 1317 Municipal Councillors out of 3722, representing a rate of 35.4%.
- iii. Appointments to positions of responsibility:
 - Ambassadors, Permanent Representative at the Office of the United Nations and International Organisations in Geneva;
 - Chairperson of the National Human Rights Commission.

Elimination of Discrimination against Women

62. The Commission is satisfied by:

- i. The consecration of constitutional principle of equality of citizens before the law has been established in some important legislative texts (labour, trade, investment, landed property, etc.) Article 1, paragraph 2.
- ii. Prohibition of all forms of discrimination including gender-based violence by the Constitution (Article 1), the Labour Code (Article 48) and the Criminal Code, which in Article 132, penalizes any gender-based discrimination by a term of imprisonment of between 1 and 5 years.
- iii. Adoption of other legislative and regulatory texts which establish the principle of non-discrimination against women.
- iv. Adoption of affirmative action measures by organising a specific competition in November 2011 paving the way for fifty (50) additional women to the National School of Administration, Journalism and Magistrates and the recruitment of eight (8) women lecturers at the University following a competitive entrance examination.

Education

63. The Commission notes with satisfaction the following:

- i. The reform of the education system which has enabled a 100% gross enrolment ratio (GER) to be achieved at the basic education level with the actual presence of young girls in school, with 103.8% of girls as against 96.5% for boys in the primary school; 45.1% for girls, 54.8% for boys in the secondary school, and 18% for girls as against 82% for boys in the higher education sector.
- ii. The development of several activities on awareness-raising regarding the content of African human and peoples' rights instruments ratified by the country, in particular the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child and the Maputo Protocol.
- iii. Affirmative action in favour of women is provided for in the prevailing regulations. A quota for scholarships is reserved for the promotion of girls' education equivalent to 6% of scholarships awarded abroad.

Physical integrity and dignity, including sexual violence, trafficking in women and the use of women for medical and scientific experiments

64. The Commission is satisfied by the following:

- i. State prohibition of all forms of exploitation, punishment and inhuman or degrading treatment prohibited by the Constitution, the Penal Code and the Law against the practice of Female Genital Mutilation.

- ii. Adoption of measures by the Government as part of the fight against violence perpetrated against women through the National Survey on Violence against Women (ENVEF2011) which took stock of the phenomenon of violence against women and provided statistical data on the different forms of violence perpetrated against women, including: physical violence (6.1%), sexual violence (14.7%) and psychological violence (63.9%). The overall rate of violence is estimated to be more than 68% as a result of psychological violence.
- iii. The recognition of sexual-based violence and the development of actions to take care of victims
- iv. The establishment of legal and institutional measures to address violence against women.
- v. The implementation of a national action plan on gender-based violence (GBV) (2014-2018) that brought to the fore a general understanding of the issue and the management of the GBV.
- vi. The implementation of standard operational procedures (SOPS) for the development of a better response and a holistic care for survivors of GBV.
 - i. The establishment of a National GBV Committee, including FGM with an advisory and guidance role;
 - ii. The establishment of Family Dispute Units in all the Wilayas.

Elimination of harmful practices inflicted on women including female genital mutilation (FGM)

65. The Commission commends the State for the following:
- i. Establishment of a National GBV Committee, including the FGM.
 - ii. The establishment of a National Technical Committee on FGM with an advisory and guidance function;
 - iii. The establishment of regional and departmental committees in the Wilayas with high prevalence rates.
 - iv. The establishment of a National Anti-FGM Committee;
 - v. The establishment of regional and departmental committees in the high FGM prevalence zones ;
 - vi. The establishment of an Anti-FGM Unit ;
 - vii. The institutionalisation of FGM Zero Tolerance Commemoration Day;
 - viii. The development of materials (booklets, brochures, films, a module on FGM;
 - ix. The development of a strategy for the abandonment of FGM, in addition to a five-year action plan;
 - x. The implementation of an FGM abandonment project;
 - xi. The organisation of awareness-raising campaigns against harmful practices including FGM (child marriages);
 - xii. The involvement of health professionals by the issuance of a Declaration;
 - xiii. The establishment of National Oulémas Fatwa prohibiting FGM;

- xiv. The establishment of an anthropo-sociological study;
- xv. The development of Harmonised FGM Training Modules including a cultural talking point;
- xvi. The establishment of a network of NGOs working in the area of FGM.

Marriage rights

66. The Commission notes with satisfaction the following:
- i. The recognition of the right to enter into a marriage of one's choice by the Personal Status
 - ii. The establishment in the Personal Status Code of the marital age at eighteen (18) years;
 - iii. The possibility for the wife to refuse polygamy and the prohibition of the husband from preventing the wife from pursuing her studies or to work;
 - iv. The fight against early marriages with the launch by the MASEF in 2014 of the campaign to fight against child marriages (African campaign) across the entire country.

The right to health and to the control of the reproductive functions

67. The Commission notes the progress achieved in this area, in particular;
- i. The consolidation of the proposed services in the area of procreation by popularising them and making them accessible to women.
 - ii. Development and implementation of a reproductive health (RH) strategy comprising a range of services such as:
 - The availability of basic and comprehensive essential and emergency obstetric care;
 - The presence of qualified child birth attendants;
 - The access by pregnant women to antenatal care;
 - The management of abortion complications;
 - The availability of contraceptives;
 - The management of infertility;
 - The fight against FGM;
 - The screening and care for cancer of the uterus;
 - The prevention of mother to child transmission of AIDS;
 - The management of obstetrical fistula;
 - The administration of care for new-born children;
 - iii. Integration into the reproductive health strategy by developing the equipment capacity of health facilities and their scaling up by the following actions:
 - The provision of medical and surgical equipment to many health facilities of the country (2nd theatre for surgical operations at the Sebkhah Health Centre, Accommodation Centre for Women suffering from obstetrical fistula in Nouakchott, the Guérou Health Centre in Assaba, other health facilities in the Wilaya of Gorgol), Hospitals such as (Cheikh Zayed, CHR of Kiffa, CHR of

- Kaédi) to enable them offer comprehensive emergency obstetrical services (SOUC).
- Financing the construction of a separate maternity surgical block and an in-patient admission ward at the Cheikh Zayed Hospital (HCZ),
 - Purchase of equipment for the surgical block,
 - Provision of ambulances at the health facilities (access to SOUC) ;
 - Training in surgical operations research (health personnel at Assaba) ;
 - Ensuring the availability of contraceptives at the health facilities, with the introduction of new methods;
- iv. Carrying out training actions in techniques relating to reproductive health (RH) services, in the following areas;
- Emergency obstetrical and neonatal care (SONU) for doctors, gynaecologists, paediatricians, midwives and anaesthetic technicians;
 - Essential obstetrical care (SOE) for head nurses in charge of health posts (ICP) and auxiliary midwives;
 - Family Planning and new techniques;
 - Therapeutic management of obstetrical fistula;
 - Reproductive Health (RH) programme management on obstetrical package.
- v. Conduct of advocacy activities targeted at the following areas;
- Decision makers, opinion leaders (elected local representatives, community and religious leaders) ;
 - Development partners
 - Awareness-raising, information, education and communication on behavioural change on the part of the population and users of RH services.

HIV/AIDS

68. The Commission notes with satisfaction the following:
- i. The stability of the HIV/AIDS prevalence rate (0.57% at less than 1%) and the integration of prevention and screening for health and reproductive health services (29.6% of women consulted appreciate or know the HIV screening)
 - ii. The availability of condoms as part of the prevention of STIs/HIV/AIDS through the involvement of civil society organisations (National and international NGOs).

Economic and Social Protection Rights

69. The Commission notes with satisfaction the following headways made:
- i. The establishment of a policy of affirmative action intended to promote the employment of women (34.6% in the public service, 5.9% of Directors of Administration, 3 women magistrates, 7/30 women Secretaries-General, 2 women Wali Councillors and 3 Deputy hakems,

- ii. The upscaling of the Strategic Poverty Alleviation Framework (CSLP) which now comprises of a gender component which takes into account the specific needs of women in development.
- iii. The development of women's professional training;
- iv. The establishment of several economic programmes for the empowerment of women:
 - The Nissa Banks, a micro credit system by and for women (Nissa- Banks GFEC) ;
 - Women's Savings and Credit Groups (GFEC),
 - The Popular Savings and Credit Funds (CAPEC),
 - The Development and Savings Fund (CDD),
 - The Inter-Community Fund for Oases Development (FICO),
 - The Regional or Local Credit and Savings Programmes ,
 - Mutual Funds for Support to Women's Intervention programmes.
- v. The establishment of programmes of Action for Indigent Women (eg. Programme AGR "Income -Generating Activities"), community-based micro-credit scheme to promote the emergence of a culture of entrepreneurship among women who head households.

The right to a healthy and sustainable environment

70. The Commission commends the State for the following:

- i. Encouragement to use gas and solar ovens and other energy-saving technologies for improved household conditions in order to bring relief to households, in particular to women from the drudgery associated with the supply of domestic energy.
- ii. Adherence to several conventions and international agreements on the environment.
- iii. Enactment of laws and regulations governing environmental issues with a view to guaranteeing the right for all to live in a healthy and sustainable environment.

The protection of women in armed conflict situations

71. The Commission commends the State for the following measures:

- i. The development of a plan of action which aims at locating and destroying all the mines across the national territory, in particular in the two most affected regions of Dakhlet Nouadhibou and Tiris-Zemmour in the north of the country. Following the conflict in the Western Sahara, and in accordance with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel mines and on their Destruction, the National Humanitarian Mine Sweeping Bureau (BNDH) has implemented the aforementioned programmes with the support of the UNDP, UNICEF and International NGOs;

- ii. Implementation by the BNDH of an education campaign on the dangers posed by mines in collaboration with UNICEF:
 - The dissemination of messages on safety behaviours to be adopted by the affected communities;
 - Training of activists (NGOs) and their involvement in education programmes on the risk posed by mines.
- iii. Implementation of the second segment focused on:
 - Assistance to victims of mines in order to obtain quality data on the victims and identify their needs with the aim of assisting them to be integrated socially,
 - Strengthen the capacity of the National Orthopaedic Centre in Nouakchott and Nouadhibou.

I. FACTORS LIMITING THE ENJOYMENT OF RIGHTS PROVIDED FOR UNDER THE MAPUTO PROTOCOL

72. The full enjoyment of rights guaranteed by the Maputo Protocol is limited by various factors such as:
- The lack of ownership by women of the legal texts on the rights of women in general, and of the rights of women, in particular.
 - The non-integration of women as dynamic and inclusive development stakeholders from the legal perspective;
 - The lack of optimal harmonisation of the legislation with the provisions of ratified international conventions;
 - The lack of specialisation of magistrates and the weakness of the jurisprudence in the area of human rights in general, and women in particular;
 - The inadequate capacity of human rights institutions;
 - The lack of human and financial resources on the part of human rights defence organisations in general, and of women in particular.
 - Difficulties in the implementation of some rights due to the effects of sociological and cultural factors, the persistence of customs and deep-rooted prejudices particularly against women which constitute barriers to the full attainment of the rights of women according to the principles stipulated in the Maputo Protocol.

III. AREAS OF CONCERN

73. In spite of the efforts of the government to promote and protect the rights of women, the Commission is concerned about the following :

Harmonization of national texts with the Maputo Protocol

74. Despite some efforts noticed in domestication of the Protocol, much remains to be done.

Political participation and decision-making

75. Though the Commission is satisfied with the progress made on the issue of participation of women in politics and their presence in decision-making bodies, the Commission is concerned about the low number of women on elective lists and in decision-making bodies despite the quotas establishes.

Reproductive Health

76. The Commission notes that the report does not provide information on the measures taken by the State to provide access to safe abortion by women in Mauritania.

Elimination of Harmful Practices

77. The Commission is concerned about :

- i. The persistence of female genital mutilation in spite of the efforts made by the Government to eradicate the phenomenon;
- ii. The continuation of the practice of girls force-feeding.

Education

78. The Commission is concerned about the persistence of the low rate of illiteracy of women and girls in particular, namely, 46.3% among women of between 15-19 years and 69.3%, among women aged between 45-49 years.

HIV/AIDS

79. The Commission notes the following:

- i. In spite of the integration of the prevention and screening for health and reproductive health services and the stability of the HIV/ AIDS prevalence, the risks of contracting the HIV are still high among keys populations, migrants and in the detentions facilities.
- ii. The persistence of some practices such as early marriages, excision, FGM, frequent divorce and remarriages, polygamy and the use of sharp objects are the main causes of the risks of transmission.
- iii. The low rate (6.3%) of women between 15 and 24 years who have a fair knowledge about the modes of transmission of the HIV/ AIDS and only two (2) women out of 5 know that this pandemic can be transmitted to a child. (MICS 2011 Survey).

V - RECOMMENDATIONS

Reporting Obligations

80. The Government should continue to comply with its obligations under Article 26 of the Maputo Protocol by implementing the following recommendations;

Harmonization of national texts with the Maputo Protocol

81. The State should take all measures for the total domestication of the Maputo Protocol through the adoption of legislation and other administrative measures.

Political participation and decision-making

82. The government should continue with its efforts to increase the representation of women in politics and in decision-making bodies, including increasing the quota for women's representation to 30%.

Reproductive Health

83. The Government should provide women access to medical abortion service, where necessary.

Elimination of Harmful Practices

84. The Government should:
- i. intensify actions aimed at combating the persistence of the practice of excision underground, in particular by meting very harsh punishments out to persons involved in the practice, including parents and family members.
 - ii. He should also fight against the practice of force-feeding girls and women.

Education

85. Mauritania should take measures to improve the rate of illiteracy of women and girls through literacy programmes targeted at adult women and also support girls to ensure that they do not leave the classrooms at an early age.

HIV/AIDS

86. The State should:
- i. Take measures to reduce the risks of transmission of HIV/AIDS to women;
 - ii. Undertake awareness-raising campaigns and dissemination of information to the female population concerning the different means of transmission of HIV/AIDS.

General

87. The Government should provide in the next periodic report all the information on the effective implementation of the recommendations made in these Concluding Observations for these two reports.

Adopted by the African Commission on Human and Peoples' Rights at its 23rd Extraordinary Session, held from 13 to 22 February 2018, in Banjul, the Republic of The Gambia.