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Civil and Political Rights**

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Consideration of reports submitted by States parties

under article 40 of the Covenant

**List of issues in relation to the second periodic report of
Mauritania**

Addendum

Replies of Mauritania to the list of issues*

[Date received: 18 April 2019]

* The present document is being issued without formal editing.



Constitutional and legal framework within which the Covenant is implemented (art. 2)

Reply to the issues raised in paragraph 1

1. The courts have applied the provisions of article 11 of the International Covenant on Civil and Political Rights and article 80 of the Constitution whenever these articles have been invoked. Examples include the annulment of prison sentences for debt or inability to fulfil a contractual obligation, and the denial of authorization for the compulsory enforcement of sentences handed down for the same reasons.
2. Islamic sharia is the sole source of law in Mauritania. All rules of law must be compatible with the Constitution and must therefore not violate this principle.
3. The Council for Fatwas and Administrative Appeals issues opinions on legal matters submitted to it that are related to Islamic sharia and are of general interest. The Council is authorized to issue, review, correct and publish the opinions of Muslim jurists. It considers the complaints it receives from citizens, can refer matters directly to the government departments and sectors concerned, and helps to resolve conflicts between citizens and the authorities.

Reply to the issues raised in paragraph 2

4. For the purpose of ensuring greater transparency in the selection process for members of the National Human Rights Commission, the Government adopted Organic Act No. 2017-016 of 5 July 2017 on the Composition, Organization and Functioning of the National Human Rights Commission.
5. Article 12 of the Act provides for the establishment of a board tasked with supervising the selection and appointment of the Commission's members. The composition of the board must include representatives of civil society (two members), Nouakchott University (one member), the National Bar Association (one member) and the Commission itself (one member).
6. The board's tasks include:
 - Widely disseminating the announcements of vacancies to be filled and establishing clear and transparent criteria so as to ensure broader participation in this process;
 - Managing the process of filling vacancies within the Commission's mechanisms.
7. In order to increase the independence of the Commission's decision-making bodies, the parliamentarians, representatives of Government and four public figures chosen by the President of the Republic will henceforth have only the right of discussion.
8. The Commission has organized dialogue sessions intended to clarify the procedures for the selection and appointment of its members. The procedures have been improved to ensure greater transparency and the involvement of civil society in this process.
9. In line with its commitment to endorse and support the Commission, and in order to give new impetus to the Commission's mechanisms, the Government has renewed the mandate of the President of the Commission and its members, in accordance with prevailing law.
10. The National Human Rights Commission is assigned the necessary operating budget.
11. Under article 1 of Act No. 034-2015 on the Establishment of the National Mechanism for the Prevention of Torture, the mechanism enjoys financial and operational autonomy. In accordance with its mandate, it does not receive instructions from any authority.
12. The mechanism has the right to access all places of deprivation of liberty, including their facilities and equipment, and to access all information on the number of persons deprived of their liberty who are or may be detained in custodial establishments, as well as information about their treatment and prison conditions.

13. The mechanism may also conduct private interviews with persons deprived of their liberty, as well as with any person who can provide it with relevant information.

14. Because of the sensitive nature of the mechanism's mandate, its members enjoy the immunities and privileges required to carry out their work.

15. Any person who attacks a member of the National Mechanism for the Prevention of Torture or hinders the exercise of his or her functions or that of any person from whom the member has requested assistance, is considered to have attacked or obstructed a member of the court in the discharge of his or her duties and will be punished in accordance with prevailing law.

16. The State provides, from its annual general budget, the necessary allocations for the work of the mechanism and the completion of its missions. The mechanism may also receive donations and legacies.

The fight against impunity and past human rights violations (arts. 2, 6, 7 and 14)

Reply to the issues raised in paragraph 3 (a), (c) and (d)

17. Resolving the pending humanitarian issues has been one of the Government's main concerns. This was addressed by means of a tripartite agreement signed on 12 November 2007 between Mauritania, Senegal and the Office of the United Nations High Commissioner for Refugees. The agreement is based on principles of humanitarian law relating to voluntary repatriation and the preservation of family unity in conditions that respect human dignity.

18. The agreement entails the following:

- Repatriation: the organized voluntary return, in a dignified manner, of 24,536 Mauritanian refugees from Senegal (5,817 families). The return operation was finalized on 25 March 2012 during a ceremony held in Rosso, which was attended by the President of the Republic and the then United Nations High Commissioner for Refugees, Mr. Antonio Guterres;
- The right to reparation in the form of compensation (*diya*) for rights holders;
- The invocation by the Government of the duty of memory and forgiveness on the occasion of the Day of National Reconciliation, celebrated on 25 March 2009 in Kaédi (prayer in memory of the victims and speech by the President of the Republic);
- The reintegration of returnees in economic and social life through the construction of basic infrastructure and the funding of microprojects and income-generating activities, and the integration of 1,159 public employees and government contract workers;
- The civil status registration of returnees.

Reply to the issue raised in paragraph 3 (b)

19. Act No. 93-023 on Amnesty was adopted in line with the norms and principles of the Mauritanian legal system, reflecting the will of the representatives of the Mauritanian people, who voted to enact this law on the basis of a legislative proposal.

Non-discrimination (arts. 2, 25 and 26)

Reply to the issue raised in paragraph 4 (a)

20. Act No. 2018-023 on the Criminalization of Discrimination defines discrimination in all of its forms. This law characterizes the act of discrimination as an offence under criminal law and prescribes appropriate penalties that take into account its gravity.

Reply to the issue raised in paragraph 4 (b)

21. Article 11 of the Act on the Criminalization of Discrimination prohibits discrimination on the basis of origin, ethnicity or race. The Act punishes persons found guilty of this offence with a prison sentence of 6 to 12 months and a fine of 50,000 to 100,000 Mauritanian ouguiyas. The perpetrators of such acts may receive an additional penalty consisting of the total or partial loss or ban on the exercise of their civic, civil or family rights for a period of five years.

Reply to the issue raised in paragraph 4 (c)

22. The Act provides for a sufficient number of effective remedies for all victims of crime. In practice, and in line with the Code of Criminal Procedure, any person who has been a victim of, or harmed by, the commission of an offence may lodge a complaint and bring criminal indemnification proceedings before a criminal investigation officer, the investigating judge or the trial court.

23. Judicial authorities must ensure that victims are kept informed and that their rights are respected throughout the course of all proceedings (Code of Criminal Procedure, introductory article).

24. Anyone who has personally suffered harm as a direct result of an offence may file a claim for damages in civil proceedings.

25. The law guarantees, under conditions laid down in the Code of Criminal Procedure, that victims have the right and the power to instigate a preliminary investigation by lodging a complaint or by reporting an incident directly to the criminal investigation officer or the public prosecutor.

Effective implementation of the Cybercrime Act and the Act on the Criminalization of Discrimination

- In case RP101/Gorgol, the South Nouakchott special criminal court for combating slavery-like practices sentenced the perpetrator of discrimination to a 1-year non-suspended prison sentence on the ground that the victim had been considered a slave; the perpetrator had stated in a WhatsApp discussion group that the victim was a slave and could therefore not hold a managerial position in a local community development association;
- In case RP006/2018, a person was prosecuted and handed down a 1-year non-suspended prison sentence on the basis of articles 22 and 23 of the Cybercrime Act and article 83 of the Criminal Code for using a computer system to incite hatred, discrimination and racism and encouraging population groups to take up arms against each other;
- In cases RP001/2018 and RP1093/2018 a person, and group of persons, respectively, were prosecuted and handed down prison sentences (some suspended) ranging from 6 months to 1 year, on the basis of articles 2, 12, 13, 14 and 15 of the Act on the Criminalization of Discrimination and articles 22 and 23 of the Cybercrime Act, for inciting hatred, discrimination and violence in audio and text messages sent via an electronic system.

Number of complaints registered, prosecutions conducted, and convictions and sentences handed down, for acts of discrimination

<i>Number of complaints</i>			<i>Number of prosecutions</i>			<i>Number of decided cases</i>			<i>Sentences handed down</i>
<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	
0	0	1	0	3	1	0	2	0	6–12 months (non-suspended)

Reply to the issues raised in paragraph 5

26. In Mauritania, the State ensures all citizens equality before the law, regardless of origin, race, sex or social status. All particularist propaganda of a racial or ethnic nature is punishable by law.

27. Act No. 2018-023 criminalizes and prescribes penalties for all acts of discrimination, stigmatization and violence, or incitement to commit such acts, against any person on the basis of their racial, ethnic, social or other origin. Several actions have been carried out to train judges and law enforcement officers in, and raise their awareness of, the provisions of the Act.

Equality between men and women, and discrimination against women (arts. 2, 3, 23, 25 and 26)**Reply to the issues raised in paragraph 6**

28. Article 308 of the Criminal Code is based on the fundamental principles of the nation, one of which is that Islam is the official religion of the State and the people.

Reply to the issues raised in paragraph 7

29. The concentrated efforts that have been made to promote the participation of women in political life have produced the following results:

- The inclusion of eight women in the Government, including, in 2009, the Minister for Foreign Affairs;
- The appointment of three women ambassadors;
- The introduction in 2006 of a quota system under which 20 per cent of elective offices are set aside for women;
- The adoption in 2011 of a national list of 20 women and a list of 18 women in Nouakchott for the election of deputies;
- In 2018, 30 out of 153 deputies (19.6 per cent) were women;
- 1,184 out of 3,811 municipal councillors are women;
- 101 out of 285 regional councillors are women, including 1 (Nouakchott) of the 13 presidents of the regional councils.

Reply to the issues raised in paragraph 8

30. Act No. 2001-051, the Personal Status Code, is one of the foundations of the rule of law that has enabled Mauritanian women to be included in all areas of public life. The application of this important benchmark legislation for two decades, together with the progress Mauritania has made in the area of the protection of the family, women and children, justify a revision of the Act in order to update it by addressing apparent deficiencies or outdated aspects in relation to the development of the country and society, and in accordance with the national strategic guidelines and the conventions and treaties ratified by Mauritania. A consultant was hired by the Ministry of Social Affairs, Children and the Family and the United Nations Population Fund to produce a study proposing the most appropriate ways and means of amending this Act.

31. With regard to the transmission of nationality, Act No. 61-112, as amended, of 12 June 1961, the Mauritanian Nationality Code, guarantees that the requirements for acquisition, retention and termination of Mauritanian nationality are the same for all persons, without any distinction, including on the basis of gender.

32. The Code's provisions on the transmission of nationality to children and spouses are not discriminatory. Part III, chapter 2, of amended Act No. 61-112, entitled "Acquisition of nationality by marriage", has been repealed and replaced by chapter 3, which is entitled "Naturalization" (Act No. 2010-023 of 11 February 2010, art. 2). This chapter now applies

to the acquisition of nationality by marriage, without making any distinction between men and women.

33. With regard to children who are born abroad, article 9 has been repealed (Act No. 2010-023 of 11 February 2010, art. 1). There are three possibilities for the acquisition of Mauritanian nationality at birth: (1) being born to a Mauritanian father; (2) being born to a Mauritanian mother and a father without a nationality or of unknown nationality; or (3) being born in Mauritania to a Mauritanian mother and a father of foreign nationality. This provision is in no way discriminatory. As the Act does not recognize dual nationality and makes no distinction on the basis of the child-parent relationship (paternal or maternal), the transmission of nationality to the child depends on the child's place of birth and the parent's nationality of origin. A child born abroad to a Mauritanian mother and a father of foreign nationality may opt for Mauritanian nationality (Act No. 2010-023, new art. 13). Similarly, a child born in Mauritania to a Mauritanian mother and a father of foreign nationality may renounce his or her Mauritanian nationality (Act No. 61-112, art. 8).

34. In any case, if one of the parents is stateless or of unknown nationality, the child is automatically Mauritanian (Act No. 61-112, art. 8). It follows that, in the case of mixed couples, the ability of a child born abroad to opt for Mauritanian citizenship is merely a reflection of the ability of a child born in Mauritania to renounce it.

35. Any minor whose mother or father acquires Mauritanian nationality automatically becomes Mauritanian like his or her parent (Act No. 2010-023, new art. 15).

Violence against women and harmful practices (arts. 2, 3, 6, 7 and 26)

Reply to the issue raised in paragraph 9 (a)

36. The bill on a framework act on gender-based violence is currently being revised and will shortly be put to parliament for a vote.

37. The significant additions of the bill are:

- The definition of rape and sexual harassment;
- The establishment of protective measures aimed at punishing the perpetrators of gender-based violence, preventing violence and assisting victims;
- The principle of civil compensation whereby penalties are accompanied by compensation for the damages awarded by the same court;
- The establishment of a special section in the criminal courts and in criminal chambers for trying intermediate and serious sexual offences;
- The conferral on non-governmental organizations (NGOs) of the right to sue for damages in criminal proceedings in sexual assault trials;
- The setting up of shelters for women victims of violence and provision of support for existing shelters.

Reply to the issues raised in paragraph 9 (c)

<i>Number of complaints</i>			<i>Number of prosecutions</i>			<i>Number of decided cases</i>			<i>Sentences handed down</i>
<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	
99	96	30	89	98	24	68	68	3	6 months–15 years

Source: Public Prosecution Service. These statistics include those for violence against women, including rape.

Reply to the issues raised in paragraph 10

38. The Government is committed to speeding up the voluntary abandonment of the practice of female genital mutilation.

39. Within the framework of the Joint Programme, between 2014 and 2018:
- 682 village communities organized public pledges to abandon the practice, involving 737,220 people;
 - A system (committees) was set up to monitor actions taken to follow up the voluntary public pledges made by communities to abandon the practice of female genital mutilation;
 - 51,540 young people active in networks and associations took part in activities to build their capacity to combat gender-based violence, including female genital mutilation;
 - 3,860 ulema (religious scholars) received training in the argumentation concerning “Islam and female genital mutilation”.

Measures to combat early and forced marriages

- The creation in 2014 of a multisectoral commission to combat child marriage, whose action plan has led to the development of communication materials, the training of stakeholders and the organization of campaigns to raise awareness of the harmful effects and dangers of child marriage;
- The promotion of schooling for girls;
- Between 2016 and 2018, at the level of the 10 *wilayas* where the national child protection system was set up:
 - 288 children were identified as victims of child marriage;
 - 670 children were identified as victims of female genital mutilation;
 - 111 children were identified as victims of sexual violence;
 - 60 children were identified as victims of violence and abuse.
- Act No. 024-2018 of 21 June 2018, the General Code for the Protection of Children, was signed into law in 2018 and prescribes penalties for parents who arrange a marriage for their child without taking his or her interests into account (art. 17);
- The training of trainers from the child protection system who have instructed police officers, judicial officials and stakeholders working in the area of protection (civil society organizations, decentralized government services, imams and community members);
- Deployment of outreach caravans in nine *wilayas*.

Right to life and excessive use of force (arts. 3 and 6)

Reply to the issues raised in paragraph 11

40. As of 31 December 2018, the total number of persons who had received a death sentence was 115, including 90 who had received final judgments and 25 whose appeals were pending. All those sentences were handed down for the crime of voluntary homicide.

41. With regard to the implementation of the legal guarantees set out in article 6 of the Covenant, the right to life is protected by law. No one may be arbitrarily deprived of his or her life. The death penalty is reserved for the most serious crimes. It has not been carried out for several decades.

42. The death penalty is not imposed for serious crimes committed by persons under 18 years of age, who are subject to the Code governing the judicial protection of children, under which serious crimes committed by children can be reclassified as intermediate offences and which establishes a special system of penalties.

43. Anyone sentenced to death has the right to seek pardon or commutation of his or her sentence. An amnesty, pardon or commutation of a sentence may be granted under the

conditions laid down by law, in particular where the victim's beneficiaries offer forgiveness, whether or not in exchange for payment.

Reply to the issues raised in paragraph 12

44. Article 306 (new) has not been applied since its adoption. The death penalty is reserved for the most serious crimes. Mauritania is an Islamic country where religion and faith are the most important social values. Blasphemous and sacrilegious remarks targeting the image of Allah or any of his prophets or holy books are, under the immutable principles of the State and national public opinion, acts of extreme gravity that warrant the prescribed sanction, in accordance with the country's legal system and national opinion.

Reply to the issue raised in paragraph 13

45. There are no allegations of enforced disappearance on any grounds whatsoever.

Reply to the issues raised in paragraph 14

46. A judicial investigation into the Mangane case was conducted by an independent authority. The investigation was conducted under the direction and supervision of the public prosecutor. The findings of the investigation were transmitted to the public prosecutor, who closed the case, inasmuch as no personal responsibility could be assigned to any individual and taking into account the immediacy of the situation and the conditions for legitimate self-defence in which the besieged unit had found itself. The victim's family was granted compensation.

47. In the case of the employees of Mines de Cuivre de Mauritanie, no firearms were used. The authorities used tear gas to disperse the crowd. One person died in the incident, and his body was taken to Nouakchott for an autopsy. Owing to the victim's asthmatic condition, the autopsy confirmed that his death was caused by respiratory difficulty. The body was returned to the family. In the absence of personal responsibility, the case had been closed. His beneficiaries followed the autopsy closely. They did not file a complaint. They have received compensation.

Reply to the issues raised in paragraph 15

48. The maternal mortality rate is 582 per 100,000 live births, according to the general population and housing census of 2013.

49. The infant mortality rate, according to the 2015 multiple indicator cluster survey, is 44 per cent.

50. The steps that have been taken to improve access to health services include:

- The adoption of the Reproductive Health Act and its implementing decrees on 8 March 2018;
- The implementation of the India/United Nations/Ministry of Health partnership project to improve the quality of maternal and newborn care;
- The implementation of the Islamic Development Bank's project to support the National Health Programme for the region of Hodh ech Chargui;
- The launch of the Health System Support Project funded by the World Bank and concerning results-based financing in two regions (Hodh ech Chargui and Guidimaka);
- The launch of the Kechwa Assaba Project to improve access to high-quality maternal and newborn care;
- The project for newborns sponsored by the Ministry of Health, the United States Agency for International Development and the United Nations Children's Fund;
- The introduction of a flat-rate payment for obstetrical care and implementation of the recommendations of the national workshop on its accompanying scheme;

- The completion of the review of reproductive health protocols, standards and procedures;
- The issuance of a circular letter from the Minister of Health, dated 20 September 2018, encouraging inter-pregnancy intervals;
- The finalization of the Annual Budget Plan for the fiscal period 2019/23 and the introduction of Sayana Press as an easy-to-use method of contraception.

Prohibition of torture and of cruel, inhuman or degrading treatment (arts. 6 and 7)

Reply to the issue raised in paragraph 16

51. These reports are unfounded. Torture and ill-treatment are prohibited, criminalized and severely punished by law. Statements and confessions extracted under these conditions have no legal value.

Reply to the issue raised in paragraph 17 (a)

- The adoption of constitutional amendments recognizing torture as a crime against humanity;
- The accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto in 2012;
- The adoption of Act No. 2015-033 of 10 September 2015 on Combating Torture;
- The adoption of Act No. 2015-034 of 10 September 2015 on the Establishment of the National Mechanism for the Prevention of Torture;
- The adoption and implementation of Act No. 2015-031 of 10 September 2015 on the Criminalization and Punishment of Slavery and Slavery-like Practices;
- The adoption of Act No. 2018-024 of 21 June 2018, the General Code for the Protection of Children, which prohibits and penalizes the corporal punishment of children and female genital mutilation;
- The adoption and entry into force of Act No. 2017-025 of 15 November 2017 on Reproductive Health;
- The establishment of the National Human Rights Commission;
- The establishment of the National Mechanism for the Prevention of Torture on 20 April 2016;
- The adoption and launch of a road map for the eradication of the consequences of slavery and contemporary forms of slavery;
- The construction of several detention and rehabilitation centres to reduce prison overcrowding;
- The noticeable improvement of living conditions, in terms of food, hygiene and health, as a result of the substantial increase (15 per cent) in budget allocations for this purpose, and measures taken to combat and prevent torture;
- Efforts to raise awareness about the prevention of torture among the relevant actors, chiefly those in prison administrations, the police force, the judiciary and civil society.

Reply to the issue raised in paragraph 17 (b)

52. The National Human Rights Commission has a complaints service with considerable human and material resources. The service has received and processed 695 complaints related to social, economic and land rights. The staff members of this service have also participated in a number of seminars and courses, including those organized by HURIDOCs and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

53. In accordance with article 3 (3) of the Act on the Establishment of the National Mechanism for the Prevention of Torture, the mechanism receives complaints and allegations of torture and other cruel, inhuman or degrading treatment or punishment having occurred in places where persons are deprived of their liberty and transmits them to the administrative and judicial authorities or other institutions with competence to investigate them.

54. Since its establishment, the mechanism has set up complaint boxes in Nouakchott prisons to receive complaints and allegations from detainees.

55. The complaints and allegations may be received from the detainees themselves, their relatives or NGOs working in the field of human rights and the prevention of torture.

56. With regard to ensuring that statements or confessions obtained under torture are not admissible, the law criminalizing torture defines the terms and mechanisms that enable the judicial authorities to combat torture. Among these measures are the inadmissibility and invalidity of any statement or confession obtained through torture.

57. Two examples are noteworthy. In case RP010101/2016, despite the fact that the use of torture was not ultimately demonstrated, the evidence and statements in the case were thrown out by the judge. Likewise, in case RP512/2006, the judge disallowed the preliminary investigation report.

Reply to the issue raised in paragraph 18

58. Act No. 2018-024 of 21 June 2018, the General Code for the Protection of Children, prohibits all forms of corporal punishment in all contexts (arts. 79 and 80):

Article 79:

Subjecting a child to “repeated ill-treatment” shall be considered to constitute torture or cruel, inhuman or degrading treatment. For the purposes of the present Code, “torture” is any act through which severe physical, mental or moral pain or suffering are intentionally inflicted on a child by, at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Article 80:

Any person who inflicts torture or cruel, inhuman or degrading treatment on a child shall incur the penalties set forth in the Code governing the judicial protection of children.

Treatment of persons deprived of their liberty (arts. 6, 7 and 10)

Reply to the issues raised in paragraph 19

59. To remedy prison overcrowding, the penal policy calls for making greater use of alternatives to detention: “Pretrial detention should be ordered only when it is justified by the seriousness of the acts or the need to prevent the disappearance of evidence, the flight of the accused or the commission of other offences” (Code of Criminal Procedure, art. 138).

60. With regard to intermediate offences, subject to the provisions of article 141, the length of pretrial detention may not exceed 4 months, renewable once. In other situations, such as flagrant offences and those punishable by up to 2 years’ imprisonment, the length of pretrial detention is 1 month.

61. With regard to criminal offences, pretrial detention is set at 6 months, renewable once by a reasoned order, subject to the conditions laid down in the Code of Criminal Procedure.

62. In the event of pretrial detention, the judge is required to expedite the conduct of the investigation. He or she may be held accountable for any negligence that needlessly delays the investigation and prolongs the duration of pretrial detention (Code of Criminal Procedure, art. 139).

63. The adjustment of prison sentences, through the use of conditional release or pardon, makes it possible to combat overcrowding. Since 2016, 272 individuals have been granted presidential pardons or released on parole.

64. Prisoners serving long sentences in Nouakchott prisons are periodically transferred to less crowded facilities in an effort to relieve overcrowding. For example, 768, 400 and 468 prisoners were transferred in 2016, 2017 and 2018, respectively to the prisons of Aleg, Nouadhibou and Bîr Mogreïn.

65. Prison construction and renovation are proceeding as planned:

- The Nouakchott women's prison was acquired and renovated in 2016;
- The Bîr Mogreïn prison, which can hold 200 prisoners, was built in 2016, and expansion of the prison is under way;
- The Nbeïka prison, which can hold nearly 700 prisoners, has been completed;
- The detention centre for children in conflict with the law has been operational since November 2018;
- The launch of construction on a prison in Sélibaby and the renovation of the Dar Naim and the Nouakchott Central prisons are planned for 2019.

Reply to the issue raised in paragraph 19 (a)

66. The following table shows the distribution of the national prison population as of 10 April 2019:

<i>Institution</i>	<i>Capacity</i>	<i>Number of prisoners</i>	<i>Occupation rate (%)</i>	<i>Number of prisoners in pretrial detention</i>	<i>Number of convicted prisoners</i>
Dar Naim	350	845	241.4	429	416
Nouakchott Central	150	125	83.3	39	86
Women's prison	50	26	52	12	14
Compagnie	10	2	20	0	2
Youth prison	150	43	35.8	27	16
Néma	70	58	82.8	27	31
Aioun	40	41	102.5	21	20
Kiffa	40	64	160	35	29
Kaédi	50	35	70	2	33
Aleg	650	398	61.2	18	380
Rosso	50	57	114	17	40
Atar	40	6	15	2	4
Ouadâne	14	0	0	0	0
Nouadhibou	450	428	95.1	147	298
Tidjikja	40	4	10	4	0
Nbeïka	700	0	0	0	0
Sélibaby	40	77	192.5	32	45
Zouerate	40	60	150	60	0
Bîr Mogreïn	200	270	135	15	255
Akjoujt	40	11	27.5	8	3
Total	3 174	2 550	75.5	895	1 672

Reply to the issues raised in paragraph 19 (b)

67. With the construction of new facilities and the renovation of others, the country's prisons are becoming specialized by gender and by legal status of the detainee. Large facilities such as the Aleg, Bîr Mogreïn and, in a few days, Nbeïka prisons are becoming correctional facilities that are holding almost none but convicted prisoners who have received final sentencing. Women are incarcerated in separate, dedicated prisons.

68. Conditions in places of detention are constantly improving:

- All the country's prisons are connected, at public expense, to the domestic drinking-water and electricity networks;
- The quality and amount of food given to prisoners are sufficient. Three meals a day (breakfast, lunch and dinner), based on a menu developed with the prisoners and with technical assistance from the International Committee of the Red Cross (ICRC), are provided. Prisoners may receive unlimited amounts of food from their families;
- The operating budgets of the prison administration are constantly on the rise, having increased by 4 million ouguiyas in 2018 and 10 million in 2019;
- Purchasing power has been increased, since most food and health products for prisoners are not subject to value added tax;
- Cold-storage rooms, built in Nouakchott, Aleg and Nouadhibou, have increased the ability of the country's major prisons to store fresh and frozen products;
- To avoid food shortages, supplies are provided by the Office of the Commissioner for Food Security;
- Access to health care is provided to all detainees under the same conditions as those enjoyed by the community. Each of the large prisons has a clinic. Prisoners in other prisons are treated at the public health facilities of the administrative districts in which they are located. An isolation ward for patients with communicable diseases and a new clinic have been built in Dar Naim. On-call health-care services are provided at night in the Dar Naim, Nouakchott Central, Nouadhibou and Aleg prisons. Referring physicians visit two to three times a week. The Nouakchott, Aleg and Bîr Mogreïn prisons each have an ambulance allowing for medical evacuation where necessary. The administration has contracted with pharmacies for the provision of medicines. Wardens rely on a fund made available to them, prescriptions and emergency care to respond to medical emergencies or arrange for care outside of normal business hours.

Liberty and security of the person (arts. 9 and 14)**Reply to the issues raised in paragraph 20**

69. All persons who are deprived of their liberty are treated with respect for their human dignity. The law prohibits the ill-treatment of such persons and their detention in any place not prescribed by law. Accordingly:

- Any criminal investigation officer who takes a person into custody is required, as soon as possible, to inform the detainee's spouse, parent or offspring about the detention and about the possibility that he or she has of communicating with the detainee in the manners prescribed by law;
- Access to a lawyer or to assistance from a person of the detainee's choice is a right;
- In all cases, with the exception of terrorism, which is governed by special provisions, access to a lawyer by the arrested person is guaranteed. Arrested persons have the ability, if they so wish, to be assisted by a lawyer of their choice and to consult with a doctor of their choice as well;

- Accused persons may communicate freely with their lawyer and are afforded all means of assistance in arranging their defence that are compatible with the exigencies of prison discipline and security;
- Defence counsel, in exercising their functions, may communicate freely with the accused, outside of the presence of any guard (Decree No. 70.153 on Internal Regulations for Prisons, art. 15);
- Letters in sealed envelopes sent by accused persons to their lawyers and those sent by lawyers to accused persons are not subject to inspection;
- Correspondence addressed by detainees to the National Mechanism for the Prevention of Torture are not subject to inspection. Mailboxes have been installed by the mechanism in order to receive correspondence addressed to it.

70. With regard to measures taken to ensure that the prescribed duration of police custody is not exceeded, as a general rule, the maximum permitted duration of police custody is 48 hours but may be extended. The public prosecutor monitors the duration and conditions of police custody. The National Mechanism for the Prevention of Torture and the National Human Rights Commission are authorized to visit places of detention at any time and to obtain information on conditions of arrest, including by reviewing the registers kept by the criminal investigation officer. All of these mechanisms are responsible for ensuring that the maximum permitted duration of police custody prescribed by law is not exceeded and for reporting any violation to the competent authorities, so that the latter may take action to enforce the law and assess the resulting consequences, whether with regard to the perpetrators or the lawfulness of the acts in question.

Regarding the sanctions imposed on officers for failure to comply with fundamental legal safeguards and the prescribed duration of police custody

71. Article 4 of Act No. 2015-033 on Combating Torture stipulates that anyone who fails to comply with fundamental safeguards regarding deprivation of liberty is liable to disciplinary sanction and criminal prosecution.

72. Article 111 of the Criminal Code stipulates that any public official or government agent or employee who orders or commits an arbitrary act or an act violating either the personal freedom or civic rights of one or more individuals will be sentenced to the deprivation of his or her civic rights.

73. In addition, article 116 of the Criminal Code stipulates that public officials with responsibilities in the area of law enforcement or criminal investigation who deny or neglect to comply with a lawful request to file a complaint for unlawful or arbitrary detention, and who cannot prove that they reported it to a higher authority, are liable to the penalties of deprivation of civic rights and payment of damages.

74. In order to bring the legislation on terrorism into conformity with international human rights standards, at the initiative of the Mauritanian authorities, a review of the legislation was conducted by the United Nations Counter-Terrorism Committee Executive Directorate, the United Nations Office on Drugs and Crime and the United Nations Development Programme. The purpose of the review is to adapt the national legislation to the changing patterns of terrorism and to international human rights instruments.

Reply to the issues raised in paragraph 21

75. There is no secret detention of any person or for any reason whatsoever.

76. With a view to investigating places of secret detention and bringing those responsible to justice, a section of the Criminal Code is devoted to infringements of liberty (arts. 111–119), which lay down rules regarding illegal and arbitrary detention.

Reply to the issues raised in paragraph 21*To prevent and protect against arbitrary detention*

77. Article 13 of the Constitution stipulates that no one may be prosecuted, arrested, detained or punished, except in the cases and in the manner prescribed by law. Articles 319 et seq. of the Criminal Code prescribe penalties for the acts of detention, arrest, abduction and kidnapping, when carried out without a warrant from the competent authorities or when carried out without being required under the law, as well as for providing a location for the perpetration of these acts.

78. Violations of personal freedom that are committed or ordered by government agents or employees are criminalized under article 111 of the Criminal Code. Furthermore, article 13 of Act No. 2015.033 on Combating Torture criminalizes the detention of an arrested or convicted person by a public official in an institution or any other place not registered as a place of deprivation of liberty.

79. Article 7 of Act No. 2015-031 on the Criminalization and Punishment of Slavery and Slavery-like Practices, criminalizes enslavement and incitement to the alienation of another person's freedom.

80. When combined, these elements constitute the offence of enforced disappearance.

Reply to the issue raised in paragraph 21 (b)*The duration of pretrial detention*

81. Please see the reply to the issues raised in paragraph 19.

Reply to the issue raised in paragraph 21 (c)*Number of persons convicted and number of persons held in pretrial detention*

82. Please see the reply to the issue raised in paragraph 19 (a) concerning the size of the prison population.

Reply to the issue raised in paragraph 21 (d)*Measures taken to reduce the use of pretrial detention*

83. Please see the reply to the issues raised in paragraph 19.

Administration of justice (art. 14)**Reply to the issue raised in paragraph 22 (a)**

84. The independence of the judiciary is guaranteed by the Constitution, article 89 of which stipulates that: "The judiciary is independent of the legislative and executive branches. The President of the Republic is the guarantor of the independence of the judiciary. He or she is assisted in this role by the Supreme Council of the Judiciary, over which he or she shall preside."

85. Judges are subject only to the law. In the performance of their duties, they are protected from any form of influence that could undermine their free will.

86. The regulations governing the judiciary, and those governing the composition, functioning and powers of the Supreme Council of the Judiciary, are set forth in an organic law. The appointment of judges and law officers to the various posts within the judiciary are made on the basis of their rank and length of service.

Reply to the issues raised in paragraph 22 (b)

87. In discharging their judicial functions, judges are subject only to the authority of the law.

88. Members of the judiciary receive wages and salaries that shield them from corruption. They are among the best paid of civil servants. In addition to the basic payroll components, their salaries also include allowances for domestic service, housing and furniture, which vary according to their rank and function, as well as allowances related to their function and a justice administration allowance.

Reply to the issue raised in paragraph 22 (c)

89. Judges cannot be removed, and they can be reassigned only at their own request or as the result of a disciplinary sanction or an imperative of service on the advice of the Supreme Council of the Judiciary (judiciary regulations, art. 8). In practice, this security of tenure is encouraged by the frequency of the Council's meetings, which is generally once a year.

Reply to the issues raised in paragraph 22 (d)

90. Primary- and secondary-level judicial bodies are provided with the resources required for their functioning. These resources are included in the general state budget, in the chapter on the Ministry of Justice.

91. The Supreme Court, which is the highest court in the judicial system, has budgetary autonomy. Its resources are separate and distinct.

With regard to the exercise of the rights set out in article 14 of the Covenant

92. Article 7 of Ordinance No. 2007-012 on the Organization of the Judiciary, specifies that no person may be tried without being given an opportunity to present arguments in his or her defence; that everyone is free to prepare his or her defence and to choose defence counsel; that lawyers may freely exercise their profession in all courts; and that no one may be deprived of a lawfully established judge.

93. The introductory article of the Code of Criminal Procedure requires that, in order to ensure the validity of the proceedings, the procedure must be equitable, adversarial and maintain a balance between the rights of the parties. It must ensure the separation of powers between the prosecuting, investigating and judicial authorities.

94. In civil matters, judges are required to respect and ensure respect for the adversarial principle. They must pronounce judgment within the limits determined by the parties' claims and must not, of their own motion, alter either the subject-matter or cause of action of those claims. Each party is required to present all of its submissions in a timely manner (Code of Civil, Commercial and Administrative Procedure, art. 2).

95. Concerning indigent defendants' access to the judicial system, article 1 of the Legal Aid Act (No. 2015.30) provides that, in criminal cases, the provisions in force concerning requests for criminal court costs are to be applied.

96. Article 101 of the Code of Criminal Procedure provides that the assistance of defence counsel is mandatory in cases involving serious crimes. If the accused has not chosen a lawyer, the judge will appoint one for him or her. If the accused is not assisted by counsel, the president of the criminal court or the judge or law officer replacing the president invites him or her to choose a lawyer. If the accused does not make a choice, a lawyer is appointed by the court (Code of Criminal Procedure, art. 257).

97. In cases involving intermediate or minor offences, the judge may appoint a lawyer for the accused if the latter has not chosen one before the hearing. The appointment of a lawyer is compulsory when the defendant is a minor or is in a vulnerable situation (Code of Criminal Procedure, art. 377).

98. Lawyers whose appointment by the court requires them to travel are paid the same travel and accommodation allowances as those paid to judges and law officers of the criminal court (Code of Criminal Procedure, art. 258). Decree No. 2009-208 of 24 September 2009 establishes court costs for serious, intermediate and minor, and summary offences.

Trafficking in persons and forced labour (arts. 7, 8 and 24)

Reply to the issue raised in paragraph 23 (a)

Supreme Court

- There are two cases before the criminal division, one of which precedes the 2015 Act: Case RP501/2011 implicating nine persons, of whom six were found guilty. The principal perpetrator was sentenced to immediate imprisonment and the payment of damages to the victims, and the remaining five were sentenced to suspended imprisonment;
- Case RP101/2015, which was tried after the establishment of the special courts, concerned two persons who were sentenced to immediate imprisonment and a fine payable to the Treasury, as well as to the payment of damages to the victims.

Courts of appeal

- The Kiffa court of appeal heard Case RP101/2015 and issued a ruling confirming the criminal circumstances and upholding the damages awarded. It remitted the case, on appeal of an order from the investigating judge;
- Two cases before the special criminal court of Néma;
- The Dakhlet-Nouadhibou court of appeal heard a case, in which it confirmed all the provisions of the first-instance judgment;
- The Nouakchott court of appeal heard five cases; in one case, the court confirmed the first-instance judgment with regard to sentencing and upheld the damages awarded.

Wilaya courts

- The criminal chamber of the Hodh ech Chargui *wilaya* court dealt with two cases involving two accused persons. Of the nine cases that were pending resolution of objections to jurisdiction, the criminal court asserted its jurisdiction under Act No. 2007 and found the public right of action time-barred. The public prosecution service and the victims lodged an appeal;
- The special criminal court of Néma heard three cases involving five persons;
- The Tiris-Zemmour *wilaya* court heard three cases involving six accused persons pending objection to jurisdiction;
- The northern special criminal court heard two cases and tried three accused persons;
- The Nouakchott special court heard two cases and tried four persons.

Reply to the issue raised in paragraph 23 (b)

99. With regard to the courts' handling of cases of slavery and slavery-like practices, Act No. 2015-031 stipulates that victims of slavery are automatically entitled to legal aid and are exempt from all criminal court fees and costs, which are covered by the State.

Reply to the issue raised in paragraph 23 (c)

100. The State has taken every measure conducive to the investigation of these acts and to bringing the perpetrators to justice. The law provides that government resources are to be made available to the judiciary and the police in order to carry out their work in this area and to safeguard the rights of victims. All costs incurred as a result of police actions or acts of judicial administration for these purposes are paid by the State under criminal justice expenditures.

Reply to the issues raised in paragraph 23 (d)

<i>Number of complaints</i>			<i>Number of prosecutions</i>			<i>Number of decided cases</i>			<i>Sentences handed down</i>
<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	
0	7	1	2	6	0	0	9	0	12 months–20 years

Source: Public Prosecution Service. These data include slavery and trafficking in persons.

Reply to the issue raised in paragraph 23 (e)

101. The budget allocations below, which are included in the state budget for the operation of the courts, do not include costs of staffing (judges, prosecutors and other public servants), rental, electricity, telephone, Internet or capital investments, which are borne entirely by the State.

102. In addition, all fees, advances or disbursements associated with the performance of investigatory, fact-finding or procedural functions are paid by the Treasury directly from criminal justice expenditures at the request of the competent judicial authority.

<i>Courts</i>	<i>Allocation</i>	<i>Note</i>
Nouakchott	150 000	
Nouadhibou	150 000	
Néma	150 000	Office consumables

Reply to the issues raised in paragraph 23 (f)

103. The legal framework for combating slavery and slavery-like practices enables all civil society organizations – irrespective of when the organizations were established – to report offences and to assist victims.

104. Given that victims of slavery and slavery-like practices are automatically granted legal assistance and that, in such matters, they are entitled to cost-free services at all stages of the proceedings and statutory protection from any intimidation, threats or reprisals, civil society organizations play a leading role in these cases through their right to lodge complaints and to sue for damages in criminal cases under the conditions prescribed by law.

105. With regard to ensuring that the penalties imposed for slavery offences are proportionate to the gravity of the acts, Act No. 2015-031 prescribes appropriate penalties for the perpetrators of such acts. It imposes the dual penalties of imprisonment and a fine. The public prosecution service oversees the strict enforcement of the law, ensuring that the penalty is proportionate to the gravity of the acts. It exhausts all remedies (regular and extraordinary) provided for in the Code of Criminal Procedure in order to adjust sentences deemed to be non-compliant.

Reply to the issues raised in paragraph 24

106. Awareness-raising campaigns carried out by the Government have helped to educate targeted groups about their human rights and the absolute rejection of all contemporary forms of slavery.

107. In addition, the programmes carried out by the Tadamoun National Agency for the Eradication of the Consequences of Slavery, for Social Integration and for Action to Fight Poverty, whose aim is to provide appropriate protection and reintegration for persons who have escaped situations of slavery and slavery-like practices, have made it possible to carry out initiatives intended to improve the living conditions of poor people or victims of the consequences of slavery.

108. These include:

- The construction and equipping of 69 full primary schools, of which 56 have been completed and 13 are in the process of completion; 10 middle schools; 94 additional classrooms in 30 existing schools; and 2 school canteens. These achievements have

increased the educational intake capacity by 30,713 students in the areas where *adwabas* are located;

- The construction of 88 health posts, 65 of which have been completed and equipped, and 23 of which are under construction;
- The completion of 49 drill holes, 36 drinking water systems, with 4 in progress, and 3 water towers;
- The construction of 23 dams over a surface area of 2,079 hectares, the arrangement of 11 agricultural plots totalling 800 hectares, and the construction of a 4-kilometer-long channel for the irrigation of 1,500 hectares serving 5,846 persons;
- The construction of 706 decent-housing units serving 706 poor families in the disadvantaged areas of Nouadhibou (4,236 persons);
- The construction and equipping of 24 mosques and 23 *mahadras*;
- The distribution of 6,730 animal-drawn ploughs;
- The distribution of 2,500 tricycles;
- The distribution of 240 grain mills;
- The financing of 536 income-generating activities, serving 78,846 individuals;
- The implementation of the “Tekavoul” National Social Transfers Programme.

109. Allegations to the effect that insufficient funds were allocated to the Tadamoun agency to assist victims of slavery can be disproved by the relevant statistics. For the period 2014–2019, the average annual amounts allocated by the Government were as follows:

- A little more than \$24 million, to the capital budget of the Tadamoun agency;
- Approximately 2 per cent of the annual budget of Mauritania, to the roll-out of Tadamoun programmes and projects aimed at combating the consequences of slavery, integration and poverty reduction;
- Approximately 1 per cent of the gross domestic product of Mauritania, to the implementation of the Tadamoun programmes and projects.

Reply to the issue raised in paragraph 25 (a)

110. The trafficking of women and girls for the purposes of sexual and labour exploitation were given special attention as part of efforts to monitor the effective implementation of the Act.

111. In order to ensure its implementation and to take stock of the extent of the phenomenon, the Ministry of Labour, in collaboration with the International Labour Office, is in the process of launching a qualitative study on human trafficking in the workplace.

Reply to the issue raised in paragraph 25 (b)

112. See reply to the issues raised in paragraph 23 (d) above.

Reply to the issue raised in paragraph 25 (c)

113. Labour inspections are used to ensure strict adherence to the legislative and regulatory provisions on the prohibition of the exploitation of women and children. The Labour Code, its implementing legislation and the framework agreement on employment conditions provide for the establishment of a special mechanism for the protection of victims and an easy and accessible complaints mechanism for claiming reparations.

114. Judicial authorities must ensure that victims are kept informed and that their rights are respected throughout the course of the proceedings. Any person who claims to have been the victim of an offence may file a suit for damages in criminal proceedings with a criminal investigation officer, the investigating judge or the trial court.

Reply to the issue raised in paragraph 25 (d)

115. The Office of the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society has, in partnership with the United Nations Development Programme, developed a national plan of action to combat trafficking in persons. The plan is currently being considered for adoption.

Reply to the issue raised in paragraph 25 (e)

116. The Government is of the view that awareness-raising is the most important means of spreading knowledge of the basic principles and rights pertaining to all labour relations and thereby avoiding any situation of human trafficking.

Refugees, asylum seekers, stateless persons and freedom of movement (arts. 7, 12, 13, 16 and 26)**Reply to the issues raised in paragraph 26**

117. The bill on asylum has been validated by a technical committee composed of representatives of different ministerial departments and human rights NGOs. The bill will be examined by the Government with a view to its adoption and its submission to parliament at the next parliamentary session.

118. In order to ensure respect for the principle of non-refoulement and to prevent statelessness, article 9 of Decree No. 2005-022 establishing the terms and conditions for implementing international conventions on refugees in Mauritania stipulates that “a person enjoying refugee status may be expelled from the territory of the State solely on grounds of security, or if he or she has been given a prison sentence for acts that qualify as an intermediate offence or a serious crime”.

119. Article 10 of the decree states that “except on compelling grounds of national security or public order, expulsion may be ordered only after an opinion has been given by the National Advisory Commission on Refugees, to which the person concerned may put his or her case”.

120. Expulsion is subject to the following additional reservations:

- No expulsion order against a person with refugee status may be executed until all judicial remedies have been exhausted;
- The procedure for enforcing a final expulsion decision must allow the person concerned a reasonable amount of time for obtaining admission into another country.

121. The same provisions apply to anyone whose application for refugee status has been denied.

122. With regard to the issuance of civil status papers to Mauritanian nationals repatriated from Senegal and asylum seekers born in Mauritania, the National Agency for Population Registration and Secure Documents has introduced specific measures along these lines:

- The issuance of birth certificates from the Civil Status Census;
- The opening of 10 Citizen Reception Centres specifically for returnees in the *wilayas* of Trarza, Gorgol, Brâkna, Guidimakha and Assaba;
- The possibility of registering with any other centre of their choice on two conditions: that they are physically present and that they present their Voluntary Repatriation Form issued by the Office of the United Nations High Commissioner for Refugees (UNHCR).

123. This system has resulted in the development of a database, the issuance of civil status documents to 21,960 returnees and the setting up of a commission composed of representatives of returnees that is charged with ruling on pending cases.

124. As to the birth registration of refugee children and asylum seekers born in Mauritania, the Mauritanian Civil Status Code provides for the birth registration of every child born on the territory of the State, without distinction as to nationality or physical or mental condition.

125. In keeping with the commitments arising from these instruments, Mauritania hosts and provides assistance and protection to some 50,000 Malian refugees in Mberra and 1,512 urban refugees from the Central African Republic, the Syrian Arab Republic and Côte d'Ivoire.

126. Mauritania is in the process of developing an asylum law with the support of UNHCR, the draft of which has been validated by the various departments concerned and is expected to be put before the Council of Ministers shortly.

Freedom of opinion and expression (arts. 6, 7, 18 and 19)

Reply to the issues raised in paragraph 27

127. The freedom of expression is enshrined in the Constitution and is protected by law. Its inclusion is derived from a reference in the preamble of the Constitution to democratic principles, as defined in the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights, to the "intangible guarantee of the principal democratic rights and principles".

128. This proclamation in the preamble has been amply confirmed in the provisions of article 20 of the Constitution, which enshrines the freedoms of opinion, thought, assembly and association.

Right of peaceful assembly, freedom of association and protection of journalists and human rights defenders (arts. 6, 7, 9, 19, 21 and 22)

Reply to the issues raised in paragraph 28

129. The freedom of association and the freedom of expression are protected by the Constitution and the law and are fully respected by the Government. Human rights defenders and journalists are entitled to the protection of the law and may engage in their activities freely, without constraint or intimidation.

130. Islam does not condone racial discrimination. Rather, it opposes it. Islam is the religion of the Mauritanian people and State. One cannot reproach them for this decision.

131. The freedom of expression is guaranteed in Mauritania. It is regulated by law. It is not subject to any arbitrary restriction. The freedom of expression does not grant a person licence to turn against or publicly attack individuals or their beliefs, or insult them, defame them, etc.

132. The freedom of everyone must stop where that of others begins. Any person who infringes the criminal law commits an offence for which he or she is liable to the penalties prescribed by law. Proceedings and trials are held in conformity with the law, which protects the right to a fair trial.

133. The bill on associations, networks and foundations has been submitted to the parliament for its adoption.

134. The bill will considerably streamline the registration of associations in that it will provide for domestic communal or departmental organizations to be authorized by the *hakem* (prefect) of the *moughataa* (department) and for domestic regional (*wilaya*) organizations to be authorized by the *wali* (governor). Only national organizations, networks of organizations or foundations will henceforth require the authorization of the Minister of the Interior.

Participation in public affairs (art. 25)

Reply to the issues raised in paragraph 29

135. The legislative elections of September 2018, in which all politicians of the majority and opposition parties participated, were conducted in an atmosphere of peace and healthy competition. These transparent elections were organized by the Independent National Electoral Commission in the presence of international observers.

Reply to the issue raised in paragraph 29 (b)

136. All legally recognized political parties participated in the 2018 legislative elections, with a total of 724 shortlists of candidates among all electoral districts.

Results of the legislative elections

<i>Gender</i>	<i>Number</i>	<i>Percentage</i>
Male	123	80.39 %
Female	30	19.61%
Total	153	

137. The Independent National Electoral Commission, which was established under Act No. 2012-027 of 12 April 2012, is an independent administrative authority with legal personality and financial autonomy.

138. The Commission is composed of 15 members who are chosen from among independent public figures, known for their competence, moral integrity, intellectual honesty, neutrality and impartiality.

139. The president, vice-president and members of the Commission are appointed by a decree issued by the Council of Ministers.

140. The independence of the Commission is protected by Act No. 2012-027. For example:

- In the performance of their duties, the president, vice-president and members of the Commission are required to exercise reserve;
- Except in cases of flagrante delicto, the president, vice-president and members of the Commission cannot be prosecuted, investigated, pursued, arrested, detained or tried for opinions expressed or actions taken in the performance of their duties (art. 2);
- In the exercise of their duties, the members of the Commission must not solicit or receive instructions or orders from any public or private authority (art. 21).

Reply to the issue raised in paragraph 30

141. There are no official statistics available on this subject. In fact, the Government's view is that the taking of a population census on the basis of ethnic origin is not conducive to strengthening national unity.

Dissemination of information relating to the Covenant and its Optional Protocols (art. 2)

Reply to the issues raised in paragraph 31

142. The Covenant was published in a special edition of the Official Gazette, No. 1326.

143. The second periodic report of Mauritania was shared at a workshop with various stakeholders, including representatives of local governments, parliament and the National Human Rights Commission.

144. There are plans to hold a workshop in order to share the Committee's concluding observations after the forthcoming review of the State party's report.

145. With regard to the participation of civil society in the preparation of the State party report, it should be noted that, after preparation by the technical committee, the national reports prepared for the treaty bodies are discussed in information-sharing workshops with all stakeholders, including civil society, to gather comments and feedback prior to their submission. The reports are then validated by taking into account the recommendations made during the workshops.
