



# International Covenant on Civil and Political Rights

Distr.: General  
21 November 2023

Original: English

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## Human Rights Committee

### Report on follow-up to the concluding observations of the Human Rights Committee\*

#### Addendum

### Evaluation of the information on follow-up to the concluding observations on Mauritania

*Concluding observations (126th session):* [CCPR/C/MRT/CO/2](#), 19 July 2019

*Follow-up paragraphs:* 11, 21 and 43

*Information received from State party:* [CCPR/C/MRT/FCO/2](#), 5 January 2022

*Information received from stakeholders:* [Submission from 10 non-governmental organizations, with support from Centre for Civil and Political Rights \(NGO submission 1\)](#), May 2022; [Advocates for Human Rights and Mauritanian Network for Human Rights in the US \(NGO submission 2\)](#), 27 July 2021

*Committee's evaluation:* 11 [C], 21 [B] [C] and 43 [C] [E]

### Paragraph 11: The fight against impunity and past human rights violations

**The State party should take all necessary steps to definitively resolve the humanitarian consequences of the events of 1989 to 1991, in particular by repealing Act No. 93-23 in order to establish the facts of the offences, prosecute and appropriately punish those responsible and award full reparation to all the victims and their beneficiaries.**

#### Summary of the information received from the State party

Significant efforts have been made to integrate returnees, including the construction of basic infrastructure and development of agricultural areas, financing of microprojects and income-generating activities, reintegration of former State employees and distribution of land for residential use. A framework agreement to resolve the military component of the pending humanitarian issues was signed by the Government and the victims' relatives and implemented in 2009 by a commission for the resolution of the pending humanitarian issues. The agreement enshrined the main principles of transitional justice: remembrance, truth and reparation.

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\* Adopted by the Committee at its 139th session (9 October–3 November 2023).



## Summary of the information received from stakeholders

### *NGO submission 1*

No steps have been taken to repeal the amnesty law (Act No. 93-23 of 14 June 1993), to conduct independent investigations into impunity for past crimes and human rights violations or to provide full reparation to all victims and their beneficiaries. The measures that have been taken have had multiple shortcomings, including the lack of a legal framework, lack of transparency and independence from the Government, arbitrary and insufficient reintegration of former State employees and failure to provide victims' families with access to identified burial sites. Refugees who returned from Senegal between 1992 and 2000 and those who returned under the tripartite agreement between 2008 and 2012 have faced several problems, including with regard to recovery of agricultural land, customary land rights and civil status documentation. An estimated 14,000 refugees in Senegal and 10,000 in Mali were unable to register under the tripartite agreement.

### *NGO submission 2*

Black Mauritians continue to experience structural discrimination, evidenced by government restrictions on associations of victims. In November 2020, relatives of individuals who died during the events that took place between 1989 and 1991 protested in Nouakchott and Bababé, calling on the Government to repeal the amnesty law. The authorities arrested over 40 people and released them shortly afterwards. Black Mauritians are still unable to regain ownership of the land that the local authorities stripped from them in the 1980s and redistributed to Beydanés.

## Committee's evaluation

[C]

The Committee regrets that no new measures appear to have been taken to implement the Committee's recommendation since the adoption of its concluding observations. The Committee particularly regrets the absence of measures to repeal Act No. 93-23 in order to establish the facts of the offences, prosecute and appropriately punish those responsible, or to award full reparation to all the victims and their beneficiaries. The Committee reiterates its recommendation and requests further information on measures taken to ensure the effective and equitable reintegration of refugees, notably with regard to the provision of civil status documentation and the restitution of agricultural land.

## Paragraph 21: Harmful practices against women and girls

### The State party should:

- (a) **Amend its legislation to prohibit the practice of female genital mutilation against all women and girls;**
- (b) **Ensure that all cases of female genital mutilation are promptly investigated and prosecuted, that perpetrators and accomplices are appropriately punished and that victims have access to social and medical services;**
- (c) **Strengthen awareness-raising and education programmes with a view to eradicating the practice;**
- (d) **Amend the Personal Status Code in order to prohibit marriage under the age of 18 years, without exception, and take all necessary steps to eliminate child marriage.**

### Summary of the information received from the State party

Act No. 2017-025 on reproductive health, which provides that female genital mutilation is a criminal offence, has been widely publicized among health-care personnel. Female genital mutilation is also listed in article 79 of Act No. 2018-024, the Child Protection Code, which provides that cruel, inhuman or degrading treatment includes harmful excision and all other

similar practices performed on girls, and negative customary, cultural and social practices that harm the physical integrity, health or dignity of the child. Furthermore, article 12 of the Code governing the judicial protection of children criminalizes and penalizes any injury to the genitals of a girl by infibulation, desensitization or any other means that result in harm to the child. The penalty is increased when the perpetrator belongs to the medical or paramedical profession. The bill on combating violence against women and girls, which has been approved by the Council of Ministers, would declare punishable female genital mutilation and all other practices that are harmful to the health of women and girls.

With a view to combating violence against women, particularly female genital mutilation, the Government has set up an extensive institutional framework, adopted a dedicated national strategy and plan of action to combat female genital mutilation, and implemented standard operating procedures in order to respond more effectively and provide holistic care to survivors of gender-based violence. The National Reproductive Health Programme includes a component on fistula repair and the integration of women with fistulas into society through income-generating activities and material assistance. Several awareness-raising and training activities have been carried out as part of the implementation of the national strategy to combat female genital mutilation and have led hundreds of communities in regions where female genital mutilation is widespread to commit to putting an end to the practice. Awareness-raising campaigns on child marriage have also been implemented.

### **Summary of the information received from stakeholders**

#### *NGO submissions 1 and 2*

NGO submission 1 highlights gaps in enforcement of existing legislation to combat female genital mutilation, noting that there are no records of recent prosecutions in that regard. NGO submission 2 highlights a lack of political will, noting that the bill to combat violence against women and girls, which would criminalize the practice in all cases, has not been adopted, despite having been in the pipeline since 2012. Both NGO submissions indicate that female genital mutilation remains widely practised and highlight the insufficiency of the awareness-raising campaigns. NGO submission 2 indicates that the number of cases increased between 2019 and 2021 owing to negligence on the part of the authorities.

Both NGO submissions indicate that the State party has not amended the Personal Status Code to prohibit marriage under the age of 18 years without exception. NGO submission 2 indicates that attempts to modernize the text of the Personal Status Code have been unsuccessful, despite the two government-backed bills. It also highlights the fact that child marriage is still widely practised, that impunity prevails, in the interest of preserving family honour, and that pressure from traditional forces and religious extremists perpetuates the prevalence of the practice.

### **Committee's evaluation**

[B]: (a) and (c)

The Committee welcomes the adoption by the Council of Ministers on 6 May 2020 of a bill on combating violence against women and girls, which would make female genital mutilation punishable by law in all cases. Nevertheless, the Committee is concerned that the bill has yet to be adopted by the National Assembly, in the light of reports that the National Assembly has rejected two earlier drafts due to their “non-compliance with Islam”. The Committee requests additional information in this regard.

While noting the measures taken to educate and raise awareness about female genital mutilation, the Committee regrets that the general nature of the information provided does not allow for proper assessment of the implementation of the recommendation. It requests date-specific and quantitative information on measures taken.

[C]: (b) and (d)

The Committee regrets the absence of information on investigations and prosecution of perpetrators and reiterates its recommendation in this regard. While noting the information provided on medical and social services provided to victims, the Committee regrets that the

general nature of the information provided does not allow for proper assessment of the implementation of this part of the recommendation, and therefore also reiterates its recommendation in this regard.

While noting the State party's indication that awareness-raising campaigns to counter child marriage have been implemented, the Committee regrets that the information provided is too general to allow for proper assessment of implementation of the recommendation. The Committee takes note of reports indicating that child marriage is still widely practised and that government-backed bills seeking to amend the Personal Status Code in order to prohibit marriage under the age of 18 years without exception have been unsuccessful. The Committee reiterates its recommendation and requests additional and specific information on measures taken to counter child marriage.

### **Paragraph 43: Freedom of expression and protection of human rights defenders**

**The State party should:**

- (a) **Amend the aforementioned Acts [the Act on the criminalization of discrimination, the Act on cybercrime, the Act on combating terrorism and the Act on freedom of the press] to align them with articles 18 and 19 of the Covenant;**
- (b) **Refrain from intimidating, harassing, arresting, detaining and prosecuting human rights defenders, on the basis of loosely defined offences, for exercising their right to freedom of expression;**
- (c) **Release unconditionally all human rights defenders who are being arbitrarily detained;**
- (d) **Ensure that all human rights violations committed against human rights defenders are thoroughly and impartially investigated as quickly as possible, that those responsible are prosecuted and sentenced to penalties commensurate with the gravity of their acts and that the victims obtain redress.**

#### **Summary of the information received from the State party**

(a) The laws on discrimination, cybercrime, combating terrorism and the freedom of the press are an integral part of the national legislation in force. They are in accordance with the Constitution. The Government has nevertheless launched a study on the harmonization of national legislation with the international human rights instruments that Mauritania has ratified, which is ongoing. It will highlight areas where compliance could be improved and will set out a harmonization road map for all government departments that initiate legislation.

(b) Human rights associations, like all other associations, are now governed by the recently adopted Act No. 2021-004 on associations, foundations and networks. Human rights defenders and members of recognized organizations are protected by the law and engage in their activities freely, without constraint or intimidation.

(c) No human rights defenders are currently deprived of their liberty or in arbitrary detention. Mohamed Cheikh Ould Mkhaitir has been permanently released.

(d) No information was provided.

#### **Summary of the information received from stakeholders**

##### *NGO submission 1*

While the adoption of Act No. 2021-004 on associations, foundations and networks is a welcome development, the threat to freedom of expression remains significant, as associations are exposed to the risk of suspension or dissolution under the broadly worded articles contained in the Act.

The law on the protection of State symbols, the criminalization of attacks on the authority of the State and the honour of the citizen, adopted on 9 November 2021, is a libticial law. It violates the Constitution and the international instruments to which Mauritania is a party. It allows the authorities to arbitrarily arrest human rights defenders who are fighting against all kinds of violations and enshrines the withdrawal of freedom of expression and freedom in general. Civic space is shrinking dangerously in the country. These violations of human rights confirm the protection of the security forces, who inflict inhuman and degrading treatment with total impunity.

#### *NGO submission 2*

The Criminal Code still criminalizes activities that are connected to freedom of expression, with apostasy and blasphemy both punishable by death. Instead of amending overbroad and imprecise acts, on 24 June 2020, Parliament adopted a new law on combating manipulation of information. It aims to prevent the manipulation of information, the publication of false news and the creation of fake digital identities, focusing particularly on electoral periods and during health crises, and provides for harsh prison sentences and monetary fines. Shortly before its adoption, the authorities arrested and detained multiple individuals for expressing opinions about the Government's response to the coronavirus disease (COVID-19) situation.

While the draft NGO law would lessen restrictions on religious-affiliated NGOs, it fails to meet international standards on freedom of association. Despite progress with the draft law, the Government still harasses and arbitrarily arrests individuals affiliated with controversial associations, using overbroad and imprecise laws. At the time of writing, there was no information available regarding current or recent investigations into human rights violations against human rights defenders.

#### **Committee's evaluation**

[C]: (c) and (d)

While noting the State party's indication that no human rights defenders are currently deprived of their liberty or in arbitrary detention, the Committee takes note of reports indicating recurrent arbitrary arrest and detention of human rights defenders. It reiterates its recommendation, since human rights defenders are still detained regularly, albeit temporarily.

The Committee regrets the absence of information from the State party concerning investigations and appropriate punishment of alleged human rights violations against human rights defenders. The Committee reiterates its recommendation and requests that the State party provide specific information in this regard in its next periodic report.

[E]: (a) and (b)

The Committee regrets that the State party appears to have taken measures, in the form of recently adopted legislation, which appear contrary to its recommendation, such as the law on the protection of State symbols, the criminalization of attacks on the authority of the State and the honour of the citizen, adopted on 9 November 2021, and the law on combating manipulation of information, adopted on 24 June 2020.

While noting the State party's statement that human rights defenders are protected by the law and engage in their activities freely, without constraint or intimidation, the Committee is concerned by detailed reports indicating the continued intimidation, arbitrary arrest, detention and prosecution of human rights defenders, on the basis of loosely defined offences, for exercising their right to freedom of expression. The Committee reiterates its recommendation.

**Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

**Next periodic report due:** 2028 (country review in 2029, in accordance with the predictable review cycle).