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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS
OF INTOLERANCE: FOLLOW-UP TO AND IMPLEMENTATION OF THE
DURBAN DECLARATION AND PROGRAMME OF ACTION**

**Report submitted by Mr. Doudou Diène, Special Rapporteur on
contemporary forms of racism, racial discrimination, xenophobia
and related intolerance**

Addendum

MISSION TO MAURITANIA: PRELIMINARY NOTE*

* This document is submitted late so as to include the most up-to-date information possible.

Preliminary Note

I. PURPOSE AND CONDUCT OF THE VISIT

1. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance visited Mauritania from 20 to 24 January 2008 at the Government's invitation. The main purpose of the visit was to contribute to the elimination, in the context of the current drive towards democracy, of the historical legacy of ethnic discrimination which has long characterized that society. The Special Rapporteur warmly thanks the Government of Mauritania for its invitation, welcome and the facilities it placed at his disposal during the visit.

2. The Special Rapporteur's visit included the cities of Nouakchott and Rosso. He met both local and national government representatives, including President Sidi Mohamed Ould Cheikh Abdallahi, Prime Minister Zein Ould Zeidane, ministers and secretaries of State and members of the legislature and the judiciary. He also met representatives of non-governmental organizations, spiritual and religious leaders, political party leaders, intellectuals, journalists and other members of civil society involved in the efforts to eliminate racism and discrimination. The Special Rapporteur also made a point of visiting the deprived El-Mina neighbourhood and the Dar Naim prison in Nouakchott, and the Toulel II area near Rosso, where he met with Mauritanian refugees returned from Senegal in the 1990s.

II. PRELIMINARY OBSERVATIONS

3. The Special Rapporteur's main conclusion following the visit was that, while there are no manifestations of legally endorsed or State-approved racism in the country, Mauritanian society has been deeply marked by continuing discriminatory practices of an ethnic and racial nature, rooted in cultural traditions and pervasively present in attitudes and social structures. A number of persistent features of Mauritanian society have given substance and depth to such discrimination over a long period of time, including: the central role of traditional slavery; the cultural and social entrenchment of the caste system; and the use of ethnicity as a political tool, for example, through language policies which have made a decisive contribution to the polarization of society and the antagonization of various communities.

4. The Special Rapporteur believes that Mauritania currently faces three major challenges: construction of a democratic, egalitarian and interactive society; comprehensive and permanent eradication of discriminatory cultural traditions; and the correction of political, economic and social inequalities caused by the historical legacy of discrimination. In this connection, the Special Rapporteur has noted the presence of certain assets and factors of critical importance for achieving the goal of coexistence based on respect and recognition of the rich ethnic and cultural diversity of society and on a feeling of belonging and recognition shared by all the country's communities.

5. The Special Rapporteur believes that the present drive towards democracy is the greatest asset enabling Mauritanian society not only to take responsibility for its historical legacy of

discrimination, but also to develop ways and means of eradicating the root causes of such discrimination, eliminating its manifestations and expressions and counteracting its consequences. In that regard, the President's political will is the most noteworthy manifestation of this drive towards democracy. The Special Rapporteur accordingly commends the admirable repatriation policy exemplified by the Tripartite Agreement on the Voluntary Repatriation of Mauritanian Refugees in Senegal signed by Mauritania, Senegal and the Office of the United Nations High Commissioner for Refugees on 12 November 2007, which is the most tangible and emblematic manifestation of that political will. The Agreement paves the way for a lasting solution to the most disturbing outcome, for the population, of the tragic events of 1989: the mass exodus - in the belief that their lives were in danger from ethnic violence - of substantial numbers of the black Mauritanian community to Senegal and Mali. The Government of Mauritania has, moreover, reinforced that political will by adopting Act No. 2007-048 of 3 September 2007 making slavery punishable by law and criminalizing slavery-related practices and by creating new democratic institutions and mechanisms, such as the National Human Rights Commission, to combat discrimination. In that regard, the Special Rapporteur is of the opinion that Mauritanian civil society's energy and commitment is a decisive asset in the current drive towards democracy, thanks to both the multi-ethnic composition of civil society and its political courage, advocacy and victim support. The Special Rapporteur notes the presence of an indispensable factor for the achievement of community partnership: a profound sense of national allegiance common to all communities.

6. As regards critical factors, the Special Rapporteur first emphasizes the key challenge of constructing the identity of the Mauritanian nation in the face of continuing identity tension between its two main and highly polarized groups: Arabs and Africans. Throughout the country's history, this tension has been used politically to favour the Arab dimension in forging the country's official identity. The heavy burden of the historical legacy of discrimination, as reflected in attitudes and social structures, as well as in inter-community relations and perceptions, is a particularly serious obstacle to the eradication of the culture of discrimination and its various manifestations. This burden is reflected in victims' silence on the subject of their sufferings, and their political, economic and social invisibility in political, military, police and security governance structures and in the world of business and the media: a silence and invisibility which have for a long time resulted, inter alia, in the absence of racial discrimination cases in the courts and the lack of statistical data disaggregated by ethnicity.

7. The Special Rapporteur has noted the correspondence in Mauritanian society between the map of socio-economic marginalization and the map of ethnic groups and communities, a strong indication of long-term discrimination. He has also noted the flaws in the intellectual and ethical strategy aimed at tackling the root cultural causes of discrimination, and the lack of practical follow-up to laws, in particular those on slavery. In that regard, he emphasizes the importance of taking into account, in parallel to the adoption of the bill making slavery a punishable offence, the profound long-term impact of slavery on sensitivities and behaviour patterns, which manifests itself as a sort of tacit acceptance of relations of servitude. In that connection, he notes the limited benefits of legally freeing slaves who do not have the material or financial means to support themselves and find a place in society. The Special Rapporteur has also noted the

persistence of traditional feudal structures and certain types of State apparatus. Particularly important is the absence of collective memory work on the gravest violations of human rights; for example, the massacre of black Mauritanian officers and soldiers.

III. GUIDELINES/PRELIMINARY RECOMMENDATIONS

8. As one of his preliminary recommendations, the Special Rapporteur emphasizes the importance of adopting a dual strategy - political, legal and institutional, on the one hand, and cultural and ethical, on the other - in order to identify and combat the manifestations of ethnic or racial discrimination that have deeply marked Mauritanian society.

9. Concerning the political, legal and institutional strategy, the Special Rapporteur recommends that, in order to focus on the central role of social multiculturalism and strengthen the ongoing drive towards democracy, the Constitution should be amended to include two additional elements: the affirmation that Mauritanian society is built on a democratic, egalitarian and interactive multiculturalism, and the identification of the main ethnic groups or communities in society.

10. The Special Rapporteur recommends that a national assessment should be made of the historical and cultural underpinnings of discrimination. He therefore urges the Government to establish an independent commission in accordance with the principle of the democratic participation of all political movements, affected communities, traditional religious and spiritual leaders and civil society actors. This commission should be mandated, on the one hand, to draft a white paper on the status, root causes, manifestations and consequences of the discrimination which has scarred Mauritanian society's history and, on the other hand, to develop on that basis a national programme of action against all forms of discrimination to help counteract the consequences of the injustices and discrimination experienced by Mauritanian society, and, in the short term, to mainstream the principle of positive discrimination. The commission should tackle the main issues in Mauritanian society which give rise to discrimination, including the issue of slavery and caste and political practices which, in recent years, have made ethnicity a political tool and have widened the gap between the various communities.

11. At the institutional level and in the context of the present drive towards democracy, the efforts to combat all forms of discrimination should be reflected in the adoption of a law establishing an independent standing national commission to uphold human rights, combat discrimination and promote democratic, egalitarian and interactive multiculturalism. Its structure, composition and means could be defined by the commission itself.

12. Alongside the political, legal and institutional strategy, the Special Rapporteur recommends the adoption of a cultural and ethical strategy aimed, in the long term, at the comprehensive and permanent eradication of the cultural and traditional root causes of discriminatory culture and attitudes, and the achievement of community partnership through education, culture and communication, for example. Particular attention should be paid to developing a national programme of education by, inter alia, recording and teaching history. This programme should aim to reunite society through shared memory and common values based on

the promotion of society's rich cultural diversity and the reinforcement of national unity. Under this strategy, the work of collective memory to prevent community antagonisms - particularly in respect of unresolved humanitarian issues - should focus on the following three elements: historical truth; justice and redress; and reconciliation.

13. The Special Rapporteur will submit his final report and recommendations on his visit to Mauritania at a subsequent session of the Human Rights Council on the basis of the information, reports, studies and additional documents that he has asked the authorities, the communities affected and civil society to provide in the light of his preliminary observations.
