



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial report of Mauritania (CCPR/C/MRT/1), adopted by the Committee at its 107th session (11–28 March 2013)

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

1. Please clarify the compliance of the preamble of the Constitution, which states that Islam is the only source of law, with the rights protected under the Covenant. Please provide information on whether the State party intends to withdraw its reservations to articles 18 and 23, paragraph 4, of the Covenant.
2. Please provide information on cases where the provisions of the Covenant have been directly invoked or applied before domestic courts and tribunals. Please provide details on all cases in which this was done and the results achieved. Please also provide information on remedies available to victims of human rights violations, in particular with regard to the Covenant, and their effectiveness.
3. Please provide information on whether the State party intends to ratify the two Optional Protocols to the International Covenant on Civil and Political Rights.
4. Please provide information on steps taken to avoid overlap of competence between the Haut Commissariat aux droits de l'homme, à l'action humanitaire et aux relations avec la société civile (CDHAHRSC), which is the ministerial department in charge of human rights, and the Commission nationale des droits de l'homme (CNDH), which has been accredited with "A" status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Please also provide information on measures taken to ensure their effectiveness, as well as information on human rights situations considered by the Commission nationale des droits de l'homme, and the results achieved.

Non-discrimination and equal rights of men and women (arts. 2, para. 1, 3, 23, 25 and 26)

5. Please explain why neither the State party's Constitution nor any other law provides for a definition of discrimination. Please provide information on whether the State party intends to adopt and implement a national plan or strategy to combat racial discrimination.
6. Please provide information on whether the State party has reached its goal of increasing the representation of women in political and public affairs by 20 per cent through the quota provided for in the Law of 2006, and whether it intends to increase this quota. Please explain what steps have been taken by the State party to revise the

Mauritanian Nationality Code, especially article 13 of the Act No. 1961-112 of 12 June 1961, which discriminates against women with regard to transmission of nationality. Please also provide information on whether the State party intends to revise the Personal Status Code of 2001, under which unmarried adult women are placed under guardianship or *hadhana*. Please further provide information on how the State party ensures the application of article 395 of the Labour Code in order to guarantee equal access to the labour market for women and men.

7. Please provide information on the steps taken, in particular with respect to the implementation of the legislation, to combat violence against women as well as other forms of abuse and mistreatment of women. Please also provide information on other forms of protection of women against violence, in particular the existence of shelters for victims, as well as steps taken to facilitate complaints by women victims of domestic violence and to raise awareness about their rights. Please indicate the measures taken by the State party to ensure the effective application of legislation prohibiting female genital mutilation. Please also indicate whether the State party intends to adopt and implement a national strategy to combat various forms of violence against women. Does the State party intend to criminalize rape, including marital rape?

8. Please provide information on steps taken to decriminalize offences provided for in article 308 of the Penal Code.

Right to life (arts. 6 and 14)

9. Please provide information, for the years since the ratification of the Covenant, on death sentences imposed; the number of executions carried out; the grounds for each conviction and sentence; the age of the offenders at the time of committing the crime; their ethnic origin; and the number of sentences commuted. As the State party has adopted a moratorium on the death penalty since 2007, please clarify whether it intends to abolish the death penalty and ratify the Optional Protocol to the Covenant aiming at the abolition of the death penalty. Please confirm whether the imposition of the death penalty is mandatory for all crimes referred to in the Ordinance 83-162 of 9 July 1983 related to the Penal Code and, if so, comment on how this is compatible with the Covenant.

10. Please clarify allegations according to which a number of persons have been sentenced to the death penalty following trials which did not follow international standards, in particular those enshrined in the Covenant. Please also comment on information according to which several death-row prisoners, sentenced to capital punishment for terrorist activities between 2009-2011, have been subjected to enforced disappearance since May 2011. Please provide information on whether the State party has effectively investigated such cases and punished those responsible with appropriate penalties.

11. Please provide information on the alleged killing and shooting of a number of people during demonstrations which took place on 27 September 2011 in the south of Mauritania. Did the State party investigate these killings and were those responsible prosecuted and punished?

Prohibition of torture and cruel, inhuman or degrading treatment or punishment, right to liberty and security of person, treatment of persons deprived of their liberty (arts. 7, 9, 10, 12 and 13)

12. Please provide information on steps taken to combat the systematic use of torture and other ill-treatment by security forces in police stations and prisons, including the Women's prison in Nouakchott, the Dar Naim Prison and the Ksar police station. Please report on whether the State party has investigated such cases of torture and ill-treatment, and prosecuted and punished those responsible. Please also clarify information that

detainees accused of terrorist offences are systematically tortured. Please indicate whether the State party intends to include a definition of torture in its legislation in compliance with international standards. Please provide information on how the State party guarantees that confessions extracted from detainees by torture are not used and admitted as evidence before the courts. Please indicate whether the State party has established an independent complaints mechanism relating to torture or ill-treatment by police, prison authorities or security forces.

13. Please clarify information according to which, some detainees accused of terrorism have been kept in detention after they have served their prison terms or after a court has ordered their release. Please clarify the situation of 14 men sentenced for terrorism offences who were allegedly disappeared from the central prison of Nouakchott in May 2011 and transferred to undisclosed locations where they remain detained. What measures have been taken to find out their whereabouts?

14. Please provide information on steps taken to effectively implement legal safeguards for detainees, in particular, ensure they are informed of the reasons for the detention, have access to a lawyer, and a doctor, if required, and can contact their family. Please provide further information on the procedure of pretrial detention, including the length of pretrial detention in all cases including those relating to terrorist offences.

15. Please provide information on steps taken to address cases of police brutality and excessive use of force against persons belonging to racial, ethnic or national minorities, as well as undocumented migrants.

16. Please provide information on steps taken to train police and security forces on human rights, in particular rules relating to the prevention of torture.

17. Please clarify whether the provisions of the Criminal Code and other relevant legal provisions are interpreted as expressly prohibiting corporal punishment of children in all settings.

18. Please provide information on steps taken to improve prison conditions, including reducing overcrowding, in particular in the Naim Prison and the Women's prison in Nouakchott. Please clarify allegations according to which some detainees have died in prison. Please provide information on measures taken to facilitate complaints from detainees for inadequate conditions of detention. In that connection, provide examples of complaints lodged by detainees; investigations carried out; prosecutions and sanctions imposed. Please also provide information on whether prison personnel have been trained on the international rules of treatment of prisoners.

19. Please clarify whether a refugee can be expelled from the territory of the State party, as provide for in article 9 of Decree No. 2005-022, and explain how this article complies with the principle of non-refoulement. Please describe the requirements for admission of non-citizens, in particular asylum seekers, in the territory of the State party. Please also describe the protection regime for those who have been granted refugee status and those whose applications have been rejected.

Elimination of slavery and servitude (art. 8)

20. Please provide information on steps taken to effectively implement the national legislation against slavery based on descent. Please provide information on measures taken by the State party to effectively investigate the large number of cases of slavery which have been documented; to prosecute all perpetrators; and to punish them with appropriate sanctions. Please respond to the allegation that the State party denies the reality of slavery in its territory. Please provide information on the current status of the draft law adopted on 29 November 2012 by the Council of Ministers, providing for the punishment of slavery as

a crime against humanity, and increasing the penal sanctions for such crime. Please provide information on the results achieved by the Programme for the Eradication of Vestiges of Slavery put in place by the State party. What is the current status on the “road map” to end slavery prepared by the Office of the High Commissioner for Human Rights (OHCHR) and the State party. What measures have been adopted to increase awareness of the population on the inhumane effects of slavery and to eradicate stereotyping of parts of the population who are victims of slavery?

Right to a fair trial (art. 14)

21. Please provide further information on the guarantees provided by the State party regarding the implementation of all of the rights provided for in article 14 of the Covenant.

Right to privacy (art. 17)

22. Please provide information on the offences and sanctions provided for in the State party’s legislation on the violation of the right to privacy. Please specify the rules governing the protection of personal data or information. Please also provide information on how the right to privacy, provided for in the Constitution, is effectively guaranteed.

Freedom of religion and belief (art. 18)

23. Please indicate whether the State party intends to revise its legislation in order to abolish the crime of apostasy for which the death penalty is imposed. Please also provide information on how the State party guarantees the exercise of religions other than Islam, without interference.

Freedom of expression, assembly and association (arts. 19, 21 and 22)

24. Please provide information on the content of the legislation referred to in the State party’s report (CCPR/C/MRT/1, paras. 165, 169-170, 178-186) relating to the rights to freedom of expression, assembly and association, as well as the remedies provided for breaches of these rights. Please clarify allegations that peaceful demonstrations were repressed in February and April 2012, resulting in arbitrary arrests, detentions and torture.

Marriage, family and measures for the protection of minors (arts. 23 and 24)

25. Please provide information on the steps taken to combat early marriages and to effectively guarantee the free consent of men and women for marriage.

26. Please provide information on measures taken to guarantee birth registration for all children as well as the right to acquire a nationality, in particular for non-citizens.

Rights of persons belonging to minorities (art. 2, 25, 27)

27. Please also provide statistical data on all the different ethnic groups that compose the population of the State party. Please further provide information on steps taken to address the deeply rooted racial discrimination against persons belonging to some ethnic groups and minorities, namely Haratine, Pulaar, Soninké and Wolof. Please indicate the steps taken to address the underrepresentation of ethnic minorities in political and public affairs, as well as in high-ranking positions in public administration, the police and the army. Please provide information on measures taken to guarantee protection of, and to promote, the languages and cultural heritage of ethnic minorities, namely Pulaar, Soninke and Wolof.

**Dissemination of information relating to the Covenant and the Optional Protocol
(art.2)**

28. Please provide information on the steps taken to disseminate information on the Covenant, the submission of the initial report of the State party and its forthcoming examination by the Committee. Please also provide more information on the involvement of representatives of ethnic and minority groups, civil society, and non-governmental organizations in the preparatory process for the report.
