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Summary record of the 3019th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 22 October 2013, at 10 a.m.

Chairperson: Mr. Finterman (Vice-Chairperson)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Initial report of Mauritania (continued) (CCPR/C/MRT/1; CCPR/C/MRT/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mauritania took places at the Committee table.*
2. **Mr. Malick** (Mauritania) said that the drafting of the Action Plan to Combat Racial Discrimination, Xenophobia and Related Intolerance had been organized by a steering committee following an inclusive and participative approach involving all relevant stakeholders. Mauritania had entered reservations to article 18 and article 23, paragraph 4, of the Covenant, because those articles contained provisions that ran counter to Islamic beliefs. The Government was currently examining the possibility of becoming a party to the Optional Protocol to the International Covenant on Civil and Political Rights. The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty was a different matter, however, and the Government's position on the death penalty was clear.
3. The National Human Rights Commission and the relevant government ministries were working in collaboration to find solutions that would enable judges to give consideration to the provisions of the Covenant in their decisions on court cases. No deadline had been set for finding those solutions.
4. **Mr. Ramdan** (Mauritania) said that national law made no distinction between marital rape and rape outside marriage. Evidence might be difficult to obtain in cases of marital rape, but if the victim could produce evidence then the courts would not hesitate to punish the perpetrator. There was no national law calling for the prosecution of rape victims. However, a woman was prohibited by law from being alone with a man who was not her brother or husband. If such a meeting resulted in the woman being raped, she would be prosecuted for violating good morals, but that did not prevent the man from being prosecuted for rape. Some women reported rape only after discovering that they were pregnant, which was viewed suspiciously. Nevertheless, if they could produce evidence that they had been raped then the law would be applied. NGOs had played an important role in raising awareness among members of the judiciary about the proper treatment of rape cases.
5. Therapeutic abortion could be carried out in Mauritania if a doctor decided that it was necessary. Rape victims were provided access to the morning after pill, which was effective if taken within 72 hours of conception. The death penalty could be imposed as punishment for various offences, including murder, castration, apostasy, homosexuality, rape, adultery, theft, treason and espionage.
6. Antiterrorism legislation had been adopted in 2010 and had been vetted by the Constitutional Council to ensure that it was in line with international human rights standards. That legislation defined terrorism as any offence that might cause serious harm to the country and that was intentionally committed with the aim of gravely intimidating the population, or unduly obliging the public authorities to act as they should not or to abstain from acting as they should, perverting the fundamental values of society and destabilizing the country's constitutional, political, economic and social institutions or jeopardizing the interests of other countries or of an international organization. That definition roughly coincided with the one set out in the relevant international standards on terrorism. Mauritania had established an extensive judicial and law enforcement structure to deal with terrorism, including specialized police units, public prosecutors, criminal courts and

prisons. All acts of terrorism were subject to punishments ranging from 5 years' imprisonment to the death penalty. The law also punished legal entities that were used to promote terrorism. Although the Constitution stipulated that individuals could petition the Constitutional Council with regard to any law that was deemed to be liberticide, no one had yet done so.

7. **Ms. Taghi** (Mauritania) said that shelters for women victims of violence had been opened by civil society organizations with government support. The Government encouraged civil society organizations to play a more significant role in the promotion and protection of human rights and worked in close collaboration with those organizations on projects such as the recent awareness-raising campaign on female genital mutilation. Eight government ministries had been involved in the official celebrations of the International Day of the Girl Child on 11 October 2012, sending a strong message that the Government was committed to ending violence against women and girls.

8. **Mr. Ben Achour** requested further information about the process under way to establish a more specific definition of acts of terrorism. He wished to know at what level of the Government that process was being conducted and whether any consultation mechanisms had been established. The main problem that needed to be addressed was the current definition's lack of compliance with international standards. While it was clear that efforts had been made to establish a legal framework to prevent and punish torture, he wished to know whether any monitoring mechanisms had been set up to ensure that the relevant laws were implemented by security forces. He asked what measures the Government was taking to instil in the security forces respect for others, for the integrity of the human person and for human dignity. There were dozens of Hadith prohibiting torture that could serve as a useful human rights education tool. The fact that during the Salafist trial in 2007 the court had rejected confessions on the ground that they had been obtained under torture was proof that torture did occur in the State party.

9. The Committee had received NGO reports based on eyewitness testimony that described the torture techniques used by security forces, including the "jaguar position", cigarette burns, electric shocks and sleep deprivation. At a press conference held in March 2012, the President of the African Commission on Human and Peoples' Rights had condemned acts of torture committed against student protesters in Mauritania.

10. The Committee had received reports from reliable resources, including the President of the National Bar Association, stating that detainees had been kept in detention even after they had served their prison sentences. One such example was the case of Mr. Sidi Ould Habott, who had been acquitted by the courts in 2005 and had then been arrested again in 2008 on the same charges and subjected to torture.

11. While the 2007 legislation establishing legal safeguards for detainees was a clear improvement on previous legislation, concerns had been raised about its effective implementation. Further information about that implementation would be appreciated. Certain aspects of national law still needed to be brought into line with the Covenant, such as the provision allowing for the length of police custody and pretrial detention to be extended.

12. **Ms. Seibert-Fohr** said that she was surprised by the State party's denial of police brutality and excessive use of force in the country, as cases of such behaviour could be found in almost every country in the world. The Committee had received reports of specific cases in which nationals of neighbouring countries had been abused by the police and border guards. She asked what steps were being taken to prevent such abuse and whether claims of abuse lodged by minorities were investigated.

13. She requested further information on the training provided to public officials on the prevention of torture, including information about who attended the training sessions, how

often they were held, how their effectiveness was evaluated and whether or not they incorporated the guidelines set out in the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

14. She said that she wished to receive more information on the comprehensive legal provisions prohibiting corporal punishment, in particular whether they prohibited corporal punishment in all settings, including in school and within the family. Given the provision in article 285 of the Criminal Code for retribution in kind for various forms of violence against innocent persons, she asked which acts of violence against children were considered by the courts to be covered by that article. She also asked whether the Criminal Code provided for the corporal punishment of children, including whipping and the amputation of limbs.

15. **Mr. Bouzid** said that, despite improvements, information from the delegation and NGOs indicated that prison conditions remained difficult and many prisons experienced serious overcrowding. Furthermore, the Government appeared to frequently resort to pretrial detention and it was reported that in some cases private apartments, which did not meet the relevant international standards, were used as prisons. Highlighting the deaths in custody in Dar Naim prison between 2010 and 2011, he asked for information on the outcome of the investigation into those deaths and whether it had led to any prosecutions and condemnations. He asked how many complaints had been filed by prisoners since the dissemination of information on how to file a complaint about detention conditions and how complaint policies were implemented. He asked the delegation to comment on information from the Working Group on Arbitrary Detention, which had visited the State party in 2008, indicating that little use was made of legal provisions for parole.

16. He asked whether NGOs had been involved in the preparation of the State party's report and whether information on the report had been disseminated in any languages other than Arabic, particularly those used by minority groups.

17. **Ms. Majodina** asked for clarification of whether refugees could be expelled as provided for in article 9 of Decree No. 2005-022, and if so, how that complied with the provisions of the Covenant. She would appreciate hearing the view of the delegation on the facility that was described by the authorities as a social centre for persons waiting deportation. She wished to know what protection regime was currently in place for asylum seekers and other foreign nationals, including persons who had already been granted refugee or asylum seeker status and those whose applications had been rejected.

18. Noting that Mauritania was the country with the highest prevalence of modern slavery in the world, according to the Global Slavery Index, she said that information available to the Committee indicated that slavery in all its contemporary forms was widespread in the State party, with one fifth of the population allegedly bonded to a master. She asked what steps were being taken to effectively implement legislation on slavery, particularly the 2007 law that criminalized slavery and provided for assistance and monetary compensation for victims. Particular flaws in the legislation included placing the burden of proof on the slave and the requirement that the slave should file a complaint in order for an investigation to be launched. She therefore wished to know how many investigations into slavery had been conducted, how many prosecutions had been launched and how many judgements on slavery had been handed down since the adoption of the 2007 law. Furthermore, she asked whether the assistance provided for under the 2007 law included psychosocial rehabilitation.

19. The delegation's comment on allegations that the Government denied the reality of slavery would be appreciated, as would an explanation of the use of the term "vestiges" by

the Government when referring to slavery in the State party. Further information on the impact of awareness-raising campaigns targeting slavery would also be welcomed.

20. Given reports that human rights defenders and anti-slavery campaigners had been subjected to unauthorized searches of their homes, in one incident including the use of tear gas, she asked how the provisions of the Criminal Code were implemented in the face of such violations. With regard to the registration of births, she asked what action was being taken to ensure that the public could access government services and register their children.

21. Since the delegation had stated that no data were available on ethnic minorities, she asked for clarification of whether the State party carried out censuses, and if so, whether the data collected were disaggregated by ethnicity. Given the history of the State party, it was difficult to believe that there was no racial discrimination against the Haratine, Pulaar, Soninké and Wolof, and she therefore wished to know what steps were being taken to address the legacy of discrimination against those groups. In addition, she asked whether the delegation viewed a transitional justice mechanism as a potentially useful tool in that regard.

22. **Ms. Waterval** said that the answer provided by the delegation on the content of legislation relating to the rights of freedom of expression, assembly and association was inadequate, and asked for further details on the right to freedom of expression in the State party. She requested further details on the case of a student of law who had been arrested twice in February 2012 in connection with the demonstration that had taken place that month to protest discriminatory practices against black Mauritians during the census. In addition, she wished to receive an explanation of the case in which a student had been detained at Ksar police station and beaten with his hands and feet tied during interrogation.

23. Information before the Committee indicated that, despite legislation, early marriage was widely practised due to poverty and slavery; she would welcome an explanation of the measures taken to stop early marriage, how the law on early marriage was enforced and the requirements for a person under 18 to enter into a marriage.

24. **Mr. Ben Achour** asked the delegation for further details regarding the implementation of all the rights provided for in article 14 of the Covenant, since the replies received had not been satisfactory. With respect to the crime of apostasy, he noted that the delegation had repeatedly made reference to the fact that Islam was the State religion in response to questions on a number of issues, including the State party's reservation to article 18 of the Covenant. Noting that article 18 was very broad and should be read in conjunction with the Committee's general comment No. 22, paragraph 5, he asked which form of Islam served as the State religion. While it was perfectly valid to maintain Islam as the State religion, as a Muslim himself, he was concerned by the interpretation of Islam employed by the State party. In particular, the crime of apostasy was based on an archaic interpretation of Islam that dated from almost a century after the birth of the religion and was not a crime that was referred to in the Koran. It was clear, therefore, that the reservation to article 18 maintained by the State party was based on an archaic interpretation of Islam, rather than a modern Islam that was reconciled with human rights principles.

The meeting was suspended at 11.40 a.m. and resumed at noon.

25. **Mr. Malick** (Mauritania) said that members of civil society organizations and NGOs were not members of the committee that had been responsible for drafting the report. Civil society organizations were usually given an opportunity to provide their views on reports prepared for submission to human rights treaty bodies at workshops or seminars.

26. **Mr. Ramdan** (Mauritania) said that legislation aimed at preventing torture was being drafted and would include a definition of torture and provisions to prevent and punish

all acts of torture. With regard to the individual who had allegedly been detained in prison for longer than his sentence required, he noted that, although information to that effect had circulated in the media, the prisoner concerned had actually been released on the final day of his sentence.

27. With regard to the corporal punishment of children, specific legislation protecting children had been introduced following ratification of the Convention on the Rights of the Child and criminal legislation provided for the punishment of all mental or physical violence against children in any setting, including corporal punishment, and all perpetrators of violence, including parents – who could be punished in various ways, including through the removal of the child. The formal and informal use of corporal punishment in schools had been prohibited by the Ministry of Education in 1965.

28. Approximately 1,600 prisoners were currently in detention in the State party. The level of overcrowding was lower than mentioned by the Committee; for example, Dar Naim prison had a capacity of 400 detainees and currently held 487 detainees. Nineteen women were being held in the women's prison, which had two separate levels; the first level provided access to training in various areas, including hairdressing and information technology, while the second level consisted of large rooms that held a maximum of four female detainees each. There were currently 56 minors in the women's prison.

29. A shelter and social rehabilitation centre had been established for children in conflict with the law, and inspections had been conducted to ensure that it conformed to international standards. A biometric enrolment system was used for birth registration purposes. Children could be registered either with a birth certificate or through their parents. If the notification of birth was submitted too late, *moughataa* courts throughout Mauritania had the authority to issue birth registration documents.

30. **Mr. Zeidane** (Mauritania) said that a range of human rights organizations were authorized to inspect police stations in Mauritania. Acts of torture were punishable by law, and several officers who had been found guilty of committing such acts had been discharged from the police force. In-service training was being provided to all governmental human rights actors and, in 2012, workshops had been organized to disseminate human rights culture among police and judicial officials.

31. Responding to reports of brutality against students in 2012, he said that at that time, he had been a member of the National Human Rights Commission, which had spoken to the student delegation involved. The students had said that they had been moved on because they had been preventing teachers from giving lessons, but they had not reported any acts of torture. They had organized a four-day sit-in at the Commission headquarters before being returned to school.

32. Turning to the issue of asylum seekers and refugees, he said that the decrees mentioned by the Committee had led to the establishment of an advisory commission on the status of refugees. It had been working with the Office of the United Nations High Commissioner for Refugees (UNHCR) since 2005 and had studied many asylum applications. A bill on the establishment of a national office for refugees was due to be tabled before parliament. The office would be an independent body that would supersede the advisory commission. The new law would allow asylum seekers to appeal decisions related to their application.

33. There were around 1,500 urban refugees in Mauritania, many of whom were victims of civil wars and had been granted asylum in accordance with the Geneva Conventions relating to the protection of victims of international armed conflicts. There were 73,000 Malian refugees, whose safety and nutrition were being monitored. Mauritania had a partnership with Spain that had led to the creation of immigration centres, which had been visited by human rights bodies to ensure that the persons held there were being treated

humanely. A four-year programme was being implemented to provide training in human rights culture in police academies and universities.

34. **Ms. Taghi** (Mauritania) said that the Personal Status Code set the age of marriage at 18 years, but that harmful sociocultural practices subsisted, partly owing to a misinterpretation of Islam. A commission comprising religious representatives had been set up with a view to issuing a fatwa on early marriage. Such a ruling would enable the Government to conduct awareness-raising campaigns and change mindsets in Mauritania. Marriages could be annulled on the basis of a complaint and a medical certificate stating that the woman's health might be compromised.

35. **Mr. Mahjoub** (Mauritania) said that slavery existed in all ethnic groups, but that it was not based on race. Rather, it was the result of socioeconomic factors. Although the 1961 Constitution had stated that all Mauritaniens were equal, the first organization to combat slavery was not founded until 1979. A law relating to slavery had been passed in 1981, but it had not been properly implemented and had proved ineffective. In 2007, a law defining and criminalizing the practice had been adopted by the National Assembly. Since then, 13 persons had been prosecuted for slavery and 7 had been found guilty. In 2012, the Constitution had been amended to criminalize slavery and give the issue greater visibility. A law had also been adopted to implement the new provisions of the Constitution.

36. Responding to accusations that the Government denied the existence of slavery, he said that the practice was no longer accepted by any institution in Mauritania. The country was dealing with the consequences of slavery rather than its vestiges. Even in countries where the practice of slavery had long been abolished, the descendants of victims remained disadvantaged compared to the rest of society. In 2013, an agency had been set up to foster integration and combat poverty and the consequences of slavery. In cases involving the latter, the agency could sue for damages. It was targeting disadvantaged areas of the country and seeking to provide basic necessities to those living there. It was also providing care to 24,536 Mauritaniens, who had been deported to Senegal in 1989 and who had since then been repatriated thanks to a tripartite agreement between the UNHCR and the Governments of Mauritania and Senegal. Mauritania had previously lacked the resources needed to create such an agency, but its economy was currently experiencing growth of around 6 per cent.

37. Responding to questions about freedom of opinion and expression, he said that there were many political parties and associations in Mauritania. Demonstrations could be held as long as the relevant authorities were informed, and political parties could start operating upon submission of a registration document. There was no stratification based on race, nor were ethnic minorities underrepresented. A number of high-ranking officials were of slave origin, including the President of the National Assembly and the former Minister of Justice.

38. **Mr. Traoré** (Mauritania) said that the Government would spare no effort to implement the provisions of international instruments. All Mauritaniens were equal before the law, and the majority were deeply attached to the country's multi-ethnic society, thereby helping to foster harmony.

39. **Mr. Khattra** (Mauritania) said that the submission of the initial report was indicative of the Government's desire to protect human rights and disseminate human rights culture throughout Mauritania. Further information and statistics relating to the questions raised would be sent to the Committee in accordance with the timetable established.

40. Responding to a question raised by Ms. Majodina, he said that discrimination was not a factor affecting employment in Mauritania, which had a meritocratic system without preset quotas, as proven by the fact that many high-level positions were held by Haratins.

41. **The Chairperson** said that the State party's replies to the list of issues would be carefully assessed by the Committee and reflected in the concluding observations. He thanked the delegation and praised the State party's commitment to upholding human rights and fundamental freedoms.

The meeting rose at 1 p.m.