



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Islamic Republic of Mauritania and welcome the constructive engagement of your Government during the 37<sup>th</sup> session of the UPR Working Group in January 2021.

As the final outcome report on the review of Mauritania has been recently adopted by the Human Rights Council at its 47<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Mauritania – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 98 delegations and the presentation made and responses provided by the delegation of Mauritania. I have also considered the actions taken by the Government of Mauritania to implement the 140 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the progress made by the Government in implementing the recommendations of the previous review cycle, particularly the adoption of legislative and institutional frameworks for the promotion of women's rights and its efforts to combat contemporary forms of slavery, namely the establishment of special courts and the provision of legal and judicial assistance to victims. I however encourage the effective implementation of the Law 2015-031 criminalising slavery and punishing slavery-like practices in Mauritania, notably by enhancing the capacity of the courts to handle cases. I also welcome the adoption of a National Action Plan to combat human trafficking. I note with satisfaction that Mauritania has focused its response to the COVID-19 pandemic on providing care to vulnerable groups and formulating operational guidelines aimed at incorporating human rights into its response.

I am however concerned that the freedom of conscience and religion is not formally guaranteed for Muslim Mauritanians, for whom a change of religion is considered an apostasy and punishable by the death penalty. I am also concerned that a number of vague legal provisions, for instance in the Acts on the criminalization of discrimination, on cybercrime, on combating terrorism and on freedom of the press, set excessive content-based restrictions on speech.

I am concerned about a number of articles of the Criminal Code that criminalize activities tied to the exercise of freedom of expression, such as apostasy, blasphemy and defamation, provisions that are reportedly being used to impede the work of journalists and human rights defenders and to restrict their freedom of expression. Despite measures taken, I also note with concern the difficulties that persons subjected to slavery encounter in becoming reintegrated into society because of the lack of identity papers or access to employment, education or landownership, including ownership of their parents' land, and are thus at risk of returning to situations of slavery.

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H.E. Mr. Ismail Ould Cheikh AHMED  
Minister for Foreign Affairs, Cooperation and Mauritaniens Abroad  
Islamic Republic of Mauritania

I encourage Mauritania to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

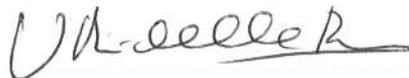
I also encourage Mauritania to pursue efforts to strengthen the inter-ministerial technical committee for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:  
[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Mauritania to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Mauritania in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet  
High Commissioner for Human Rights

cc: H.E. Mr. Cheikh Ahmedou Ahmed Salem SIDI  
Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society  
Islamic Republic of Mauritania

Mr. Anthony OHEMENG-BOAMAH  
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Islamic Republic of Mauritania

## **Annex**

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on a communications procedure, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), and the Convention against Discrimination in Education.
- Acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
- Ratifying the amendment to article 8 (6) of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted in 1992.
- Ratifying the Rome Statute of the International Criminal Court.
- Extending a standing invitation to all special procedure mandate holders of the Human Rights Council.

### **National human rights framework**

- Implementing the International Convention on the Elimination of All Forms of Racial Discrimination in its domestic legal order by giving effect to the Durban Declaration and Programme of Action, adopted in 2001, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009.
- Ensuring that the process for selecting and appointing the members of the national human rights commission is clear, transparent and participatory, and that the Commission is provided with sufficient resources and capacity, as well as with full autonomy to carry out its mandate effectively.
- Guaranteeing that members of the national mechanism for the prevention of torture are appointed following a transparent, inclusive and participatory process, and that the national mechanism has genuine budgetary independence and the resources needed to effectively fulfil its mandate.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Carrying out public awareness campaigns, including in the education system, in order to combat the sociocultural prejudices that undermine the efforts of the Government in the area of fighting racial and ethnic discrimination.

- Stepping up the implementation of special measures in favour of racial and ethnic minorities in order to promote their full integration into society, particularly in education, employment and health care.
- Improving the representation of the black African and Haratine communities in all spheres of political, public and social life and in the private sector, including in elective office and decision-making positions in executive bodies, public administration, the army, the police and the media.
- Ensuring that Mauritanian men and women have equal rights with respect to the transmission of nationality to children and spouses.
- Repealing article 308 of the Criminal Code in order to decriminalize sexual relations between consenting adults of the same sex and releasing anyone currently detained under that article.

*Development, the environment, and business and human rights*

- Taking steps to address climate change with a human rights-based approach, with due attention given to the impact of climate change on vulnerable groups such as women and children.
- Intensifying efforts to develop and strengthen the necessary legislative frameworks that address cross-sectoral environmental challenges, including climate change adaptation and mitigation frameworks, and ensuring that women, children, persons with disabilities, and indigenous and local communities are meaningfully engaged in their implementation.

*Human rights and counter-terrorism*

- Amending article 3 of Act No. 2010-035 on combating terrorism to bring it fully into line with international standards, and ensuring that no one is held in incommunicado detention or in a place not officially recognized as a place of detention.

**B. Civil and political rights**

*Right to life, liberty and security of person*

- Amending the Criminal Code in order to limit the crimes subject to the death penalty to the most serious crimes, involving intentional killing, and commuting the sentences of prisoners currently on death row to imprisonment.
- Initiating a political and legislative process aimed at the abolition of the death penalty and carrying out public advocacy efforts and campaigns to promote that objective.

*Administration of justice, including impunity, and the rule of law*

- Ensuring that all allegations of excessive use of force and extrajudicial killings by State agents during demonstrations are investigated promptly, thoroughly and impartially, that those responsible are prosecuted and, if found guilty, punished, and that the victims obtain redress.
- Ensuring that all reported acts of torture or ill-treatment are investigated promptly and impartially by an independent body and that suspected perpetrators are duly brought before a court.

- Ensuring accountability for human rights violations, especially for reported cases of violence against women and girls, including female genital mutilation.
- Finally resolving 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.

#### *Fundamental freedoms*

- Guaranteeing to all, without exception, including non-believers and those who changed religion, full enjoyment of freedom of thought, conscience and religion.
- Reconsidering the adoption of an amendment to the Criminal Code that punish blasphemy and apostasy with the death penalty, in grave violation of international law.
- Refraining 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.
- Releasing unconditionally all human rights defenders who are being arbitrarily detained, and ensuring that all human rights violations committed against human rights defenders are promptly, thoroughly and impartially investigated, that those responsible are prosecuted and that the victims obtain redress.

#### *Prohibition of all forms of slavery*

- Effectively implementing its legislation criminalizing slavery through the prosecution of individual cases, the compensation of victims and the reintegration of former slaves in society.
- Strengthening the justice system by increasing funding for anti-slavery courts and improving training and resourcing for judges, prosecutors and police, ensuring that authorities also respect and support victims throughout the judicial process.
- Taking effective steps to combat all forms of slavery and slavery-like practices, including sexual and labour exploitation, sale, abduction of and trafficking in children and other vulnerable groups, and to provide justice to the survivors.

### **C. Economic, social and cultural rights**

#### *Right to work and to just and favourable conditions of work*

- Pursuing the implementation of programmes aimed at promoting economic and social rights, notably combating youth unemployment.
- Providing protection, in law and in practice, for the labour rights of all migrant workers living in the country.
- Intensifying efforts to eliminate child labour, particularly in domestic work and agricultural and mining activities, and enforcing the prohibition of employment of children under 16 years of age in both the formal and informal sectors.

- Adopting the draft legislation aimed at prohibiting the worst forms of child labour, ensuring that it is in line with the Convention on the Rights of the Child, and allocating sufficient human, technical and financial resources for the implementation of laws and policies on child labour.

*Right to social security*

- Continuing to promote sustainable economic and social development to overcome the effect of the COVID-19 pandemic and to reduce the number of people living in poverty.

*Right to an adequate standard of living*

- Allocating sufficient funds for the expansion of the Government's national cash transfer programme and the implementation of its multisectoral strategic plan on nutrition, focusing on families with several children, refugee families and families living in rural and remote areas.

*Right to health*

- Continuing to implement the National Solidarity and Pandemic Response Plan to limit the impact of the COVID-19 pandemic on the vulnerable population.
- Strengthening the protection of the human rights of older persons, particularly in the current context of the COVID-19 pandemic.
- Intensifying efforts to provide health-care services in the context of the pandemic.
- Strengthening efforts to improve access to health care for all, including access to sexual and reproductive health-care services and information.

*Right to education*

- Extending compulsory education to 9 years and free education to 12 years, in line with Sustainable Development Goal 4, ensuring that the hidden costs of education are eliminated.
- Improving the accessibility to good quality public education, including through the construction of new school facilities and infrastructure.
- Implementing specific programmes to extend the education of young girls and reduce their dropout rates. More specifically, strengthening actions to promote education and reduce illiteracy and school dropout rates among girls belonging to the Haratine and black African ethnic groups.

**D. Rights of specific persons or groups**

*Women*

- Putting an end to harmful customary practices that prevent women and girls from fully enjoying their rights, in particular the right to own and inherit land.
- Revising the Personal Status Code and carrying out awareness-raising campaigns for the general public, including traditional and religious leaders, on equal rights for men and women.

- Introducing a definition of the offence of rape, referred to in article 309 of the Criminal Code, in a manner consistent with international human rights standards.
- Stepping up efforts to investigate cases of violence against women, in the private and public spheres alike, and to prosecute and punish those responsible.
- Taking steps so that women victims of rape are not prosecuted for adultery (*zina*).
- Ensuring that protection measures, assistance and effective remedies are available and accessible to all women victims of violence.
- Amending legislation, including the Personal Status Code, in order to prohibit marriage under the age of 18 years without exception, and taking all necessary measures to eliminate child marriages under any circumstances.

#### *Children*

- Ensuring that allegations concerning children living in slavery are effectively investigated and, if proven, that the children concerned are freed, receive adequate reparation and support to return to their families, and that the perpetrators are prosecuted.
- Ensuring the social integration of children who have formerly been slaves and facilitating their access to education and to health and social services.
- Conducting awareness-raising campaigns to change public perceptions about the use of children as domestic or agricultural workers or as brides in forced child marriages, so that members of the public understand that such practices are illegal and constitute forms of child slavery.
- Taking measures to remove talibe from the control of marabouts, who exploit and mistreat them, and fully implementing legislation prohibiting the exploitation of children for begging, including by promptly investigating, prosecuting and punishing perpetrators accordingly.

#### *Persons with disabilities*

- Guaranteeing all children with disabilities the right to inclusive education in mainstream schools, ensuring that inclusive education is given priority over the placement of children in specialized educational institutions and classes, and train and assign specialized teachers and professionals working in integrated classes to support children with learning difficulties.
- Strengthening efforts to remove barriers preventing access by children with disabilities to social protection, health-care services and to an inclusive and quality education system.

#### *Migrants, refugees and asylum seekers*

- Ensuring the protection of the human rights of migrants, particularly with regard to the situation of migrant women irregularly employed as domestic workers, who are particularly susceptible to exploitation and to prostitution.
- Promoting the rights of refugees and migrants by providing legal advice and integration support.
- Intensifying efforts to find sustainable solutions for the resettlement of all Mauritanian returnees from a third country in economic and social life, including by promoting their



access to employment, education and health care and expediting their reinstatement in the administration, access to landownership and receipt of civil status documents, including for children.