



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CERD/101st session/FU/MJA/ks

24 September 2020

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 101st session, considered the follow-up report submitted by the Government of Mauritania, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 8, 24 and 30 of the Concluding Observations (CERD/C/MRT/CO/8-14), adopted following the consideration of the State party's combined 8th to 14th periodic reports, at its 95th session, held in April-May 2018.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 15th and 16th periodic reports, to be submitted in a single document by 12 January 2022.

Paragraph 8 of the Concluding Observations

The Committee takes note of the commitment of the State party to undertake consultations with all the relevant stakeholders with a view to revising Act No. 2018-023 of 18 January 2018 on the criminalization of discrimination. However, it is concerned about reports that, on 15 August 2018, the law was published in the Gazette without amending the definition of racial discrimination nor removing provisions that could be used to arbitrarily curtail certain rights and freedoms, in particular the right to freedom of expression, under the pretext of combatting discrimination. The Committee regrets that appropriate action has not been taken to implement its recommendation and considers the response of the State party unsatisfactory.

His Excellency Mr. Bal Mohamed El Habib
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The Committee reiterates its recommendation to revise its new legislation relating to the criminalization of discrimination in order to include a definition of racial discrimination that encompasses all the elements set out in article 1 of the Convention and to provide sufficient legal protections against racial discrimination. It also recommends that the State party amend the provisions whose lack of legal clarity could give rise to interpretations potentially leading to restrictions on the enjoyment of some rights and freedoms, and the persistence of discriminatory practices.

Paragraph 24 of the Concluding Observations

The Committee notes the various measures taken by the National Agency for Refugee Assistance and Reintegration (ANAIR) and, later on, by the national agency Tadamoun to facilitate the resettlement and reintegration of Mauritanian returnees from Senegal into the State party's economic and social fabric, including the implementation of educational, vocational training, income-generating activity, housing and rural development programmes. It also notes that some 1159 public employees and State contractors who had been affected by the events of 1989 have had their rights reinstated under arrangements put forward by the national commission created for that purpose. It further notes that the National Agency for the Registration of Persons and Secure Documents (ANRPTS) has opened reception centres for returnees in different wilayas and has issued civil status documents to 57000 returnees. However, the Committee regrets that most of the information provided by the State party refers to measures taken prior to the adoption of the previous concluding observations and remains concerned that some Mauritanian returnees from Senegal continue to face challenges in obtaining the assistance they need for their reintegration into economic and social life, including regarding access to education, health care, employment and civil status documents, including for children, and the recovery of land to which they claim title. It also notes with concern that the State party has not yet ratified the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and that the draft bill on issues related to asylum and migration is still pending adoption by the Council of Ministers. The Committee does not consider the response of the State party satisfactory and requests the State party to provide, in its next periodic report, updated information and data on the measures taken to implement these recommendations, as well as on their impact.

Paragraph 30 of the Concluding Observations

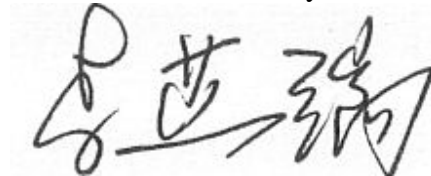
The Committee notes that the exercise of the right to organize is regulated by Act No. 64.098 of 9 June 1964, which protects members of recognized non-governmental organizations and associations from any intimidation, harassment and arbitrary interference in their activities. It also notes that the bill on associations, networks and foundations, which shall replace Act No 64.098, is currently in the process of being adopted. It further notes the modernization and professionalization activities undertaken to improve the working environment of civil society organizations. However, the Committee remains concerned at reports that non-governmental organizations and associations for the defence of human rights are still required to obtain prior authorization and that some face administrative obstacles in doing so, which forces them to operate underground. It is also concerned at reports of continued arbitrarily interference by the public authorities in the activities of non-governmental organizations and associations, and that human rights

defenders continue to be intimidated, harassed or arbitrarily detained in particular those working to combat racial discrimination, slavery or slavery-like practices. Moreover, it is concerned about information that a number of legal provisions, including some articles of the Criminal Code, set excessive restrictions on the exercise of the right to freedom of expression and continue to prevent criticism of human rights violations. The Committee does not consider the response of the State party satisfactory and requests the State party to provide, in its next periodic report, detailed information and data on the measures taken to implement these recommendations, as well as on their impact.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Mauritania, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

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

Yours sincerely,



Yanduan Li
Chair

Committee on the Elimination of Racial Discrimination