

Selected recommendations by UN human rights mechanism which previously examined human rights in Mauritania

Racial Discrimination	Selected recommendations made by UN human rights mechanisms which previously examined the human rights situation in Mauritania
Prevention	<p>On the political front, the Special Rapporteur recommends that the executive, the legislature and the judiciary should restate, publicly and consistently, their political determination to combat all forms of racism and discrimination and, in the long term, to promote democratic, egalitarian and participatory multiculturalism based, on one hand, on the recognition, respect and promotion of cultural diversity and, on the other, on the systematic encouragement of interaction and cross-fertilization between the communities in order to encourage community partnership in the full acceptance of the historical truth of discrimination, and of the sensitive task of creating a feeling of belonging to one nation. (SR Racism 2008)</p> <p>The kafalah system should never compromise the rights of the child, including non-discrimination. (CRC 2009)</p>
Legislation	<p>On the legislative front, the Special Rapporteur recommends the insertion of specific provisions on racial and ethnic discrimination in the Criminal Code. Notwithstanding the existence of provisions proclaiming the principles of equality in various items of legislation, including the Constitution, he strongly recommends the adoption of comprehensive legislation against all forms of discrimination, incorporating a definition of discrimination that is applicable in all areas of social life and that contains all the elements of article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. (SR Racism 2008)</p> <p>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 democratic, egalitarian and participatory multiculturalism, and the recognition of the main ethnic groups or communities in society and their languages and cultures. Given that language policies have in the past been used as a tool that has helped polarize the various communities, he recommends that, in addition to Arabic, Pular, Soninke and Wolof should be given constitutional status as official languages. (SR Racism 2008)</p> <p>The Committee recommends that the State party fill the gap in its legislation, namely that the provisions of the Criminal Code do not expressly address racial or ethnic discrimination, including by providing that racially motivated offences be considered an aggravating circumstance in the commission of an offence. (CERD 2004)</p> <p>In the context of the drive towards democracy noted by the Special Rapporteur during his visit, efforts to combat all forms of discrimination should be reflected in the adoption of a law establishing an independent standing national commission, in accordance with the Paris Principles, to uphold human rights, combat discrimination and promote democratic, egalitarian and participatory multiculturalism. (SR Racism 2008)</p> <p>The State party should incorporate in its domestic law a definition of racial</p>

Selected recommendations by UN human rights mechanism which previously examined human rights in Mauritania

	discrimination that is applicable in every sphere of social life and that reproduces all the elements in article 1 of the Convention, including discrimination based on descent. (CERD 2004)
	The State party should adopt a definition of racial discrimination in its legislation and outlaw it in conformity with the Covenant. It should also fight against ethnic discrimination in all sectors and accelerate the drafting, validation and adoption of the draft plan of action against racial discrimination, xenophobia and related intolerance, implement and disseminate it (HRC 2013)
Judicial Process	The Committee recommends, in particular, that the State party conduct an independent and impartial inquiry when allegations of discrimination and slavery like practices are brought to its attention. (CERD 2004)
Data gathering & Capacity building	The Committee draws the State party's attention to its general recommendation XXIX concerning racial discrimination based on descent, and suggests that a detailed study of this issue should be included in the State party's next report. (CERD 2004)
	The State party should carry out a more precise population census that is not limited to linguistic factors, and produce more detailed indicators disaggregated by descent or ethnic origin. The Committee recommends that the State party carry out targeted surveys, on the basis of voluntary self-identification, which will make it possible to determine the situation of the groups falling within the definition of article 1 of the Convention, and communicate the findings to the Committee in its next report. (CERD 2004)
	A 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 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. It should pay particular attention to key State institutions such as the armed forces and the justice system and could, in the short term, apply the principle of positive discrimination based on detailed demographic indicators showing ancestry and ethnic origin. (SR Racism 2008)
	At the institutional level, the Special Rapporteur recommends that a national assessment should be made of the historical and cultural underpinnings of discrimination. He therefore recommends the establishment by the National Human Rights Commission of an independent commission based on the principle of the democratic participation of all political movements, affected communities, traditional religious and spiritual leaders and civil society actors. (SR Racism 2008)
	The State party should: Provide specific training modules in order to raise the awareness of judges and members of the legal profession as a whole about racial discrimination and about the fact that, in accordance with international standards, it is a prosecutable offence; (CAT 2013)
	The Committee recommends that the State party carefully monitors the implementation of the Strategic Framework for Poverty Reduction of Mauritania so as to ensure that the gender perspectives contained in the

Selected recommendations by UN human rights mechanism which previously examined human rights in Mauritania

	<p>strategy are explicitly addressed in the implementation process. The Committee also recommends that the State party collect data on the situation of rural women and include such data and analysis in its next periodic report. (CEDAW 2007)</p>
	<p>Furthermore, the Committee recommends that the relevant plans and strategies be translated into local languages and disseminated widely among local authorities and non-governmental organizations (NGO) as they play an important role in their implementation. (CRC 2009)</p>
	<p>In particular, the Committee recommends the State party to design programmes which enable the girl to access her rights without discrimination and to raise awareness among all stakeholders and society at large of the value of the girl child. The Committee urges the State party to take adequate measures to ensure the practical application of provisions guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a comprehensive strategy to combat discrimination on any grounds and against all vulnerable groups, and to dedicate particular efforts to eradicate slavery. (CRC 2009)</p>
	<p>Furthermore, the Committee urges the State party to create institutional structures at all levels that are compulsory, accessible and free, in order to implement effective birth registration, e.g. by introducing mobile units, especially in rural and remote areas and in internally displaced persons and refugee camps. The Committee recommends that the State party seek technical assistance from UNICEF for the implementation of these recommendations. (CRC 2009)</p>
Returnees/Refugees	<p>The Committee recommends that the State party takes practical measures to encourage the return of black Mauritanian refugees remaining in Mali and Senegal and their full reintegration into Mauritanian society. A detailed study of the situation of the Mauritanian refugees still in exile and of those who have returned should be provided in the next periodic report. (CERD 2004)</p>
	<p>There is a need to launch projects that prevent discrimination against the returnees by highlighting how the returnees will benefit the community. (SR Slavery 2009)</p>
	<p>Decision-making related to the reinsertion programmes is currently centralized in Nouakchott, but the programmes need to be decentralized so that Government officials can implement the decisions relevant for each region. (SR Slavery 2009)</p>
	<p>...The State Party should facilitate the obtaining of ID documents for those refugees repatriated by virtue of the Tripartite Agreement signed by the State party, Senegal and the High Commissioner for Refugees and should envisage a similar agreement for the Mauritanian refugees in Mali following the events of 1989-1990. It should also envisage the establishment of a mechanism to come to terms with the so-called <i>passif humanitaire</i> originating from those events (HC 2013).</p>
Education	<p>The Committee recommends that the State party study this question again in consultation with the population groups concerned and that it consider including national languages in the education system for those children who</p>

Selected recommendations by UN human rights mechanism which previously examined human rights in Mauritania

	wish to receive an education in those languages. (CERD 2004)
	The Committee recommends that the State party, in consultation with the community concerned, take steps to preserve the Berber language. Room should be made for Berber language, history and civilization in school textbooks, education and cultural events. (CERD 2004)
	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, it is vital to work on collective memory in order to eliminate community grudges - particularly in respect of unresolved humanitarian issues - by full recognition of all those issues, including the systematic killing of black Mauritanian army officers. (SR Racism 2008)
	The Committee calls on the State party to promote the teaching of the Pulaar, the Soninke and the Wolof in school as well as their use in official proceedings so as to avoid discrimination against non-Arabic speakers. (CESCR 2012)
Slavery-like practices	Selected recommendations made by UN human rights mechanisms which previously examined the human rights situation in Mauritania
Judicial remedies	The State party should ensure that the perpetrators of such practices, which are already prohibited by law, are systematically prosecuted in the courts, including in cases where they have seized the property of deceased former slaves. (CERD 2004, CRC 2009, UPR 2010, ACHPR 2012)
	The State party should monitor that the anti-slavery legislation is effectively implemented and guarantees effective remedies for the victims who lodged complaints. The State party should also investigate, prosecute effectively the perpetrators, punish them and offer compensation and rehabilitation to the victims. The State party should also accelerate the decisions on pending cases, adopt and implement as governmental policy, the road map elaborated in cooperation with the Office of the High Commissioner for Human Rights on the follow-up to the recommendations of the Special Rapporteur on contemporary forms of slavery, its causes and consequences and sensitize all officials on the implantation of the law as well as the population including in rural areas. (HRC 2013)
	The State party should inform the victims of all remedies available to them, to facilitate their access to justice, guarantee their right to just and adequate reparation, and publicize the relevant laws. (CERD 2004)
Awareness, Prevention and Reparation	Strongly recommends that the State party launches, in cooperation with non-governmental organizations and religious leaders, a wide ranging information and public-awareness campaign to put an end to slavery like practices. (CERD 2004, CRC 2009, UPR 2010)
	Taking note of the delegation's statement that the anti-poverty programme is helping to eradicate the legacy of slavery, the Committee considers that other actions specifically targeting the populations concerned should be

Selected recommendations by UN human rights mechanism which previously examined human rights in Mauritania

	<p>taken. The State party should conduct a study, in cooperation with civil society, to determine the economic and social situation of the descendants of slaves, including how many of them have title to land. (CERD 2004)</p> <p>A first step towards comprehensive action to combat slavery would be to develop a national strategy for that purpose. The Special Rapporteur was informed of the Government’s willingness to create a national strategy. This strategy can be based on a study of the history and nature of slavery in Mauritania. The Special Rapporteur encourages the Government to start this study, with support from the United Nations Development Programme and the European Community. The strategy can then be developed by various stakeholders, including representatives from the Government, civil society organizations traditionally working on slavery, international NGOs, United Nations agencies and the donor community. These various stakeholders can form an institutional body that will implement and monitor the national strategy to combat slavery. (SR Slavery 2009, CRC 2009)</p>
	<p>In addition, all Government departments, international agencies and NGOs should consider slavery and the “vestiges of slavery” when developing and implementing programmes in Mauritania. (SR Slavery 2009)</p> <p>To be effective, the amended law and plan of action should be supported by a wide range of programmes that provide, for example, access to basic education, vocational training, income-generating opportunities, microcredit and equal access to employment opportunities. Such programmes must be monitored for effectiveness. The law has liberated slaves, but in order to prevent them from being or feeling subservient, former slaves must be able to have the means to be autonomous and feel empowered as individuals. Providing alternative livelihoods for former slaves will also prevent voluntary servitude. (SR Slavery 2009)</p> <p>There is a need to strengthen and build the capacity of NGOs working to combat slavery. They have been able to liberate slaves but have been unable to provide them with sustainable alternatives once liberated. Strong cooperation should be established between NGOs and Government on protection of liberated slaves and provision of the necessary means to work. (SR Slavery 2009)</p> <p>Develop a comprehensive national strategy for combating both traditional and modern forms of slavery and discrimination, which include the practices of early and forced marriage, servitude, forced child labour, human trafficking and the exploitation of domestic workers, in line with the commitment made by the State party during the universal periodic review in November 2010. (CAT 2013)</p>
	<p>The Committee recommends that the State party take all necessary measures to further reduce poverty and , in particular, eliminate extreme poverty, by paying particular attention to women, former slaves and descendants of slaves as well as disadvantaged and marginalized individuals and groups living in the wilayas most affected by poverty. The Committee requests the State party to include in its next periodic report disaggregated and comparative data, by year and by wilaya, on the percentage of the population living in poverty and extreme poverty. (CESCR 2012)</p>

Selected recommendations by UN human rights mechanism which previously examined human rights in Mauritania

	<p>In parallel with the adoption of the new Act prohibiting slavery and slavery-like practices, the Special Rapporteur recommends the adoption of measures under the Act to make it possible, over and above the criminal liability of individual slave-owners, for victims to bring civil suits, notably for restitution or compensation. (SR Racism 2008, CAT 2013)</p> <p>As the Minister of Justice reviews the effectiveness of the 2007 Slavery Act, the Special Rapporteur urges him to consider incorporating the following:</p> <ul style="list-style-type: none">○ Introduction of a law against discrimination practices based on caste or ethnic slavery;○ A clearer definition of slavery within the law that would include contemporary forms of slavery such as the talibes;○ Inclusion in the 2007 Slavery Act of provisions that provide for victims' assistance and compensation;○ Introduction of a civil cause of action for victims of slavery. This would give victims of slavery and human rights organizations acting in their interests the right to appeal directly to the courts against an act of slavery or discrimination rather than relying on police or other authorities to bring criminal charges in such cases. This could be done by adding a second part to the current law or by introducing a separate, but linked law;○ The establishment of an independent Government-funded mechanism, enshrined in legislation, which can carry out investigations on its own initiative and has the standing to bring civil cases of slavery or discrimination before the courts;○ The 2007 Act should also have a multi-stakeholder committee to develop, implement and monitor a national strategy to combat slavery;○ It should include provisions that provide for rehabilitation programmes that would provide alternative means of livelihood for ex-slaves. This is essential in ensuring that former slaves do not end up in voluntary servitude, whereby they continue working for their master in exchange for cash or payment in kind, e.g. housing, food, etc. These programmes should also provide education for ex-slaves – who are the most marginalized in society – and ensure that they are literate. Existing programmes such as PESE should be enshrined in law to ensure their longevity;○ Inclusion in the law of accompanying measures which outline means to financial and economic means of support, land tenure, microcredit and support to justice for ex-slaves. (SR Slavery 2009, CAT 2013, ACHPR 2012)
--	--