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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-fifth session

SUMMARY RECORD OF THE 1653rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 9 August 2004, at 10 a.m.

Chairman: Mr. YUTZIS

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Sixth and seventh periodic reports of Mauritania (continued) (CERD/C/421/Add.1; HRI/CORE/1/Add.112)

1. At the invitation of the Chairman, the members of the delegation of Mauritania resumed their places at the Committee table.
2. Mr. OULD MEIMOU (Mauritania) thanked the Committee for its comments and questions, and confirmed his delegation's firm intention to derive all possible benefit from the current dialogue.
3. Mr. EL HABIB (Mauritania), responding to questions of a legal nature, said that the Mauritanian Nationality Code drew on both jus sanguinis and jus soli. A child born in Mauritania of a foreign mother had Mauritanian nationality in accordance with that Code.
4. The Personal Status Code adopted by Mauritania in 2003 was one of the most liberal codes in the subregion, but women had enjoyed all the economic, social and political rights enshrined in the Convention long before that date. Women played an active role in all sectors of society and were fully emancipated, in accordance with the tenets of Islam. For the first time in his country, a woman had run for President in the 2003 elections.
5. His Government had called on civil society, NGOs, religious leaders and the media in an effort to raise awareness of HIV/AIDS and to help eradicate the pandemic. The HIV/AIDS infection rate for men and women in Mauritania was less than 1 per cent.
6. Article 6 of the Constitution stated that Arabic was the official language of the country and that Arabic, Pulaar, Soninke and Wolof were the national languages. French and Arabic were used in education, the administration and the written press. All the national languages were used in the media, in cultural affairs and for communication with the Government. A pilot project had been undertaken to ascertain whether the national languages should be written using Arabic or Latin characters, and whether learning those languages would increase people's employment opportunities. The results, however, had proved inconclusive. A Department of National Languages in the University of Nouakchott had been established, offering a master's degree in applied linguistics and national languages. Mauritania's national languages had thus been given full recognition. While some languages spoken in his country had not been recognized in the Constitution, they were dialects spoken throughout the region and could not therefore be classified as national languages. Efforts had also been made to promote the cultural heritage of the State party, in conjunction with UNESCO.
7. There was no discrimination within the education system. All children, whether they attended a private or public school, were taught the same curriculum and were given equal opportunities. Schools founded on the principles of a single ethnic group were not permissible under Mauritanian legislation.

8. In accordance with the law, all arable land belonged to the nation. All Mauritians, without discrimination of any kind, had the right to part ownership of land. The objective of the relevant legislative provision of 1983 had been to break with traditional land tenure, in an effort to promote land ownership among the poorest citizens. Appropriate administrative measures had been taken to that end.

9. There were currently 28 political parties in Mauritania. Two parties (Action pour le Changement and Union des Forces Démocratiques/Ère Nouvelle) had been banned for incitement to racial hatred. It should, however, be noted that every time a political party had been banned, its founders had successfully started another party. It was therefore clear that judicial action did not target individuals, but rather breaches of the Constitution. The case of Union des Forces Démocratiques/Ère Nouvelle had gone before the African Court on Human and People's Rights, which had ruled that Mauritania had been justified in banning the party. Of the 400 newspapers and magazines currently published, 20 appeared on a regular basis. Two newspapers had been banned on the grounds of incitement to hatred and xenophobia.

10. There had been significant population movement between Mauritania and Senegal, to and from both countries. Displaced Mauritians had been invited to return to Mauritania during the period 1992-1998. Most had returned and had benefited from some 500 integration projects. While those who had stayed away had done so of their own volition, they were welcome to return at any time and could do so unhindered. Foreigners living in Mauritania enjoyed the right to practise their religion freely.

11. Significant legislative progress had been made with the adoption in 2003 of the Act prohibiting trafficking in persons, and the recently adopted Labour Code. His delegation noted the Committee's concern about Mauritania's somewhat fragmented legislation. However, Mauritanian law contained a similar definition of racial discrimination to that set out in the Convention and stated that racism constituted an offence. The Committee's suggestions and criticisms would be taken into account when the authorities came to consider future legislation and draft the next periodic report.

12. The absence of case law had been due to several factors, including Mauritania's short history as an independent State, the separation of the administration from the judiciary, and the fact that many disputes were resolved amicably out of court. Measures had, however, been taken to ensure that Mauritania built up a body of case law. Judges would be obliged to substantiate their decisions, and the Supreme Court would be required to publish all its decisions annually. The draft law on legal aid would ensure that the poorest people had access to justice in future.

13. Mr. KOITA (Mauritania) said that a national plan of action for the promotion and protection of human rights had been adopted in partnership with the Office of the United Nations High Commissioner for Human Rights (UNHCHR). The objective had been to raise awareness of human rights and, in the long term, to establish a culture of human rights within the country. All sectors of civil society had been consulted during the process, and a steering committee had been set up. Several national and international experts had helped the steering committee to produce draft documents relating to the entire spectrum of human rights, which had been used in training workshops throughout the country. Representatives from groups working in human rights, women's rights and children's rights, development organizations, the Ministry of Justice and the Ministry of the Interior had participated in the workshops. The final documents,

incorporating the recommendations made during those sessions, had then formed the basis of the national action plan, which had been adopted in 2003 under the supervision of experts from UNHCHR. Its salient features included providing a framework for developing human rights programmes, ensuring that human rights were incorporated in all poverty alleviation and integration programmes, and promoting the principles of universality, independence, indivisibility and complementarity of human rights. A report would be submitted to the African Commission on Human and People's Rights indicating that the commission in charge of the action plan would be a government body with responsibility for human rights, not an international institution. A consultation process would begin in September 2004 to ascertain whether such a commission should be established.

14. Mr. OULD MOHAMED LEMINE (Mauritania) said that, in the interests of transparency, he wished to bring to the attention of the Committee an alleged case of slavery. A document outlining the case had been distributed informally. On 18 January 2004, at a place approximately 1,500 kilometres from the capital, Nouakchott, a military border patrol had been approached by a man who claimed to have been kept as a slave by a livestock farmer in the area. It had subsequently been established that the area in question was not in Mauritanian territory and that the local authorities could not intervene. After receiving assistance, the alleged victim had settled in a nearby town, to which he had travelled at the authorities' expense. While there was no reason to fear for the man's welfare, his Government had opened an inquiry on learning of those events.

15. Mr. OULD MEIMOU (Mauritania) said that his Government had not compiled any statistics relating to the racial and ethnic distribution of the population. Given Mauritania's level of development and its numerous social and economic problems, the collection of statistical data was not a priority. Also, widespread illiteracy made it difficult to obtain reliable information from respondents. Furthermore, as the experience of other countries had shown, in a country with a diverse population the compilation of statistics disaggregated by race and ethnicity was not without risks. He would, however, convey the Committee's interest in the availability of such data to his Government. As to the questions concerning the use of the Berber language, he was not aware of any problems in that regard.

16. The Office of the High Commissioner for Human Rights, Poverty Alleviation and Integration, established in 1998, had a broad mandate. In the area of poverty alleviation, it advised the Government and acted as the secretariat for the implementation of the strategic framework for combating poverty. That framework, which provided the basis for the Government's economic policies, had been prepared in consultation with Mauritania's development partners and with representatives of civil society at the national, regional and local levels. Its objectives were, inter alia, to accelerate economic growth by creating income-generating activities; to open up remote areas by constructing roads and other transport infrastructure; to promote agricultural development by building dams and dykes; to increase access to clean drinking water by sinking wells; and to improve housing in cities by building 7,000 new dwellings by 2007. In many cases, project implementation had been contracted out to NGOs, local authorities and community associations. The aim of such arrangements was to facilitate the transfer of know-how and to promote effective partnerships with civil society.

17. Efforts in the area of integration were intended to reduce unemployment and dependency among the most disadvantaged population groups. To that end, the Office of the High Commissioner was working to find jobs for unemployed graduates, establish safety nets to assist in the integration of disabled persons seeking work and combat begging in cities. It was also distributing small livestock to poor rural families and providing various forms of assistance to farmers living near the border with Mali. Of the 40,000 persons who had received microcredits, most were women.

18. There were several hundred NGOs in Mauritania. In accordance with the relevant regulations, they must meet various criteria in order to be licensed. However, in practice, even those NGOs that were refused a licence continued to carry out their activities, which demonstrated the tolerance of the authorities.

19. While corruption was not considered to be a widespread problem, his Government was making every effort to combat it through the strengthening of the rule of law and through its national good governance programme. Its aim was to ensure that the management of public funds was as transparent as possible.

20. His Government was firmly committed to overcoming the legacy of slavery. He was referring not only to the economic consequences - underdevelopment and its attendant ills, including poverty, illiteracy and disease - but also to the mental scars left by slavery, which manifested themselves in reactionary attitudes. The best means of combating such attitudes was the promotion of education. During Mauritania's relatively brief history, there had been considerable progress in that regard, but much remained to be done. His delegation would therefore listen with great interest to the Committee's comments and recommendations.

21. The CHAIRMAN thanked the delegation of Mauritania for its very full replies.

22. Mr. de GOUTTES welcomed the spirit of cooperation and candour in which the dialogue with the delegation had taken place. He emphasized that the Committee's goal was to promote harmony and understanding among different racial and ethnic groups while respecting the unique history and culture of each country. He welcomed the Government's commitment to eradicate the vestiges of slavery. Slavery having been abolished in 1905, the problem was clearly societal rather than legal in nature and was linked to what might be termed a caste system. As the representative of the State party had affirmed, there was a need to tackle the underlying causes, both economic and cultural. He urged the Government to cooperate with NGOs, religious leaders and the media in order to combat the reactionary attitudes referred to by the delegation and to back similar initiatives by civil society. He was encouraged by the Government's efforts thus far and would follow developments with interest. Lastly, concerning the status of women, it would be helpful to have statistics on the number of women in senior positions in the administration and judicial system.

23. Mr. SHAHI said that the delegation of Mauritania was to be commended for its open and transparent attitude. He applauded the Government's pragmatic approach to the problems with which it was confronted and its readiness to adopt policies based on the best available expertise rather than on ideological obsessions. He noted that Mauritania, though a diverse country, was somewhat socially stratified. While Mauritania was a party to the Convention on the Elimination of All Forms of Discrimination against Women and its women enjoyed a range of civil, political,

economic, social and cultural rights, there was a need to tackle the societal discrimination against women endemic in all traditional societies. Accession to those international instruments that addressed the problem of violence against women would be a major step in that direction. The preparation of the strategic framework for combating poverty was most welcome. However, it would be helpful to know when the national plan of action for the promotion and protection of human rights would be finalized. He had feared that the Order governing political parties, which prohibited political groups from identifying with a particular race, ethnic group, region, tribe, sex or brotherhood, might be used to prevent the establishment of new political parties. However, in the light of the delegation's remarks, his concern had been allayed.

24. He wished to know to what extent the new draft Labour Code dealt with the issue of forced labour, which existed in urban and rural areas alike. Regarding slavery and voluntary servitude, the Committee had received reports of former slaves who continued to work for their former masters. He asked whether such slaves were subject to descent-based discrimination, and what measures were being taken by the authorities to eliminate such exploitation. The Office of the Commissioner for Human Rights appeared to operate only in the area of education and not in human rights protection. Its autonomy and powers to address human rights complaints seemed limited, particularly with regard to action to combat social exclusion.

25. He asked whether there were any newspapers or journals published in national languages other than Arabic, and whether radio and television programmes in those languages were given sufficient airtime. Further progress could be made if the Government ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the United Nations Convention against Torture.

26. Mr. KJAERUM acknowledged that Mauritania faced difficulties in enforcing international standards owing to social problems such as poverty, and expressed his appreciation of the Government's efforts in that regard. Although the national plan of action for the protection and promotion of human rights had been finalized, he wished to know how the Government ensured its effective implementation at both national and local levels. Did the plan contain any provisions on slavery or descent-based discrimination?

27. He appreciated the idea of holding a discussion on the establishment of a human rights protection body in conformity with the Paris Principles. He wondered whether a timetable for such a discussion had been set, and when the follow-up and conclusion-related work would take place. Although commendable progress had been made in the area of women's rights, female genital mutilation was still prevalent among several ethnic groups, and he wondered what the Government's strategies were for combating that inhuman practice.

28. Mr. LINDGREN ALVES considered that the periodic report of Mauritania was of particular interest because of its coverage of the continuing practice of slavery. He agreed with Mr. de Gouttes that slavery was a social issue, but he also felt that it had cultural roots, which made it a very complex problem. Slavery was starting to reappear all over the world in a variety of forms, even in the most developed countries, as a result of economic problems. If Mauritania did not successfully combat slavery, it ran the risk of becoming a model on which other countries would base their own slave trades.

29. He expressed satisfaction with the standard of the report and the delegation's replies to questions by the Committee, some of which touched on problems that were particularly difficult for poor countries to overcome. The Committee had received information from a number of NGOs (including some not recognized by the Government), whose interpretation of the issue of slavery differed considerably from that of the Mauritanian authorities. He asked whether the Government made any efforts to take the views of such organizations into consideration.

30. Mr. AMIR said that ever since Mauritania had gained independence, the Government had chosen to institute reform and progress in the knowledge that the rule of law must prevail. The authorities had made efforts to reduce slavery and segregation between different sectors of society. The Committee must always look carefully at multiculturalism when examining State party reports. Measures must be taken to solve social problems in remote areas, since structural vulnerability led to segregation and discrimination.

31. Mauritania's periodic report was exemplary, since the Government had admitted that much remained to be done in order to implement certain aspects of the Convention and had undertaken to increase efforts to eliminate tension and inequality. Efforts must also be made to institute a policy of social readjustment with the aim of achieving further progress. Positive discrimination in favour of least developed countries, such as Mauritania, would assist in combating racial discrimination. The implementation of legislation was the key to social development.

32. Mr. SICILIANOS said that the delegation's replies on the various aspects of slavery had been particularly interesting. He agreed that slavery was a deep-rooted social and cultural problem and that the media and religious authorities could play an important role in raising public awareness. He asked whether the 2003 law on the prohibition of trafficking in human beings provided legal recourse for victims of trafficking and the associations that represented them. He wondered whether that law referred to the 1991 law on the prohibition of slavery, and if so, whether the obligation to comply with it was being met.

33. Mr. BOYD commended the delegation for its comprehensive replies to the Committee's questions, in particular those on the enforcement of legislation. He understood that, as a new country, Mauritania faced profound challenges in the areas of nutrition, sanitation, health and education, the provision of which was the main priority of the Government. Eliminating discrimination across all sectors of society was a great challenge. The collection of census statistics and socio-economic data disaggregated by ethnic group would, in his view, not only assist the Committee in gaining a better understanding of the reasons behind problems such as slavery and segregation, but would also assist the Government in dealing with those problems. The inclusion of such statistics in the next periodic report would be welcome.

34. The Committee had received information from an NGO about a system of ethnic hegemony which resulted in the statutory and material pre-eminence of white Moors, who were currently the minority governing Mauritania. He asked the delegation to comment on the allegation that ethnic criteria were omitted from the collection of census data in order to obscure the fact that an ethnic minority was in power.

35. The preparation of a strategic framework for combating poverty was to be commended since it demonstrated the Government's awareness of the positive impact that institution-building, strengthening the rule of law and building administrative capacities would have on the processes of eradicating discrimination, slavery and poverty.

36. Mr. ABOUL-NASR said that Mauritania did not face problems of slavery simply because it was a new country; older countries also suffered from similar problems, not only because of poverty but also as a direct result of colonialism. It was important that former colonial Powers which had participated in the colonization of countries such as Mauritania took responsibility for the role they had played in establishing the slave trade. Mauritania could not deal with the problem of slavery single-handed; the international community must also assume a degree of responsibility.

37. On the question of Mauritanian women in positions of public authority, he wished to remind the Committee that in the 1960s the Chairman of the Third Committee of the United Nations General Assembly, who had played an active role in the drafting of several international human rights instruments, had been the female head of the Mauritanian delegation.

38. He did not agree with the delegation's interpretation of article 14 of the Convention, which should be given much greater importance. He requested that the Committee's concerns in that regard be transmitted to the Government. He hoped to see evidence of a more accurate understanding of that article in the next periodic report.

39. Mr. PILLAI said that, bearing in mind the sociocultural dimension of the various manifestations of discrimination, strengthening the role of civil society organizations was vital. Experience had shown that the promotion of human rights through governmental bodies, such as the Office of the Commissioner for Human Rights, greatly benefited from cooperation with those organizations. In that connection, he wished to know whether the Government consulted civil society organizations when analysing the human rights situation.

40. Information before the Committee suggested that the Government had banned a number of political parties and civil society organizations that failed to subscribe to its views on certain human rights-related issues. He asked the delegation to comment.

41. Mr. THORNBERRY suggested that the so-called "Mauritanian model" relating to traditional forms of slavery and post-slavery practices might benefit from the inclusion of effective strategies to combat those practices and their consequences.

42. While the enactment of legislation to protect the rights of women was commendable, cooperation with civil society organizations in the eradication of the deep-rooted patterns of conduct relating to violation of those rights was crucial. Dialogue was an indispensable complement to the creation of a relevant legal framework. Consulting the victims was also a key factor in the elimination of cultural practices that failed to meet contemporary human rights standards.

43. Mr. HERNDL urged the State party to make a declaration under article 14 of the Convention and to ratify the amendment to article 8.

44. He wished to know how the State party defined the ethnic composition of the Mauritanian population. If, as the report suggested, the population was indeed classified according to linguistic groups, he wished to know the reasons why the Berber language Tamazight, which was used by a considerable proportion of the population, was not formally recognized. It would be useful to learn how the Government planned to remedy that apparent shortcoming.
45. The CHAIRMAN invited the delegation to reply to the Committee's questions.
46. Mr. OULD MOHAMED LEMINE (Mauritania) said that the Berber language was not spoken in Mauritania and it was thus not necessary to grant it constitutional recognition.
47. Slavery had formally ceased to exist in 1981, and his Government expended considerable effort on combating the vestiges of the practices of slavery and involuntary servitude. To that end, a wide range of democratic mechanisms, including awareness campaigns, had been instituted in collaboration with political parties, public associations and the media.
48. As to female genital mutilation, the Government, in collaboration with women's organizations and other civil society organizations, had conducted a series of programmes and seminars to sensitize the population to the dangers of that practice in an attempt to achieve its gradual elimination.
49. Mauritania's population was widely dispersed and each ethnic group was deeply attached to its land. Under such circumstances, land development could prove a difficult undertaking. The danger of discriminating against smaller populations in remote areas when developing infrastructure and services was self-evident. However, the Government was keenly aware of the situation and endeavoured to meet the needs of the population as a whole.
50. Turning to a question about Mauritania's accession to the various international instruments, he confirmed that Parliament had adopted the Labour Code and that a number of international human rights instruments, including the United Nations Convention against Torture, had been ratified.
51. Regarding the status of national languages, he informed the Committee that, while no newspapers or magazines were published in Pulaar, Soninke or Wolof, a number of radio stations broadcast programmes in those languages, especially in rural areas.
52. As to the participation of women in public life, there were no female judges, but there were a number of female lawyers, four women ministers, and several women members of parliament and senators. Also, one of the candidates in the most recent presidential election had been a woman.
53. Mr. EL HABIB (Mauritania) said that, under Mauritanian legislation, the practice of trafficking in human beings unambiguously constituted a criminal offence and victims could seek legal redress through the courts.

54. He stressed that legislative measures taken to eradicate slavery bore witness to the Government's firm commitment to that goal. Changing attitudes was a protracted process, and even in well-entrenched democracies tolerance was not always guaranteed. Mauritania must thus be given time to overcome the legacy of slavery.

55. Mr. OULD MOHAMED LEMINE (Mauritania), replying to allegations that the Government failed to recognize NGOs that propounded dissenting views, said that Mauritanian legislation prohibited association on the basis of ethnic or tribal affiliation. A small number of organizations had been banned for non-compliance with that requirement. It was important to note that the most prominent members of those organizations were former government officials who, when in power, had not taken issue with the phenomena they currently denounced. Many of those persons were also leaders of political parties and, within that framework, the Government imposed no restrictions on their activities.

56. Mr. KOITA (Mauritania) said that the Office of the Commissioner for Human Rights had been criticized for focusing exclusively on the promotion of human rights, while failing to protect those rights. He stressed that the protection of human rights did not fall within the Office's mandate; that task was entrusted to other organizations.

57. A question had been raised concerning the implementation of the national human rights action plan. The action plan had been adopted and was currently being implemented in collaboration with the Lutheran World Federation. The willingness of Mauritania, as a Muslim country, to entrust the promotion of human rights to a Christian organization demonstrated an exemplary openness of spirit, of which the Committee would undoubtedly take note. The Government planned to conduct a public survey on the establishment of a national human rights institution in conformity with the Paris Principles; the results of that consultation would be taken into account when deciding on the establishment of such a body.

58. Mr. OULD MEIMOU (Mauritania) thanked the Committee for the constructive dialogue and stressed that there were no legal impediments to the full implementation of the Convention. In the economic sphere, considerable efforts were being made to improve the situation. The delegation had taken note of the Committee's recommendations and would transmit its concerns to the Government.

59. Ms. DAH (Country rapporteur) said that the Committee welcomed the constructive dialogue with the State party. She thanked the delegation for its replies to the Committee's questions and took particular note of the Government's commitment to eradicate the vestiges of slavery. She trusted that the concrete measures taken in that regard would be mentioned in the next periodic report.

60. The Committee had noted with satisfaction that the drafting of the periodic report had been entrusted to the Office of the Commissioner for Human Rights, but regretted the lack of participation of human rights NGOs. She encouraged the State party to strengthen its collaboration with civil society organizations in combating racial discrimination.

61. Regrettably, the State party had failed to supply information concerning the ethnic composition of the population, which made it difficult to assess the extent of discrimination on the basis of ancestry. The Committee requested that such data be provided in the next report.

62. Legislation in the reporting State was to be amended in conformity with the provisions of the Convention and the Committee's general recommendations, notably general recommendation XIX. Areas of concern included the current lack of a legal definition of racial discrimination, and the need to revise the Criminal Code so as to characterize racial discrimination as a criminal offence. Specific measures were required to guarantee the fair administration of justice and the protection of human dignity through the Personal Status Code. The protection of vulnerable groups such as women and children warranted particular attention and the Committee accordingly welcomed the draft code of juvenile criminal procedure.

63. The Committee noted with satisfaction the progress made since the last reporting period. It nevertheless urged the State party to underpin its efforts by prosecuting all acts of discrimination and by taking concrete measures to promote development in all areas of public life and for all segments of the population. It further called on the State party to make the declaration on communications from individuals provided for in article 14 of the Convention and to ratify article 8 (6), as amended.

64. The CHAIRMAN thanked the delegation for its constructive and stimulating contribution to the dialogue which had just taken place. That formed part of the Committee's continuing efforts to promote racial tolerance.

The meeting rose at 1 p.m.