


<b>AFRICAN UNION</b>		<b>UNION AFRICAINE</b>
<b>الاتحاد الأفريقي</b>  African Commission on Human & Peoples' Rights		<b>UNIÃO AFRICANA</b>  Commission Africaine des Droits de l'Homme & des Peuples
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## **Thirty-Seventh Ordinary Session**

**27 April – 11 May 2005, in Banjul, The Gambia**

### **Consideration of Reports Submitted by States Parties under the Terms of Article 62 of the African Charter on Human and Peoples' Rights**

#### **Concluding Observations and Recommendations on the First Periodic Report of the Islamic Republic of Mauritania**

#### **I - Introduction**

1. The Islamic Republic of Mauritania (Mauritania) is a State Party to the African Charter on Human and Peoples' Rights (the African Charter) having ratified it on 14 June 1986.
2. The Report was submitted to the Secretariat of the African Commission on Human and Peoples' Rights in March 2004 and was considered during the 37<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights (the African Commission or the Commission), held from 27 April to 11 May 2005 in Banjul, The Gambia.
3. The present Concluding Observations follow from the presentation and consideration of the 1<sup>st</sup> Periodic Report of the Islamic Republic of Mauritania.
4. The Report was presented by a Delegation led by His Excellency Mr. Hamadi Ould Meimou, Commissioner for Human Rights, Poverty Alleviation and Insertion.

5. Mauritania presented its Initial Report combining all overdue reports since 1988, during the 31<sup>st</sup> Ordinary Session of the African Commission, which was held in May 2002 in Pretoria, South Africa.
6. These Concluding Observations give an account of the positive aspects identified in the Report as well as factors which restrict the enjoyment of human and peoples' rights guaranteed in the African Charter.
7. These Concluding Observations also outline the areas of concern drawn from the contents of the Report and information provided during the presentation of the Report, and includes recommendations formulated in this context by the African Commission.
8. The African Commission notes with satisfaction the frank and constructive dialogue it had with the Delegation and hence expresses its gratitude to the Honourable Commissioner and to his Delegation for providing responses and information on the questions posed and on the requests for clarification from its Members.

## II – Positive Aspects

The African Commission:

9. Congratulates Mauritania for having presented its 1<sup>st</sup> Periodic Report in conformity with Article 62 of the African Charter and the African Commission's Guidelines for the Preparation of Periodic Reports;
10. Commends the Government of Mauritania for the efforts made to implement the rights and freedoms guaranteed by the African Charter. In this context, the African Commission notes that Mauritania has:
  - Ratified several regional and international human rights instruments and is striving to implement them;
  - Established legal and regulatory mechanisms as well as judicial and institutional measures for the promotion and protection of human rights, notably a Commission on Human Rights, Poverty Alleviation and Insertion;
  - Enacted legislation to put in place mechanisms for better representation/participation of women in national leadership roles/institutions;

- Deployed efforts toward the reduction of illiteracy and the eradication of poverty and the general improvement of the situation of Mauritania's population, in particular that of women and children;
- Prepared a programme for the promotion and protection of human rights and adopted a National Plan of Action in that respect; and
- Taken significant measures for the strengthening of the independence of the judiciary.

### **III - Factors Restricting the Enjoyment of the Rights Guaranteed in the African Charter**

11. The limited resources preclude the adequate implementation of the rights and freedoms guaranteed in the African Charter;
12. The low level of education and the high rate of illiteracy constitute a major handicap in creating awareness and enjoyment of rights and freedoms by the populations; and
13. Harmful traditional and persistent practices contribute to the violation of human rights, in particular those of women.

### **IV –Areas of Concern**

While recognising the efforts of the Government of Mauritania to promote and protect human rights and to create awareness on the principles and provisions of the African Charter, the African Commission remains concerned that:

14. Mauritanian women still remain largely uneducated and most often are marginalised in terms of access to public services and to leadership roles in public affairs. The same is valid in terms of access by Mauritanian women heads of household to landed property and to the exercise of independent income generating activities;
15. The persistence of slavery negatively affects the rights of certain categories of the Mauritanian population;
16. Legal and judicial assistance for vulnerable groups, namely women, children, minorities or the needy, is not properly guaranteed;

17. The traditional practices detrimental to women in particular Female Genital Mutilations (FGM) is still persistent;
18. There are allegations of torture on detainees, notably those accused of having participated in the failed coup of June 2004;
19. While the HIV/AIDS pandemic is recognised as a concern in Mauritania those affected by this illness are yet to be provided with appropriate legal protection or adequate medical care;
20. There is a big gap between government authorities/structures and civil society organisations, in particular those organisations working in the field of human rights;
21. Freedom of association, notably for those organisations working in the field of human rights, is inadequately guaranteed under domestic laws and the lack of implementation of the existing laws remains a cause of concern;
22. The seizure procedures of the Ombudsman makes access to such institution to the general population very cumbersome;
23. The Mauritanian Government has poorly responded to decisions of the African Commission on communications brought against it.

## **V – Recommendations**

The African Commission recommends that the Government of Mauritania should:

24. Pursue its efforts in the area of democratisation and the implementation of the rule of law, stability and peace in Mauritania;
25. Deploy more efforts to disseminate the African Charter and provide training to judges, lawyers and law enforcement officials;
26. Ensure greater involvement of all Non-Governmental Organisations and activists concerned in the implementation process of regional and international human rights instruments to which Mauritania is signatory, in particular the African Charter;
27. Intensify dialogue between the Government and civil society organisations, especially those working in the field of human rights;

28. Intensify, in collaboration with civil society organisations, especially those working in the field of human rights, the efforts for the respect of the rights of women and the fight against practices that affect them, in accordance with duly ratified instruments, in particular the African Charter;
29. Pursue efforts to completely and definitely eradicate slavery, notably by thoroughly investigating cases, by bringing to justice and punishing those responsible for such practices;
30. Deploy more efforts towards the fight against coorruption;
31. Set up and implement adequate measures to guarantee the specific protection of the rights of individuals infected by malaria or HIV/AIDS, particularly women and children, and ensure access to adequate medical care;
32. Ensure, without prejudice to the current policy which favours women that the latter play a more significant role in the management of public affairs and in economical and social development;
33. Take the necessary steps toward the establishment of a National Human Rights Institution that functions according to relevant provisions of the Paris Principles and the resolution of the African Commission governing such institutions;
34. Take appropriate measures to expedite the process of ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of An African Court on Human and Peoples' Rights, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the African Charter on the Rights and Welfare of the Child;
35. Give a swift and timely response to the decisions of the African Commission on communications brought against it;
36. Inform the African Commission, in its next Periodic Report, of the steps it has taken to address the areas of concern, as well as how it has implemented the recommendations in this Concluding Observations.

**Adopted at the 37<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights held from 27 April to 11 May 2005, in Banjul, The Gambia**