



Economic and Social Council

Distr.: General
23 May 2013
English
Original: French

Committee on Economic, Social and Cultural Rights

Forty-ninth session

Summary record of the 36th meeting

Held at the Palais Wilson, Geneva, on Thursday, 15 November 2012, at 3 p.m.

Chairperson: Mr. Pillay

Contents

Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Initial report of Mauritania

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.15 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Initial report of Mauritania (E/C.12/MRT/1; E/C.12/MRT/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mauritania took places at the Committee table.*
2. **Mr. Ould Khattra** (Mauritania) said that his country had made significant progress in relation to economic, social and cultural rights since the submission of its report in 2009, mainly thanks to the implementation of a strategic framework for combating poverty that had been extended for the period 2012–2015. The measures taken had made it possible to achieve the goal of allocating 10.3 per cent of gross domestic product to the fight against poverty. The State party was encouraging job creation by establishing a favourable legal and financial climate and promoting occupational training. The level of education had generally increased, and the primary school attendance rate had reached 98.9 per cent. Mauritania had also ensured it now had the legal means for guaranteeing the right to work and the right to join and participate in unions and had ratified most of the conventions of the International Labour Organization (ILO).
3. Mauritania had strengthened its commitment to protecting and promoting the rights of women, children and persons with disabilities by ratifying the relevant international conventions. A Government plan that included awareness-raising activities had been introduced to combat violence against women, and a plan of action had been implemented to protect the rights of the child. The cultural identity of the individuals and groups that made up Mauritanian society was also protected, and national cultures were widely promoted through the media and cultural activities. Mauritania had made the protection and preservation of its cultural heritage a priority with the help of various partners, including the United Nations Educational, Scientific and Cultural Organization.

Articles 1 to 5

4. **The Chairperson**, speaking as the Country Rapporteur, noted that under the Mauritanian Constitution, international instruments took precedence over national laws from the moment of their publication. It seemed, however, that the Covenant had never been published in Mauritania and, since it was not considered part of the national legal system, the Covenant was not taken into consideration by the courts. That had major repercussions. The courts were not able to ensure that the application of sharia did not curtail the enjoyment of economic, social and cultural rights. It also explained why there was no case law on the exercise of those rights. He asked the delegation to clarify the matter.
5. **Mr. Atangana** raised the issue of access to justice for the victims of violations of economic, social and cultural rights and enquired about the lack of legal aid mechanisms. He asked about measures being taken to combat corruption in the justice system.
6. **Mr. Kerdoun**, noting that matters could be referred to the Ombudsman of the Republic through mayors and members of parliament, asked whether ordinary citizens who had a conflict with their local mayor or member of parliament could appeal to the Ombudsman directly. If that was not the case, means by which ordinary citizens in conflict with the administration could seek remedies should be considered. He wished to have detailed information on the composition of the staff of the Ombudsman's Office and its

geographical representation. He also requested information on the current position of Mauritania with regard to Western Sahara and its relations with the Polisario Front.

7. **Mr. Ribero Leão** wished to know whether non-citizens, whose full enjoyment of economic, social and cultural rights was guaranteed by law according to the report, could in practice exercise those rights on the same footing as Mauritania.

8. **Mr. Schrijver** asked if there was a conflict between the economic, social and cultural rights set forth in the Covenant and the legal systems in force in Mauritania. He wished to know which measures the State party intended to take to improve the training of judges and ensure greater independence in the administration of justice.

9. **Mr. Kedzia** asked if arrangements had been made with the members of civil society and the NGOs that had participated in the preparation of the report to ensure they would be informed of what occurred during its consideration by the Committee, as well as of the outcome, and could contribute to the implementation of the Committee's concluding observations. He wished to know whether the Ombudsman had received a category A accreditation under the Paris Principles as requested by the National Commission for Human Rights, Humanitarian Action and Civil Society. He also asked what priority those two institutions awarded to economic, social and cultural rights. Finally, he wished to know whether the State party had revised its position with regard to some of the recommendations of the Working Group on the Universal Periodic Review that it had rejected.

10. **Mr. Abdel-Moneim** asked to what extent the international assistance and cooperation that Mauritania received took into account the provisions of the Covenant.

11. **Mr. Texier** wished to know whether any assistance was to be used to increase access to justice for the poorest citizens and whether courses in human rights, including economic, social and cultural rights, formed part of the professional training of judges. The report said nothing about discrimination against women, which was addressed in article 3 of the Covenant, and he wished to know why. He asked if Mauritania was taking measures to combat sexist stereotypes.

12. **Mr. Sadi** asked if the State party envisaged adhering to the Optional Protocol to the Covenant; whether, given that it had removed its general reservation to the Convention on the Elimination of All Forms of Discrimination against Women, it still had other reservations to the Convention; if the Mauritanian Government had managed to eliminate slavery, which was contrary to the teachings of Islam, in all parts of the country; and whether human rights education was provided at all levels of the education system.

13. **Ms. Barahona Riera** asked how the State party intended to achieve its economic development objectives, which relied mainly on the exploitation of its abundant natural resources, in such a way as to minimize the impact of the exploitation of those resources on the population's exercise of their economic, social and cultural rights and to abide by the conclusions set forth in the outcome document of the United Nations Conference on Sustainable Development (Rio+20).

14. **The Chairperson**, speaking as the Country Rapporteur, asked if the State party intended to follow up on the recommendations made by the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, taken up by the National Commission for Human Rights which had denounced the fact that victims of slavery (often members of rural nomadic communities) were unable to file complaints directly. He wished to know whether the State party had carried out a campaign to raise awareness of the pernicious effects of slavery.

15. **Mr. Ould Khattri** (Mauritania) said, in response to the questions posed by the Committee members, that Mauritania had a monistic type of constitutional system whereby

the international instruments to which it was party took precedence over national legislation. All destitute persons had access to legal aid through the National Commission for Human Rights. Currently, matters could be referred to the Ombudsman by members of parliament and elected municipal officials, but not directly by citizens. Under the planned reform of the Ombudsman's Office, however, branch offices would be opened in the different regions of the country, the Ombudsman would be given greater independence, as well as a time-bound mandate, and victims would be able to assert their rights in person.

16. As far as upholding the principle of the separation of powers was concerned, the independence of the judiciary was guaranteed, and judges (of whom there were sufficient to meet demand) owed obedience only to the law. Moreover, judges were independent of the public prosecution service. The general reservation to the Convention on the Elimination of All Forms of Discrimination against Women would soon be replaced with two specific reservations: one on the right of spouses in the case of dissolution of the marriage, and the other on inheritance rights. Each time that the Mauritanian Government received recommendations from the human rights treaty bodies following the consideration of one of its reports, the Government set up a commission to monitor their implementation. Mauritanian law protected foreign citizens in the same way that it protected Mauritanian citizens and was geared towards safeguarding the assets and security of all persons without discrimination.

17. With regard to the issue of Western Sahara, it should be noted that in the past Mauritania had taken sides in the conflict between Morocco and the Polisario Front, but it had since chosen to remove itself from the conflict and adopt a strictly neutral position, maintaining relations with all the parties. Nevertheless, Mauritania did not deny the people of Western Sahara the right to pursue self-determination through the solutions advocated by the United Nations, such as the organization of a referendum. Besides, Mauritania recognized the Saharan Arab Democratic Republic.

18. In a country where Islam was the State religion and the population was exclusively Muslim (moreover, 100 per cent Sunni), it was difficult to follow up on the recommendations made in the universal periodic review demanding changes to the laws and practices associated with freedom of belief. By the same token, it was inconceivable from the Muslim perspective to implement the recommendations on sexual orientation and gender identity and to abolish the death penalty for certain sexual practices or homosexual relations, even between consenting adults. Mauritania had, however, followed up on the recommendation to liberalize the media and had loosened the conditions for obtaining licences from the competent authorities. Five television stations and five radio stations were now operating freely in the country.

19. Act No. 2007/48 prohibited slavery and slavery-like practices. In the Mauritanian context, it was more appropriate to speak of the consequences of slavery than of slavery per se, in other words, the poverty, ignorance and marginalization that former slaves and their descendants suffered. Ms. Shahinian, the Special Rapporteur on contemporary forms of slavery, who had visited the country on two occasions, had observed the training given to judges, members of the security forces, magistrates and other court officials and confirmed the progress made in the implementation of the recommendations she had made in her initial report.

20. **The Chairperson**, speaking as the Country Rapporteur, said that based on the data he had, slavery was still practised in the country since, according to the report of the National Commission for Human Rights of 2012, "the fight against slavery and its abolition required the Act prohibiting slavery to be amended to allow prosecutions to take place". It seemed that only three persons accused of slavery had been prosecuted and that two of them had been acquitted.

21. **Mr. Ould Zahaf** (Mauritania) said that the slavery issue was highly politicized and that the Act of 2007 clearly and forcefully prohibited slavery and any practice that could be interpreted as slavery. The Government was carrying out economic projects to raise the particularly low standard of living in certain regions where slavery had been practised. A road map for the implementation of the recommendations of the Special Rapporteur on contemporary forms of slavery was about to be approved by the Government.

22. A national anti-corruption observatory was also due to be established under the auspices of the National Commission for Human Rights. The observatory would comprise representatives of civil society, including NGOs in the field of good governance, and would work in partnership with the Government to combat the scourge of corruption in all aspects of the country's economic, social and political life, including the justice system and public administration.

23. **Mr. Sadi** asked if a woman who was about to be married in Mauritania could request the inclusion of clauses in her marriage contract establishing her right to inherit in the event the marriage was dissolved. He also enquired whether persons suspected of macroeconomic corruption in the State party had been brought before a court to answer charges.

24. **Mr. Shrijver** wished to know whether there were training programmes for judges.

25. **Mr. Abdel Malick** (Mauritania) explained that Mauritania applied Islamic law and positive law inspired by the French legal system. In addition to the training provided by the National School of Administration and Judicial Studies of Nouakchott, a project to reform and strengthen the justice sector in Mauritania, financed by the European Union, through which judges were trained in human rights and compliance with international obligations, was under way. Furthermore, the National Commission for Human Rights was organizing activities to raise awareness among judges, court officials and the prison service about internationally protected rights.

26. The withdrawal of the general reservation to the Convention on the Elimination of All Forms of Discrimination against Women had enabled civil society organizations to sensitize the population to discrimination against women and to advance the emancipation of women. In the past five years, Mauritania had appointed its first female ambassador and its first female regional governor, and several women had been elected to public office.

Articles 6 to 9

27. **Mr. Martynov** asked the delegation to provide the most recent unemployment and underemployment rates and to indicate the first lessons learned from the 2010–2012 national employment strategy. Since the informal sector accounted for around 85 per cent of employment, he wished to know whether Mauritania intended to gradually formalize the jobs in the sector and whether the issue was one of the subjects addressed in the negotiations held with the international community on development assistance. Welcoming the State party's ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, he asked the delegation to provide information on the employment rate of persons with disabilities, the legislation governing their employment and whether there was a system for collecting data on the employment of persons with disabilities.

28. In addition, he asked how often the minimum wage was reassessed and requested data on the number of work-related accidents that had occurred, broken down by year. With reference to the fact that Mauritania had accepted only parts V to VII, IX and X of the International Labour Organization (ILO) Social Security (Minimum Standards) Convention, 1952 (No. 102) and Branches (d) to (g) and (i) of the ILO Equality of Treatment (Social Security) Convention, 1962 (No. 118), he wished to know why the State

party had accepted those international instruments only partially and whether it was considering the possibility of adopting them in their entirety.

29. Noting that the public and private sectors had different social security schemes, he asked if the private sector social security fund was only for salaried workers covered by the Labour Code of the Merchant Marine, as suggested in paragraph 150 of the report. He wished to know whether there were advantages to being employed in the public or private sector and which proportion of the active population was covered by a social security scheme.

30. **Mr. Texier** asked Mauritania to provide more data, disaggregated by sex, area of activity and region, on all the matters addressed in articles 6 to 8 of the Covenant. He wished to know whether campaigns were under way to combat slavery and what measures had been taken to narrow the gap between male and female employment rates. He enquired about the minimum wage, the extent to which it covered the needs of a worker and his or her family and who was involved in the talks held to reassess it. He also wished to know how many labour inspectors there were and what resources they had at their disposal. He was concerned by the significant number of provisions in the Labour Code that violated article 8 of the Covenant, as well as the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

31. **Mr. Kedzia** was concerned that responsibility for declaring the legality of a strike lay with the authorities and not with an independent body. He was also concerned by the very low number of sectoral agreements. He wished to know how the State guaranteed that trade union rights and workers' rights were upheld in the private sector.

32. **The Chairperson**, speaking as the Country Rapporteur, asked the delegation to provide a precise answer to the matter raised in paragraph 7 of the list of issues.

Articles 10 to 12

33. **Mr. Atangana**, referring to the reply to the matter raised in paragraph 11 of the list of issues, asked for information on the impact of the measures taken to combat domestic violence, female genital mutilations, rape and trafficking in persons.

34. **Mr. Dasgupta** wished to know why there had been a decline in the vaccination of infants and children. He also wished to learn about the measures taken so that rich and poor benefited more equitably from health services. With reference to paragraph 284 of the initial report, he asked why there was no national strategy for household garbage and enquired about some of the shortcomings mentioned in the report, such as those related to the management of biomedical and hazardous waste.

35. **Mr. Martynov** asked whether Mauritania planned to withdraw its reservation to the Convention on the Rights of the Child. He requested detailed information on the activities of the national shelter created for disadvantaged children and the number of children living and working in the streets. He also asked if the reform of the birth registration system undertaken in 2011 had begun to bear fruit. He wished to know whether children born outside of marriage had the same rights as those born within a marriage, including with regard to inheritance rights. He also requested recent data on the poverty and extreme poverty rates. He asked the delegation to indicate whether it was true that food crises were common in Mauritania, that food insecurity affected between 500,000 and 2 million persons on a permanent basis and that 10 per cent of the population was dependent on food aid. He wished to know whether anti-poverty programmes that took regional disparities into account had been implemented.

36. **Mr. Ribeiro Leão** asked if the Government had a poverty-eradication policy that focused on children.

37. **Mr. Shrijver** asked the delegation to provide data on the extent to which children were used as domestic workers and stressed the importance of raising primary and secondary school attendance rates to combat child labour and poverty.

38. **The Chairperson**, speaking as the Country Rapporteur, asked the delegation to provide precise answers to the matters raised in paragraphs 12 and 14 of the list of issues.

The meeting rose at 6 p.m.