



Mauritania

Country Reports on Human Rights Practices - [2006](#)

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Mauritania, with an estimated population of three million, is a highly centralized Islamic republic ruled by a military junta led by Colonel Ely Ould Mohammed Vall. On November 19 and December 13, voters turned out in large numbers to elect legislative and municipal representatives; international and domestic observers deemed the elections credible. In August 2005 the military overthrew former president Taya in a bloodless coup and established the ruling Military Council for Justice and Democracy (CMJD), which dissolved the parliament and appointed a transitional government; Taya was reelected in 2003 amid opposition charges of fraud. In October 2005 the junta and transitional government released an election timeline that scheduled presidential elections in March 2007 and a return to civilian rule by May 2007. The August 2005 coup ended civilian control of the security forces.

The government's human rights record remained poor; however, there were some significant improvements. At year's end the military continued to control the government, limiting citizens' ability to change their government. Other abuses included harsh prison conditions, official impunity, arbitrary arrest, prolonged pretrial detention, executive influence on the judiciary, and restrictions on freedoms of speech, press, assembly, association, and religion. There was a widespread public perception of governmental corruption and a lack of access to government information. Discrimination against women and female genital mutilation (FGM) continued. Trafficking in persons, ethnic and racial tensions, and the political marginalization of largely southern-based ethnic groups were problems. Involuntary servitude, particularly in remote regions of the country, and child labor in the informal sector occurred.

Significant milestones in the country's return to democratic rule included successful legislative and municipal elections in November and December, a June 24 constitutional referendum to limit presidential power, and the creation of the country's first National Commission for Human Rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Unlike in the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings.

Unlike in the previous year, there were no deaths resulting from police action against demonstrators.

There were no developments in the 2005 killing of Mamadou Salui Diallo, who died from injuries incurred while in police custody.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices, there were reports that police beat and tortured suspects in custody, and there were instances of torture in prisons. Alleged police torture techniques included beating, hanging, burning with cigarettes, electric shock, and cutting. According to reports, those who lacked money or influential family or tribal ties were the most likely to be tortured. Authorities rarely took action against those responsible for such abuse.

The Mauritanian National Lawyers Association, along with various human rights organizations, alleged in June and July that various terrorist suspects had been beaten and tortured while in police custody.

Police use of excessive force to disperse demonstrators resulted in injuries (see section 2.b.).

Ismael Issa, an Islamist who reportedly was tortured while in custody in 2005, remained in prison awaiting trial at year's end.

Prison and Detention Center Conditions

Prison conditions remained harsh, although some facilities improved food and reduced overcrowding during the year. Serious overcrowding and inadequate sanitation facilities in some prisons reportedly contributed to diseases such as tuberculosis, diarrhea, and dermatological ailments. Medical supplies, mainly provided by an international nongovernmental organization (NGO), remained insufficient in all prisons. Budget allocations to improve prison conditions remained insufficient in all prisons. Prisoners with high-level connections and with families to bring them food, medicines, and reading material fared better than the less privileged or citizens from other countries. Construction of a new central prison was completed in November.

Guard force management generally enforced regulations against beatings and torture; however, there continued to be credible reports of beatings and torture in police detention centers and several prisons throughout the country.

Women and minors were held in two separate facilities. Women's prisons employed both male and female guards. Children of female prisoners remained with their mothers, or the Ministry of Justice gave temporary custody of the children to another family member. The Noura Foundation, an NGO working in the women's prison, provided education and vocational training to female prisoners and partnered with the Catholic charity CARITAS to provide education, sports, and vocational services in the juvenile detention center. Pretrial detainees in all detention facilities were frequently held with convicted prisoners as a result of overcrowding. Pretrial terrorist suspects were held in separate areas from the general prison population in Nouakchott's central prison.

The transitional government permitted prison visits by NGOs, diplomats, and international human rights observers. The International Committee of the Red Cross (ICRC) had access to prisons and conducted multiple prison visits in accordance with its standard modalities.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, there were reports that the police arbitrarily arrested and detained citizens.

Role of the Police and Security Apparatus

The National Police, under the Ministry of the Interior, is responsible for law enforcement and maintaining order in urban areas. The National Guard, under the Ministry of Interior, performs police functions throughout the country in areas in which city police are not present. The gendarmerie, a specialized paramilitary group under the Ministry of Defense, is responsible for maintaining civil order in and outside metropolitan areas.

The police were unprofessional, unresponsive, and lacked equipment and training. Corruption was a problem. Police in some regions arrested former criminals and demanded bribes for their release, and some indicted detainees were released before trial without explanation. The transitional government often did not hold security officials accountable or prosecute security officials for abuses. There were no prosecutions of police during the year.

During the year the transitional government conducted programs to train police on procedures for applying the country's laws, particularly those laws concerning human rights and trafficking in persons.

Arrest and Detention

The application of constitutional safeguards continued to vary widely from case to case. The law requires duly authorized arrest warrants, but they were not commonly used. The law requires that courts review the legality of a person's detention within 48 hours of arrest; however, the police can extend the period for another 48 hours, and a prosecutor or court can detain persons for up to 30 days in national security cases. Only after the prosecutor submits charges does a suspect have the right to contact an attorney. Attorneys for the indigent are provided at state expense. While one article of the law provides detainees with the right to prompt judicial determination of the charges against them, an older law allows the government to detain persons for up to 30 days without a judicial determination. The transitional government frequently adhered to the older law. There was no functional bail system.

On June 20, security forces arrested without charge five persons, including high-ranking military officers and civilians associated with former president Taya. The government claimed that the detainees were planning to disrupt the June 25 referendum; the detainees claimed they were arrested for their outspoken views of the junta. The five detainees were released during a November 28 amnesty to celebrate the country's national day.

On December 26, police arrested and detained numerous student demonstrators (see section 2.b.).

The transitional government arrested or detained journalists, Protestant pastors, and members of Protestant groups during the year (see sections 2.a. and 2.c.).

Of the 21 Islamist detainees with suspected links to terrorist organizations held in custody at the beginning of the year, three escaped on April 26, and eight others were released with charges still pending. Between May and August the government arrested approximately 10 other persons it claimed had links to terrorist groups, bringing the total in custody to approximately 20.

Lengthy pretrial detention remained a problem. There were credible reports of persons remaining in pretrial detention for months or, in some cases, years.

Amnesty

A November 28 amnesty resulted in the release of five prisoners.

e. Denial of Fair Public Trial

Although the constitution and law provide for judicial independence, the executive branch exercised significant influence over the judiciary through its ability to appoint and pressure judges. In addition poorly educated and poorly trained judges who were susceptible to social, financial, and tribal pressures limited the judicial system's fairness. The government provided training for prosecutors and judges during the year to increase judicial efficiency.

The transitional government continued to work on judicial reform, including training judges, prosecutors, and police on procedures for applying the country's laws, particularly those laws concerning human rights and trafficking in persons. The government also worked to professionalize its pool of judges by calling for the hiring of judges from academic circles.

There is a single system of courts consistent with modified principles of Shari'a (Islamic law). Departmental, regional, and labor tribunals are the courts of first instance at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, heard civil cases involving sums less than \$37 (10,000 ouguiya) and family issues, including domestic, divorce, and inheritance cases. A total of 13 regional tribunals accepted appeals in commercial and civil matters from the departmental tribunals and heard misdemeanors cases. At the middle level, three courts of appeal, each with seven chambers (civil, commercial, administrative, and penal chambers, as well as criminal, minors, and labor courts) heard appeals from the regional courts and have original jurisdiction for felonies.

The Supreme Court was nominally independent and was headed by a representative appointed by Colonel Vall. The Supreme Court reviewed decisions and rulings made by the courts of appeal to determine their compliance with law and procedure. Constitutional review was within the purview of a six-member Constitutional Council, composed of three members named by former president Taya, two by the former National Assembly president, and one by the former senate president. The Supreme Council of Magistrates, over which Colonel Vall presided, undertook the annual review of judicial decisions; the president and senior vice president of the Supreme Court, the minister of justice, three magistrates, and representatives from the Senate and National Assembly were members of this council. The annual review was intended to determine whether courts applied the law correctly and followed proper procedures. Reviews also served as a basis for evaluating the reform process and reassigning judges based on their qualifications.

Trial Procedures

The law provides for due process. Defendants have a right to a public trial, but juries are not used. All defendants, regardless of the court or their ability to pay, have the legal right to representation by counsel during the proceedings. If defendants lacked the ability to pay for counsel, the court appointed an attorney from a list prepared by the National Order of Lawyers, which provided a defense free of charge. There is a presumption of innocence and the right to appeal. The foregoing rights generally were observed in practice.

Shari'a provides the legal principles upon which the law and legal procedure are based; the courts did not treat women as the equals of men in all cases (see section 5).

A special court hears the cases of children under the age of 18. Children who appeared before the court received more lenient sentences than adults, and extenuating circumstances received greater consideration in juvenile cases. The minimum age for children to be tried was 12. Those between the ages of 12 and 18 were tried and, if convicted, sentenced to the juvenile detention center.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees during the year.

Civil Judicial Procedures and Remedies

There is no independent judiciary in civil matters to address lawsuits seeking damages for, or a cessation of, a human rights violation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the transitional government generally respected these prohibitions in practice.

There were occasional reports that the government surveilled opposition political activities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, but the transitional government partially restricted these rights through the domination of broadcast media and the occasional harassment of journalists. Individuals generally could criticize the government publicly or privately; however, five military officers claimed their arrest during the year was a result of their outspoken views against the government (see section 1.d.). There were occasional reports of media groups being refused access to public fora. Some journalists practiced self censorship.

On October 24, Reporters without Borders noted in its annual report on press freedom that the country had made notable progress in lifting press restrictions during the year.

On July 12, a new press law went into effect transferring the responsibility for press registration from the Ministry of Interior to the Ministry of Justice. The new law stipulates that newspapers may begin distribution immediately after depositing one copy of their paper at the office of the Attorney General, eliminating the previous requirement for prepublication governmental approval. The law allows journalists to protect their sources and streamlines the process for officially registering new newspapers.

Two daily newspapers, Horizons and Chaab, were government owned. There were approximately 40 privately owned newspapers that published on a regular basis, in both French and Arabic. NGOs and the privately owned press openly criticized the government and its leaders. Newspapers, journals, and privately published books were exempt from all taxes on materials used to produce them.

Radio was the most important medium for reaching the public. Except for Radio France International, all broadcast media (radio and television) were government owned and operated, and their content remained tightly controlled.

On October 20, the transitional government created the High Authority for Press and Broadcast Media to examine the current media system and propose ways to improve public access to information, including through the licensing of private broadcast media. During the year the government referred applications to establish domestic radio stations over to the high authority, which did not take action on any applications during the year; in 2005 the transitional government failed to respond to such applications.

Using satellite receivers and dish antennas, citizens could receive worldwide television broadcasts.

During the year there were occasional reports of journalists being detained. Deddah Ould Abdellah, a correspondent with the Al Hurra television channel, described being temporarily detained on three separate occasions. There also were occasional reports that police mistreated journalists. On May 2, the Arabic language Internet site Ebbarb reported that two journalists from the weekly newspaper Ahira complained of inappropriate and harsh treatment by police while they were covering Colonel Vall's April 26 visit to the town of Laayoune.

The two newspaper employees arrested in October 2005 for publishing a story on a pornographic film reportedly made in Nouakchott's central prison were referred to a regional criminal court in May. Their trial was pending at year's end.

Unlike in the previous year, there were no reports that the transitional government censored or delayed the publication of newspapers.

The Arab-language private newspaper, Al Jawahir, closed by the former government in 2004 as a result of its alleged financial links to Libya, remained closed during the year.

There were reports that the transitional government occasionally restricted opposition access to government radio and television broadcasts.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet access was available in urban areas throughout the country, with home access common among the affluent, and cyber cafes serving the remainder of the population.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the transitional government generally respected this right; however, police forcibly dispersed at least one demonstration during the year. The law requires that organizers apply to the local prefect for permission to hold large meetings or assemblies, and permission was generally approved.

Police forcibly dispersed demonstrations; however, unlike in the previous year, no deaths resulted. On July 4, police used force and tear gas

to disperse relatives demonstrating against the June arrest of five military officers (see section 1.d.). The police claimed that the demonstrators, who were protesting in front of the central prison, did not have permits.

On December 26, police used tear gas and batons to disperse a student demonstration at the University of Nouakchott; the students were demanding more financial support from the government and that teachers appear at a majority of their classes. When the demonstrations continued the following day, police beat and arrested other students, all of whom were released by year's end. Some students detained by police claimed that they had been tortured, and several journals featured photos showing injured and bleeding demonstrators. The university remained closed at year's end (see section 6.a.).

The transitional government briefly detained six Christian pastors and closed their churches during the year (see section 2.c.).

Freedom of Association

The law provides for freedom of association, and the transitional government generally respected this right; however, the government continued to use laws that prohibit the formation of racially or religious-based organizations to ban Islamist political parties (see section 3). Nevertheless, Islamists were allowed to run for election as independent candidates.

All political parties must register with the Ministry of the Interior.

During the year the government recognized several human rights organizations (see section 4).

The transitional government also recognized five new political parties during the year, bringing to 35 the total number of licensed political parties. These political parties and numerous NGOs functioned openly, issued public statements, and chose their own leadership. The transitional government did not prevent unrecognized political parties or NGOs from functioning.

c. Freedom of Religion

The constitution establishes the country as an Islamic republic and decrees that Islam is the religion of its citizens and the state; the transitional government limited freedom of religion. The transitional government did not register religious groups, although NGOs--including humanitarian and development NGOs affiliated with religious groups--had to register with the Ministry of the Interior (see section 2.b.).

In May the transitional government arrested six West African Protestant pastors, seized their religious materials, and padlocked their churches. The pastors were released within 24 hours and told by police that their churches were illegal and would remain closed. They were ordered to cease all future religious meetings. Several weeks previously security forces briefly detained three Christian citizens for allegedly proselytizing. The compound of the Catholic Church, where the Catholic Church and the Evangelical Church held regular meetings, remained open during the year.

Although there is no specific legal prohibition against proselytizing by non-Muslims, the transitional government continued to prohibit such proselytizing. The former government restricted proselytizing through Article 11 of the Press Act, which was suspended in April. However, the transitional government continued to prohibit proselytizing and the distribution of any material that is against Islam or contradicts or otherwise threatens Islam. Bibles were neither printed nor publicly sold in the country; however, the possession of Bibles and other Christian religious materials in private homes was not illegal, and Bibles and other religious publications were available among the small Christian community.

Unlike in the previous year, the interim government did not arrest suspected Islamists and released those who were arrested under the Taya government; however, the government continued to detain Islamists suspected of links to terrorist groups (see section 1.d.).

Societal Abuses and Discrimination

A very small number of expatriates practiced Judaism. In July and August citizens conducted several public protests against Israel's involvement in Gaza and Lebanon. On July 4, thousands of persons gathered to criticize the government's continued recognition of Israel. The press occasionally criticized Israeli policies and made anti-Semitic statements.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and while the transitional government generally respected them, persons lacking identity cards could not travel freely in some regions. The government set up roadblocks where gendarmerie, police, or customs officials checked the papers of travelers and often demanded bribes. During the year the transitional government generally maintained fewer roadblocks and reduced the time taken in questioning and conducting vehicle searches; however, there were periodic reports of more stringent searches in the southern border areas.

The law does not prohibit forced exile, but there were no reports that the transitional government used it.

The Office of the UN High Commissioner for Refugees (UNHCR) estimated that between 15,000 and 20,000 Mauritanian refugees from the 1989-91 crisis remained in Senegal, although refugees continued to return independently in small numbers and have benefited from small-scale agro-forestry, health, and sanitation projects continued by NGOs and humanitarian workers. Cooperation by local authorities in addressing restitution and citizenship matters varied greatly, depending on individual officials and the returnee's region. Many returnees received their original homes, some property, and all or a portion of their land. Throughout the Chemama or the Senegal River valley region, returnee communities were reestablishing their agricultural production; however, recovery of land titles remained the primary issue. Timely restoration of identity papers varied, and some of those who returned in 1995 have not yet received identification cards.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, or the 1967 African Union Convention on the Status of Refugees, but the former government established a system for providing such protection. In practice the transitional government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum.

The government continued to provide temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and during the year provided it to approximately 630 persons.

The transitional government cooperated with the UNHCR and other humanitarian organizations in assisting refugees or asylum seekers. The former government accepted the UNHCR's registration of approximately 600 asylum seekers, mostly from Sierra Leone and Liberia, and the transitional government worked with the UNHCR during the year to provide continued assistance for these individuals.

During the year the transitional government worked actively to assist the UNHCR, the European Commission, and the government of Spain in returning migrants attempting to enter the Canary Islands by sea to their countries of origin. The Spanish Technical Corporation constructed a migrant reception center in the north of the country to process returned migrants and to ensure that they received needed nutritional and medical care. The government gave the UNHCR access to returned migrants to determine if they were eligible for refugee status.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government; however, this right was abridged during the year due to the military's continued control of the government. Consistent with its 2005 timeline for democratic transition that called for parliamentary and presidential elections no later than March 2007, the transitional government held a constitutional referendum in June and legislative and municipal elections in November.

Elections and Political Participation

On November 19 and December 3, citizens returned to the polls to elect their municipal and legislative representatives in elections deemed credible by international and domestic observers, including political parties, NGOs, and the National Independent Electoral Commission (CENI). While there were continued problems with the inconsistent application of electoral procedures by poll workers (including CENI representatives), and a high rate of invalidated ballots resulting from electoral complexities (each voter was required to complete three separate ballots), the government maintained its commitment of neutrality, and the vast majority of citizens accepted the election results.

On June 25, more than 96 percent of voters cast ballots in support of a national constitutional referendum, which, among other changes, limits the president to two, five-year terms in office. The election was deemed credible by the international community, including the African Union, Arab League, and the UN, as well as by CENI; however, some irregularities were reported, including the inconsistent application of electoral procedures by poll workers (including CENI representatives), the lack of neutrality by the transitional government, which ran a strong "vote yes" campaign, and indications that the electoral lists (which were established from February to April) excluded many citizens who lacked the required national identification cards.

Following the June referendum, the transitional government and CENI provided training for poll workers, accredited national election observers for the November elections, and worked to clarify electoral procedures. In September the government reopened electoral lists, allowing for an additional 85,000 voters.

In August 2005 President Taya, who had ruled the country for 21 years, was deposed in a bloodless coup. Military and other security officers, led by the chief of the national police, Colonel Ely Ould Mohammed Vall, seized power while Taya was abroad. Colonel Vall established the ruling CMJD to run the country and assumed the position of CMJD president. The CMJD dissolved the parliament, suspended parts of the constitution, adopted a constitutional charter allowing it to rule by decree, and appointed a transitional government to replace the Taya government.

In October 2005 the transitional government and the junta held national consultations with over 500 political parties, NGOs, and public figures to debate the roadmap to democracy. Following the consultations, the transitional government released a timeline for a transition to democracy culminating in presidential elections in March 2007.

The transitional government recognized five new political parties during the year, bringing to 35 the total number of licensed political parties; however, the government continued to restrict Islamist political parties. On July 8, for example, the government refused to license the Direct Democracy Movement. The government did allow Islamist groups, however, to submit legislative and municipal candidates on independent lists. In 2005 The Party of Democratic Convergence, Action for Change, Union of Democratic Forces-New Era, An-Nouhoud, and Taliaa

(Vanguard), were banned; none applied for a license during the year.

Women's political participation in government remained poor; however, on July 6, the government passed a decree requiring all political parties to reserve 20 percent of positions on their legislative and municipal candidate lists for women. As a result of the decree and government efforts to educate voters, women held more than 30 percent of municipal seats and 18 percent of national Assembly seats. Women occupied some senior government positions, including the minister of labor, two secretaries of state, the deputy director of the president's cabinet, and the president's minister-counselor.

While minorities enjoyed greater participation in government and politics than women, their influence remained limited. Minority political participation--particularly among southern minority groups--was weakened by the difficulties in obtaining national identification cards, which were required for voter registration. The inconsistent issuance by police of these identification cards effectively disenfranchised numerous members of southern minority groups, particularly Moors and Afro-Mauritians. The 30-member cabinet, including secretaries of state and the governor of the Central Bank, had three Black Moors, four Halpulaars, and one Soninke. Of the 19 members of the CMJD, there were two Haratines and three Pulars.

Government Corruption and Transparency

Corrupt practices were widely believed to exist at all levels of government, although the transitional government was seen as less corrupt than its predecessor. Government officials reportedly received frequent favors from authorities, such as unauthorized exemption from taxes, special grants of land, and favorable treatment during bidding on government projects. Corruption was most pervasive in government procurement, bank loans, fishing license distribution, land distribution, and tax payments.

The transitional government continued to take steps to curb corruption. In an April 20 speech, Colonel Vall cited anti-corruption measures taken during the year, including the creation of inspectors general in each ministry, the use of a merit-based system for government appointments, and the recovery of more than 100 government cars that were being used illegally. The transitional government also renegotiated its contracts with Woodside, a foreign oil company, under the assumption that corruption had resulted in the existing contracts. During the year the Central Bank also implemented several transparency measures to qualify for debt cancellation, and the transitional government began publishing a quarterly report of its financial operations.

The government arrested and later released for lack of evidence Zeidane Ould H'meyda, the former minister of energy and petroleum; he was charged with corruption.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

During the year the transitional government officially recognized The Forum of Human Rights Organizations (FONADH), a leading coalition of 17 human rights NGOs, including GERDDES and SOS Esclaves. The government's recognition of this coalition, which the previous government refused to recognize, was seen as a significant positive step. The transitional government also inaugurated the Mauritanian Observatory for the Promotion of the Rule of Law and Democracy, an NGO responsible for monitoring the executive branch and defending the constitution. Other human rights NGOs operating in the country included the Mauritanian League for Human Rights, the Mauritanian Association for Human Rights, the International Study and Research Group on Democracy and Economic and Social Development in Africa, and SOS-Esclaves. International NGOs included Noura Foundation, Caritas, and World Vision.

On May 17, the transitional government's cabinet adopted a bill establishing the National Human Rights Commission, an independent organization with administrative and financial autonomy. The commission is charged with making proposals on human rights legislation and tracking the conditions of individuals held in detention.

The transitional government cooperated with international governmental organizations and permitted visits by the ICRC on various issues, including prison conditions and refugee services.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law provide for equality for all citizens regardless of race, national origin, sex, or social status, and prohibits racial or ethnic propaganda; however, the transitional government often favored individuals on the basis of racial and tribal affiliation, social status, and political ties. Societal discrimination against women, trafficking in persons, and racial and ethnic discrimination were problems.

Women

Human rights monitors and female lawyers reported that domestic violence was rare, particularly among the Moor population. Abuse and domestic violence are illegal; however, the transitional government did not always enforce the law effectively. Penalties included imprisonment, but convictions were very rare. The police and judiciary occasionally intervened in domestic abuse cases, but women in traditional society rarely sought legal redress, relying instead upon family and ethnic group members to resolve domestic disputes.

According to NGO reporting, the incidence of unreported rape was high. Rape, including spousal rape, is illegal; however, the transitional government did not enforce the law effectively. Penalties included imprisonment, but convictions were very rare, and there were no known

convictions under this law during the year.

Unlike in the previous year, there were no reports that female slaves were raped during the year.

There was no new information concerning Sghaira Mint Tesh, a woman who claimed to have been beaten, raped, and underfed by her master; in 2005 Tesh stated she intended to bring charges against her former master and to pursue the release of her enslaved mother and siblings, but she had not done so by year's end.

The trial into the alleged rape of M'barka, who was forced into domestic servitude and charged with sexual misconduct for being pregnant and unwed after she was allegedly raped by a member of the household, had not begun by year's end.

FGM was practiced among all ethnic groups, most often on young girls, often on the seventh day after birth and almost always before the age of six months. There is no law explicitly prohibiting FGM; however, there is a law that "prohibits acts that could harm children," and some legal scholars believed this could be interpreted to outlaw FGM; however, it had not yet been so used by year's end. According to the most recent internationally sponsored study in 2001, three-fourths of all women between the ages of 15 and 49 had been subjected to FGM. Local experts agreed that the least severe form of excision was practiced and not infibulation, the most severe form. The practice of FGM has decreased in the modern urban sector.

The transitional government and international NGOs continued to coordinate anti-FGM efforts. These efforts focused on eradicating the practice in hospitals, discouraging midwives from practicing FGM, and educating populations. The High Islamic Council of Mauritania, the Islamic Scholar Association, and the National Forum for Women's Rights continued to emphasize the serious health risks of FGM and that FGM was not a religious requirement. Government hospitals and licensed medical practitioners were barred from performing FGM, and several government agencies worked to prevent others from carrying on this practice. According to several women's rights experts, the campaign against FGM appeared to be changing attitudes towards the practice. Unlike in the previous year, there were no reports during the year that midwives performed FGM in local hospitals in violation of the former government's ban.

Traditional forms of mistreatment of women continued, mostly in isolated rural communities, but these practices appeared to be declining. One form of such mistreatment was the forced feeding of adolescent girls (gavage) prior to marriage, which was practiced only among White Moor tribal groups. While there was no law prohibiting gavage, the transitional government continued its efforts to end the practice. Reports during the year indicated that very few women were currently subjected to gavage.

Although prostitution is illegal, NGO reporting indicated that it was a growing problem in some urban areas, particularly among Afro-Mauritanian and Black Moor women.

Women have legal rights to property and child custody, and, among the more modern and urbanized population, these rights were recognized. By local tradition, a woman's first marriage requires parental consent. In accordance with Shari'a as applied in the country, marriage and divorce do not require the woman's consent, polygyny is allowed, and a woman does not have the right to refuse her husband's wish to marry additional wives. In practice, polygyny was very rare among Moors but was common among other ethnic groups. It was common in Moor society for a woman to obtain at the time of marriage a contractual agreement that stipulated that her husband must agree to end their marriage if he chooses an additional wife. Arranged marriages were increasingly rare, particularly among the Moor population. Women frequently initiated the termination of a marriage, which most often was done by repudiation of husband or wife rather than divorce. In July 2004 the National Assembly voted against a proposal to provide women the same rights for a divorce that are available to men.

Women still faced legal discrimination. The testimony of two women was necessary to equal that of one man. The courts grant only half the amount of an indemnity to the family of a woman who has been killed that they award for a man's death. Formulas applied to property distribution varied widely from case to case. In addition the validity of and right to establish prenuptial agreements was not always respected. The personal status code provides a framework for the consistent application of secular law and Shari'a-based family law, but the code has yet to be implemented.

Women did not face legal discrimination in areas not addressed specifically by Shari'a. The law provides that men and women should receive equal pay for equal work. While not applied universally in practice, the two largest employers, the civil service and the state mining company, observed this law. In the modern wage sector, women also received family benefits, including three months of maternity leave.

The transitional government sought to open new employment opportunities for women in areas that were traditionally filled by men, such as health care, communications, police, and customs services. Women became more involved in the fishing industry and established several women's fishing cooperatives.

The Secretariat for Women's Affairs worked with many NGOs and cooperatives to improve the status of women. The transitional government, women's groups, and national and international NGOs organized meetings, seminars, and workshops throughout the year to publicize women's rights.

Children

The law makes special provision for the protection of children's welfare, and there were government programs to care for abandoned children; however, inadequate funding hampered these programs. The national budget nearly doubled during the year, but the percentage of the budget allocated to education dropped from 19 percent in 2005 to 10 percent.

School attendance is mandatory for six years, but full implementation of universal primary education was not scheduled until at least 2007, primarily due to lack of financial resources for facilities and teachers, particularly in remote areas. The 2005-06 official primary school attendance rate was 92 percent. Education was free through university level. Classes were fully integrated, including boys and girls from all social and ethnic groups. Children of slave families were allowed to attend school. There were no legal restrictions on the education of girls. During the 2002-03 academic year, female students made up 21.5 percent of university enrollment, up slightly from 21.2 percent in 2001-02. Female technical student enrollment rose to 31.1 percent in 2002-03 from 30.5 percent in 2001-02. Almost all children, regardless of gender or ethnic group, attended Koranic school between the ages of five and seven and gained at least rudimentary skills in reading and writing Arabic.

Boys and girls have equal access to state-provided medical care. The transitional government relied on foreign donors in such areas as child immunization.

FGM was commonly performed on young girls (see section 5, Women).

Trafficking in children occurred (see section 5, Trafficking).

Child labor was a problem, particularly in the informal sector (see section 6.d.).

Local NGOs estimated that there were approximately 400 street children, largely as a result of poverty and the urbanization of formerly nomadic families. The transitional government and at least one NGO worked to assist families with street children and to encourage their school attendance.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. The transitional government did not prosecute or sentence anyone for trafficking during the year.

The country was a source and destination for men, women, and children trafficked for the purpose of forced labor. Multiple NGO reports suggested that forced labor took several forms (see section 6.c.). Slavery-related practices, and possibly slavery itself, persisted in isolated areas of the country where a barter economy still prevailed. Several reports suggested that young girls from remote regions, and possibly from western Mali, worked as unpaid housemaids in some wealthy urban homes. An unknown number of young boys (talibes), nearly all from Pulaar tribes, begged in the streets as part of a "work-study" arrangement with some "marabouts," or religious teachers, for receiving religious instruction. There were reliable reports that a small number of marabouts forced their talibes to beg for over 12 hours a day and provided them with insufficient food and shelter.

The Ministry of Justice and the Commissariat for Human Rights, Poverty Alleviation, and Integration were responsible for dealing with trafficking.

The transitional government continued a program to reduce the number of talibes and partnered with several NGOs to provide needy talibes with basic medical and nutritional care. However, government assistance and protection services for trafficking victims remained limited, with most resources going towards prevention, in the form of training for police, gendarmes, and legal officials to better identify, investigate, and convict alleged traffickers. One NGO provided limited assistance to talibes.

During the year the transitional government created the National Commission for Human Rights, which was responsible for coordinating government efforts to prevent trafficking and other human rights abuses and to care for trafficking victims (see section 4). The government also provided antitrafficking training to security forces and allocated funds to enhance border control. Although no traffickers were apprehended, these measures resulted in arrests for alien smuggling.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in education, employment, or the provision of other state services, and there were no reports of governmental or societal discrimination against persons with disabilities. The government did not mandate preference in employment or education or public accessibility for persons with disabilities although it did provide some rehabilitation and other assistance for such persons. In October the government passed a law to increase protections and benefits for persons with disabilities. NGOs have become increasingly active in raising public awareness of issues affecting persons with disabilities. The school for the deaf and the blind in Nouakchott operated 10 classrooms and enrolled 116 students during the year, up from 67 students in 2004. The school lacked sufficient trained staff, having only two permanent and three part-time teachers.

National/Racial/Ethnic Minorities

Racial and ethnic minorities faced governmental discrimination. The inconsistent issuance of national identification cards, which were required for voting, effectively disenfranchised numerous members of southern minority groups (see section 3). Racial and cultural tension and discrimination also arose from the geographic and cultural divides between Moors and Afro Mauritians. The Moors were divided among numerous ethno linguistic tribal and clan groups and further distinguished racially as either White Moor or Black Moor, although it often was difficult to distinguish between the two by skin color. White Moor tribes and clans, many of whom were dark-skinned after centuries of intermarriage with Berbers and sub-Saharan African groups, dominated positions in government and business. The Black Moor subgroup (also called Haratines or freed slaves) remained politically and economically weaker than the White Moor subgroup. Afro-Mauritanian ethnic

groups, comprising the Halpulaar (the largest non-Moor group), the Wolof, and the Soninke ethnic groups, were concentrated in the south and in urban areas. Afro-Mauritanians were underrepresented in the military and security sectors.

The constitution designates Arabic as the official language and Arabic, Pulaar, Soninke, and Wolof as the country's national languages; however, successive governments--both civil and military--have pursued various policies of "Arabization" in the schools and in the workplace.

Ethnic rivalry significantly contributed to political divisions and tensions. Some political parties tended to have readily identifiable ethnic bases, although political coalitions among them were increasingly important. Black Moors and Afro Mauritanians were underrepresented in mid- to high-level public and private sector jobs.

Other Societal Abuses and Discrimination

There was no evidence of either societal violence or systematic transitional government discrimination directed at practicing homosexuals. Although Shari'a outlaws homosexuality under certain conditions, secular laws did not.

There was no evidence of systematic discrimination by either society or government against persons with HIV/AIDS; however, taboos and beliefs associated with the disease caused victims in some areas to face isolation or exclusion.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions of their choice without authorization or excessive requirements, and workers exercised this right. The law also provides for freedom of association, and workers exercised this right in practice. All workers except members of the military and police were free to associate in and establish unions at the local and national levels. The majority of the labor force was in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent were employed in regularly paid positions. Nearly 90 percent of industrial and commercial workers, however, were unionized.

To be legally recognized, a union must have the authorization of the public prosecutor who can provisionally suspend a trade union at the request of the Ministry of the Interior if it believes that the union has not complied with the law. The government, however, has the power to decide whether to recognize a trade union (see section 6.b.).

Laws provide workers with protection against antiunion discrimination; however, the transitional government did not generally enforce these laws.

b. The Right to Organize and Bargain Collectively

The law provides that unions may organize workers freely without government or employer interference, and workers exercised this right in practice. The law provides workers with the right to strike, and workers exercised this right during the year. The government can dissolve a union for what it considered an illegal or politically motivated strike; however, no unions were disbanded during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but the law only applies to relations between employers and workers; there were credible reports that such practices occurred (see sections 5 and 6.d.). Slavery is illegal although there were still areas where slavery-related practices continued and the attitude of master and slave prevailed. The labor code includes criminal penalties for human trafficking in all of its recognized forms and includes increased criminal penalties for contracting to benefit from forced labor and for exploiting forced labor as part of an organized criminal network.

In May 2005 the International Labor Organization issued a report from their May 2004 country visit to investigate allegations of forced labor. The report concluded that the country continued to face challenges in combating forced labor and recommended that the government allow an independent investigation into forced labor; reinforce the Ministry of Public Records and Labor; and give labor inspectors greater resources and autonomy. No known action had been taken on these recommendations by year's end.

Slavery-related practices, typically flowing from ancestral master-slave relationships, continued in isolated parts of the country where a barter economy existed, education levels were generally low, and a need existed for herding livestock, tending fields, and other manual labor. Some individuals considered themselves either slaves or masters and were unaware that slavery had been abolished. For example, on March 28, SOS Esclaves reported that Sidi Ould El Mijriya, a Black Moor living in the province of Tagant, bought his "freedom" from N'Dahid Ould Mohamed Dahid for one heifer, five goats, and one billy-goat. When told that he was free without the exchange of animals, Mijriya said he had already made the deal and expressed reluctance to change the arrangement. The gendarmie arrested both Mijriya and Dahid, who was ultimately forced to return the animals.

SOS Esclaves publicized several accounts of recently escaped slaves during the year. These reports strongly suggested that slavery and related practices persisted mainly among a few nomadic groups and small villages in remote rural regions.

Voluntary servitude also persisted, with some former slaves and descendants of slaves continuing to work for former masters in exchange for some combination of money, lodging, food, or medical care. The reasons for the persistence of such practices varied widely among the different ethnic groups; however, a barter economy, poverty, and persistent drought provided few economic alternatives for many and left some former slaves and descendants of slaves vulnerable to exploitation by former masters. Adult females with children faced greater difficulties and could be compelled to remain in a condition of servitude.

There were reports that some former slaves continued to work for their former masters or others without remuneration to retain access to land they traditionally farmed. Although the law provides for distribution of land to the landless, including to former slaves, this law has been enforced in only a few cases. Deeply embedded psychological and tribal bonds also made it difficult for many individuals who had generations of forebears who were slaves to break their bonds with former masters or their tribes. Some persons continued to link themselves to former masters because they believed their slave status had been religiously ordained and they feared religious sanction if that bond were broken.

The Commissariat for Human Rights, Poverty Alleviation, and Integration focused on addressing the consequences of slavery. The transitional government focused on education, literacy, and agrarian reform to remedy the economic consequences of slavery-related practices. The transitional government took a more proactive approach than in previous years to investigating alleged trafficking cases; however, prosecutors remained reluctant to bring these cases to trial.

d. Prohibition of Child Labor and Minimum Age for Employment

The law provides that children cannot be employed before the age of 14 in the nonagricultural sector or under age 13 in the agricultural sector unless the minister of labor grants an exception due to local circumstances; however, child labor in some parts of the informal sector was common and a significant problem, particularly within poorer inner-city areas. The law states that employed children between the ages of 14 and 16 should receive 70 percent of the minimum wage and that those between the ages of 17 and 18 should receive 90 percent of the minimum wage.

The law prohibits all forms of trafficking in persons; however, there were reports that children were trafficked to, from, and within the country (see section 5).

Young children in the countryside were commonly employed in herding, cultivation, fishing, and other significant labor in support of their families' activities. Young children in urban areas often drove donkey carts and delivered water and building materials. In keeping with longstanding tradition, many children served apprenticeships in small industries and in the informal sector. Reporting by some human-rights NGOs, including SOS Esclaves, strongly suggested that domestic employment, often unpaid, of girls as young as seven in wealthier homes was a growing problem. There was no child labor in the modern industrial sector.

There was a labor inspectorate with the authority to refer violations directly to the appropriate judicial authorities but the eight regional inspectors and 30 inspector/controllers lacked the basic resources, such as transport and office equipment, needed to enforce existing child labor and other labor laws.

e. Acceptable Conditions of Work

The nationally mandated minimum monthly wage for adults, which was not enforced, was \$77 (21,000 ouguiya), which did not provide a decent standard of living for a worker and family.

The standard, legal, nonagricultural workweek could not exceed either 40 hours or six days without overtime compensation, which was paid at rates that were graduated according to the number of supplemental hours worked. Domestic workers and certain other categories could work 56 hours per week. Employees must be given at least one 24-hour period of rest per week. The Labor Directorate of the Ministry of Labor is responsible for enforcement of the labor laws, but in practice inadequate funding limited the effectiveness of the directorate's enforcement.

The government set health and safety standards, and the Ministry of Labor was responsible for enforcing these standards, but did so inconsistently due to inadequate funding. In principle workers could remove themselves from hazardous conditions without risking loss of employment, but in practice they could not.