



Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report
-Universal Periodic Review:

THE ISLAMIC REPUBLIC OF MAURITANIA

I. Background and Current Conditions

Mauritania is a State party to the 1951 Convention relating to the Status of Refugee and its 1967 Protocol and other relevant international human rights and refugee instruments, including the 1969 African Union Convention Governing Specific Aspects of Refugee Problems in Africa.

As a result of the deteriorating security situation and the increased terrorist alert throughout the country, Mauritanian authorities strengthened surveillance and adopted strict security measures, which affected nationals as well as foreigners, including refugees, asylum-seekers and migrants in various ways. In particular, authorities initiated a thorough review of the documentation procedures which considerably slowed down the delivery of identity documents (ID). In some cases, IDs already delivered were withdrawn for further controls and the issuance of other documents was blocked. Refugees, including Sierra Leoneans who chose to remain in Mauritania after the invocation of the cessation clause on 31 December 2008, and returnees were particularly affected by the adoption of such measures. UNHCR advocated for a prompt resumption of the issuance of identity documents, which eventually took place, upon the completion of the overall verification exercise, in February 2010.

II. Achievements and Best Practices

Despite the problems related to national security concerns, there have been positive developments as regards the protection of asylum-seekers and refugees since 2008. In 2009, UNHCR submitted 40 asylum claims to the National Commission for its consideration. Further to the latter's recommendation, the *Minister of the Interior and Decentralization* (MIDEC) recognized 21 asylum-seekers as refugees under national

legislation. A ministerial order was issued on the matter.¹ The number of refugees recognized by the Mauritanian authorities amounts to 111 persons (56 cases).

III. Challenges and Constraints

The current national Aliens Law² does not always provide effective protection to asylum-seekers who are often confused with illegal migrants by immigration authorities at border points. At the end of 2009, a new draft law on foreigners and asylum was shared with UNHCR for comments. The text will be discussed at the parliamentary session of May 2010. Accordingly, in 2009, UNHCR focused its protection strategy on strengthening the monitoring of reception arrangements at the borders to allow for the prompt identification of persons in need of international protection within mixed migratory flows.

In this regard, UNHCR intensified its efforts to build the capacity of governmental and NGO partners in the field of reception and registration procedures. A joint training programme on international protection was organized in collaboration with *Ministère de l'Intérieur et de la Décentralisation* (MIDEC) involving police and *gendarmes*, as well as members of the civil society, including judges and lawyers. Training sessions and workshops on detention, *non-refoulement* and refugee documentation took place in Nouakchott, Nouadhibou and Rosso, which are the main entry points for asylum-seekers and migrants.

Regrettably, despite the efforts by UNHCR, in 2009, there continued to be insufficient safeguards against *refoulement*, which is illustrated by the fact that 14 asylum-seekers were expelled from Nouadhibou and 2 others from Nouakchott. 22 asylum-seekers were detained in Nouakchott in the course of the year, of which 15 were released the same day of their detention following the intervention by UNHCR protection staff and its implementing partner, *Association pour la lutte contre la pauvreté et le sous développement* (ALPD). In many cases, ALPD protection staff intervened with MIDEC to solicit the release of asylum-seekers kept in custody for documentation control issues.

Refugees often complain about reduced freedom of movement, as arbitrary arrests and abuses are committed by police officers and *gendarmes* who do not recognise the refugee certificate issued by UNHCR, notwithstanding the acceptance of it by the Mauritanian Government. Some non-Muslim refugees, in particular, lament at the intimidation and harassment as well as discrimination, when accessing job market and other services, despite the fact that Mauritanian legislation³ recognises the rights of all refugees to employment, education and social services.

¹ Order n°37.19 issued on 15 December 2009

² Décret No. 2005/022 fixant les modalités d'application en Mauritanie des Conventions Internationales relatives aux réfugiés

³ Décret No. 2005/022 fixant les modalités d'application en Mauritanie des Conventions Internationales relatives aux réfugiés, Chapter II, articles 11 and 13 ; Constitution of the Islamic Republic of Mauritania, 20/07/1981, article 21

IV. Recommendations

- UNHCR is hopeful that the new draft Aliens and Asylum Law will include international refugee protection standards, in particular safeguards against *refoulement* and enhance the access to other fundamental rights.
- The issuance and distribution of identity documents should continue expeditiously and include Convention travel documents, as documentation is essential for the protection of persons in need of international protection. The Government of Mauritania should also ensure recognition of these documents by police and other authorities.
- UNHCR encourages the Government of Mauritania to continue with its efforts to integrate human rights and refugee-related international laws into its training curriculum for the police and officers in charge of border control with an aim to sensitize them of rights of refugees, asylum-seekers and other persons of concern to UNHCR.

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April 2010**