



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances

### Concluding observations on the report submitted by Mauritania under article 29 (1) of the Convention\*

1. The Committee on Enforced Disappearances considered the report submitted by Mauritania under article 29 (1) of the Convention<sup>1</sup> at its 443rd and 444th meetings,<sup>2</sup> held on 11 and 12 September 2023. At its 471st meeting, held on 29 September 2023, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the report submitted by Mauritania under article 29 (1) of the Convention, which was prepared in accordance with the Committee's reporting guidelines. Moreover, the Committee thanks the State party for its written replies<sup>3</sup> to the list of issues.<sup>4</sup>

3. The Committee also appreciates the constructive dialogue with the delegation of the State party on the measures taken to implement the provisions of the Convention and welcomes the openness with which the delegation responded to the questions raised. It thanks the State party for the additional information provided and for its oral responses.

#### B. Positive aspects

4. The Committee welcomes the State party's accession to all the international human rights instruments and several of their optional protocols, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2012.

5. The Committee also welcomes the progress made by the State party in areas relevant to the Convention, including:

(a) The existence within the Government of the Office of the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society;

(b) The adoption of Act No. 2015-033 on combating torture and Act No. 2015-034 on the establishment of a national mechanism for the prevention of torture;

(c) The establishment of the National Human Rights Commission, which in 2020 was accredited with A status in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

\* Adopted by the Committee at its twenty-fifth session (11–29 September 2023).

<sup>1</sup> [CED/C/MRT/1](#).

<sup>2</sup> See [CED/C/SR.443](#) and [CED/C/SR.444](#).

<sup>3</sup> [CED/C/MRT/RQ/1](#).

<sup>4</sup> [CED/C/MRT/Q/1](#).



(d) The adoption of Act No. 2003-025 on the punishment of trafficking in persons and the creation of a national authority to combat this crime.

## C. Principal subjects of concern and recommendations

6. The Committee notes the measures taken by the State party to comply with its obligations under the Convention. However, it considers that, at the time of the adoption of the present concluding observations, the legislation in force in the State party to prevent and punish enforced disappearance and to ensure the rights of victims, the implementation of such legislation and the conduct of some of the competent authorities were not fully consistent with the State party's obligations under the Convention. The Committee is particularly concerned about the numerous allegations of acts of enforced disappearance and violations of the Convention, some of which occurred after the Convention entered into force. It encourages the State party to give effect to its recommendations, which have been made in a constructive spirit of cooperation, with a view to ensuring the full implementation of the Convention in law and in practice. In this regard, the Committee invites the State party to take advantage of the ongoing discussions on various bills in areas relevant to the Convention to follow up on the recommendations made in the present concluding observations.

### 1. General information

#### Competence of the Committee under articles 31 and 32 of the Convention

7. The Committee notes that the State party is considering the possibility of recognizing the competence of the Committee to receive individual or inter-State communications. However, it regrets that the State party has not yet made the necessary declarations (arts. 31 and 32).

8. **The Committee invites the State party to make, at the earliest opportunity, the necessary declarations to recognize the competence of the Committee under articles 31 and 32 of the Convention. It also invites it to submit information on the measures taken and the time frame set to this end.**

#### Applicability of the Convention

9. The Committee welcomes the information that, under article 80 of the Constitution, international treaties and agreements ratified or approved by the State party are applicable as from the date of their publication. The Committee nevertheless regrets that none of the cases of enforced disappearance brought to the attention of the national judicial authorities have resulted in a court decision.

10. **The Committee recommends that the State party intensify its efforts to provide training on the Convention to judges, prosecutors and lawyers to ensure that it is applied and taken into account by the national courts.**

#### National human rights institution

11. The Committee welcomes the creation of the National Human Rights Commission pursuant to Organic Act No. 2017-016 of 5 July 2017 establishing its composition, functioning and organization. It also welcomes the fact that the Commission was reaccredited with A status on 7 December 2020 by the Global Alliance of National Human Rights Institutions, that it is empowered to receive complaints relating to obligations under the Convention and that it has set up a mechanism for this purpose. However, the Committee notes that the State party has not provided sufficient information on the measures adopted to ensure that the Commission has the financial, technical and human resources necessary for it to carry out its work effectively throughout the territory of the State party. The Committee also notes the lack of clarity as to whether information relating to the investigations carried out by the Government into the fate of disappeared Mauritians is effectively transmitted by the State party to the Commission.

12. **The Committee recommends that the State party ensure that the National Human Rights Commission has the financial, technical, and human resources necessary for it to fully carry out its work throughout the national territory. It also recommends that the State party promote awareness of the Commission and its competencies, particularly those related to enforced disappearance, among the general public and national and local authorities.**

#### **Stakeholder involvement in the preparation of the report**

13. The Committee notes the information that the National Human Rights Commission and civil society organizations were invited to participate in the preparation of the State party's report. The Committee nevertheless regrets the lack of information on any consultation processes carried out and notes with concern reports that civil society organizations working on the issue of enforced disappearance were not invited to participate.

14. **The Committee recommends that the State party ensure that the National Human Rights Commission and civil society organizations working on the issue of enforced disappearance are, without exclusion, regularly consulted and informed about all matters relating to the implementation of the Convention.**

## **2. Definition and criminalization of enforced disappearance (arts. 1–7)**

#### **Statistical information and national register**

15. The Committee regrets the lack of disaggregated statistical data on disappeared persons in the State party (arts. 1, 2, 3, 12 and 24).

16. **The Committee calls on the State party to establish a single national register of disappeared persons in order to generate, without delay, accurate and up-to-date statistical information on those persons, disaggregated by sex, sexual orientation, gender identity, age, nationality, place of origin and racial or ethnic origin. Such information should include the date of disappearance; the number of disappeared persons who have been located, whether alive or deceased; and the number of cases in which there may have been some form of State involvement in the disappearance within the meaning of article 2 of the Convention.**

#### **Offence of enforced disappearance**

17. The Committee notes with concern that national law does not criminalize enforced disappearance as a separate offence and that articles 111 and 319 of the Criminal Code, which are cited by the State party, do not define enforced disappearance in a manner fully consistent with article 2 of the Convention. The Committee considers that the reference to a range of existing offences and similar acts is not sufficient to encompass all the constituent elements and modalities of the offence of enforced disappearance as provided in the Convention or to reflect the gravity and specific nature of enforced disappearance. However, the Committee welcomes the delegation's affirmation that the State party plans to incorporate enforced disappearance into its criminal law and that the offence will be defined in accordance with the Convention and punishable by appropriate penalties (arts. 2, 4, 6, 7 and 8).

18. **The Committee recommends that the State party, without delay, incorporate enforced disappearance into domestic law as a separate offence in line with the definition contained in article 2 of the Convention, and as a crime against humanity in accordance with article 5. It also recommends that the State party:**

(a) **Include all the mitigating and aggravating circumstances set out in article 7 (2) of the Convention in its criminal law;**

(b) **Make enforced disappearance punishable by appropriate penalties that take into account its extreme seriousness, while excluding the death penalty and hard labour.**

**Criminal responsibility of superiors and due obedience**

19. The Committee notes with interest that the principle that no exceptional circumstances may be invoked as a justification of serious human rights violations such as torture is enshrined in article 14 of Act No. 2015-033 of 10 September 2015 on combating torture and that the principle of non-compliance with an order to commit torture is enshrined in article 15 of the same law. The Committee is nonetheless concerned about the principle of obedience to superior orders provided for in article 8 of the Civil Servants and State Contract Workers General Regulations Act (No. 93-09 of 18 January 1993) and the legal possibility of exempting subordinates from any responsibility under article 111 of the Criminal Code. The Committee also notes that criminal law does not sufficiently address the issue of the criminal responsibility of hierarchical superiors (arts. 1, 6 and 23).

**20. The Committee recommends that the State party ensure that no order or instruction from any public authority – civilian, military or other – may be invoked to justify an offence of enforced disappearance and that subordinates who refuse to obey an order to commit enforced disappearance will not be punished. It also recommends that the State party provide for the criminal responsibility of superiors in accordance with article 6 (1) (b) of the Convention.**

**Transitional justice**

21. The Committee takes note of the consultations being held to formulate measures that could be adopted to settle the unresolved humanitarian issues (*passif humanitaire*). It nonetheless notes that, to date, proposals to establish a truth and reconciliation process have not been given detailed consideration (arts. 11, 12 and 24).

**22. The Committee recommends that the State party intensify its efforts to ensure that, without delay:**

(a) **All cases of enforced disappearance connected with the period of unresolved humanitarian issues are investigated thoroughly and impartially and that investigations continue until the fate of the disappeared persons has been clarified;**

(b) **All those involved in the perpetration of an enforced disappearance, including military and civilian superiors, are prosecuted and, if found guilty, punished in accordance with the gravity of their acts;**

(c) **All disappeared persons whose whereabouts are unknown are searched for and located and that, in the event of death, their remains are identified, respected and returned to their families by the means and procedures needed to ensure a dignified burial consistent with the wishes and cultural customs of the families and their communities;**

(d) **All persons who have suffered direct harm as a result of an enforced disappearance receive prompt, full and adequate reparation through the application of a differential approach that takes into account the gender dimension and the specific needs of the victims.**

**Amnesty**

23. The Committee is concerned about Act No. 93-23 of 14 June 1993, which grants amnesty to members of the security forces for offences committed during the period of unresolved humanitarian issues, in that it could apply to offences of enforced disappearance.

**24. The Committee recommends that the State party repeal any provision that could have the effect of exempting perpetrators of acts of enforced disappearance from prosecution or criminal penalties. In particular, it recommends that the State party rule out the possibility of granting amnesty in cases involving international crimes, including enforced disappearance.**

### 3. Criminal responsibility and judicial cooperation in relation to enforced disappearance (arts. 8–15)

#### Statute of limitations

25. The Committee notes with concern that the 10-year statutory limitation provided for in article 7 of the Code of Criminal Procedure cannot be considered proportionate to the extreme gravity of the offence of enforced disappearance (art. 8).

26. **The Committee recommends that the State party ensure that, in accordance with article 8 of the Convention, the term of the statute of limitations applied in respect of enforced disappearance is of long duration and is proportionate to the extreme seriousness of the offence and that, taking into account the continuous nature of the offence, it commences from the moment when the offence ceases.**

#### Universal jurisdiction

27. The Committee takes note of the information provided by the State party on the legislation applicable to the jurisdiction of its courts, including articles 621 et seq. of the Code of Criminal Procedure. Given that enforced disappearance is not criminalized as a separate offence in Mauritania, the Committee notes the lack of clarity as to whether the State party is competent under domestic law to exercise jurisdiction over the offence of enforced disappearance when the alleged offender is a foreign national or stateless person who does not have permanent resident status in the State party, is present in its territory and is not extradited or surrendered to another State, and the country in which the enforced disappearance was allegedly perpetrated does not specifically criminalize enforced disappearance (art. 9).

28. **The Committee recommends that the State party ensure that national courts can exercise jurisdiction over cases of enforced disappearance, in accordance with the obligations arising from article 9 of the Convention and the principle of *aut dedere aut judicare* set out therein.**

#### Investigations of cases of enforced disappearance

29. The Committee notes the State party's assertion that no complaints of enforced disappearance have been filed and the information provided on the legal and institutional frameworks governing investigations of security forces and State agents, as well as the mandate of the High Council for Fatwas and Administrative Appeals. It nonetheless regrets that it has not received information on how the State party would ensure that any case of enforced disappearance brought to the attention of the competent authorities is investigated ex officio in a prompt, thorough, impartial and independent manner and with a differential approach, even if there has been no formal complaint, and that the disappeared person's relatives are afforded the right to participate actively in the proceedings as holders of the rights recognized in article 71 (3) of the Code of Criminal Procedure. The Committee also regrets the lack of information on the number of complaints received concerning acts defined in article 2 of the Convention committed before the entry into force of the Convention, including during the period of unresolved humanitarian issues, and since its entry into force, and on the measures taken for the judicial processing of these complaints and to ensure the participation of victims in search and investigation procedures (arts. 2, 12 and 24).

30. **The Committee recommends that the State party:**

(a) **Collect, systematize and publish reliable and up-to-date statistical information on the number of complaints of enforced disappearance lodged;**

(b) **Ensure that all cases of enforced disappearance are investigated promptly, thoroughly, effectively and impartially, even if there has been no formal complaint, and that the alleged perpetrators are prosecuted and, if found guilty, punished in accordance with the seriousness of the offence;**

(c) **Guarantee that any persons with a legitimate interest, such as relatives, loved ones and legal representatives of disappeared persons, can participate in the investigations and at all stages of the proceedings, within the framework of due process,**

**and that these persons are regularly informed of the progress and results of the investigations.**

#### **Suspension from duty of officials suspected of offences**

31. The Committee regrets that it has not received clear information from the State party on the mechanisms for excluding from an investigation into an enforced disappearance any members of the law enforcement or security forces or other public officials suspected of having been involved in the commission of the offence or for suspending them from duty as from the outset of the investigation. The Committee is concerned about reports that persons suspected of having committed serious human rights violations, including enforced disappearances during the period of unresolved humanitarian issues, allegedly continue to perform public functions in the State party, which has the effect of maintaining a climate of impunity (art. 12).

#### **32. The Committee recommends that the State party:**

(a) **Ensure that public officials suspected of involvement in the commission of a crime of enforced disappearance are suspended from their duties from the outset and for the duration of the investigation, without prejudice to respect for the principle of the presumption of innocence, and that the law enforcement or security forces whose members are suspected of having participated in an enforced disappearance cannot take part in the investigation;**

(b) **Establish vetting processes to prevent those suspected of Convention violations from performing public functions or being promoted.**

#### **Protection of persons who report an enforced disappearance and/or participate in the investigation**

33. The Committee regrets that it has not received information on the measures taken to ensure that victims and witnesses in the State party are protected (art. 12).

34. **The Committee recommends that the State party establish mechanisms, including a structured programme, to ensure that all the persons referred to in article 12 (1) of the Convention are effectively protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given.**

#### **Extradition**

35. The Committee is concerned about the list of obstacles to extradition provided by the State party, in particular the principle of non-extradition of Mauritanian nationals, according to which a Mauritanian national cannot be prosecuted in the State party for acts committed in Mauritania or abroad. The Committee is also concerned about the consequences of the dual criminality requirement in existing extradition treaties, given that enforced disappearance is not set out as a separate offence in the Criminal Code (art. 13).

36. **The Committee recommends that the State party remove any obstacles to extradition that exist in national legislation, in accordance with article 13 (2)–(5) of the Convention.**

### **4. Measures to prevent enforced disappearances (arts. 16–23)**

#### **Non-refoulement**

37. The Committee takes note of the information provided by the State party on the prohibition of expulsion, return or extradition in cases where the person concerned is at risk of torture or punishment on account of his or her race, colour, origin, religion, sex, nationality or political opinion, and on the extradition procedures set out in articles 719 et seq. of the Code of Criminal Procedure. It nonetheless regrets the lack of information on safeguards against the risk of being subjected to enforced disappearance, and in particular on:

(a) The criteria used to assess this risk and the means of verifying, in practice, the information provided by both the receiving State and the person whose expulsion, return, surrender or extradition is sought;

(b) The conditions under which the State party accepts diplomatic assurances where there are substantial grounds for believing that the person concerned would be in danger of being subjected to enforced disappearance;

(c) Whether an appeal may be lodged against a decision authorizing expulsion, return, surrender or extradition and, if so, by whom and before which authorities, what steps are involved and whether such an appeal has a suspensive effect;

(d) Cases where article 16 of the Convention has been implemented by the State party (art. 16).

**38. The Committee recommends that the State party ensure systematic and strict respect for the principle of non-refoulement. In that regard, the Committee recommends that the State party:**

(a) **Consider explicitly prohibiting, in its domestic legislation, any expulsion, refoulement, surrender or extradition when there are substantial grounds for believing that the person concerned may be in danger of being subjected to enforced disappearance;**

(b) **Prescribe clear and specific criteria for expulsion, refoulement, rendition or extradition and ensure that a consistent and thorough individual assessment is conducted to determine and verify the person's risk of being subjected to enforced disappearance in the country of destination, including in countries considered safe;**

(c) **Ensure that diplomatic assurances are effectively evaluated with utmost care and that they are not accepted in any case where there are substantial grounds for believing that the person would be in danger of being subjected to enforced disappearance;**

(d) **Provide training to staff involved in the asylum, return, surrender or extradition procedures, in particular to border control officials, on enforced disappearance and on the assessment of the related risks;**

(e) **Ensure that any decision taken in the context of refoulement involving the execution of an expulsion sentence may be appealed and that such an appeal has a suspensive effect.**

#### **Enforced disappearance in the context of migration**

39. In the light of reports of collective expulsions of undocumented migrants and refugees, the Committee is concerned at the lack of information from the State party on the measures taken to prevent the disappearance of migrants and asylum-seekers, particularly with regard to the support services available to migrants, asylum-seekers and their relatives in the event of disappearance (art. 16).

**40. The Committee urges the State party to take all necessary legislative and practical measures to rule out any refoulement or collective expulsion of migrants and to ensure that all allegations of such practices are duly investigated and that those responsible are prosecuted and, if found guilty, sanctioned. It also recommends that the State party actively work to strengthen mutual legal assistance in order to facilitate the exchange of information and evidence and the search for and identification of disappeared migrants. In implementing these recommendations, the Committee encourages the State party to take into account its general comment No. 1 (2023) on enforced disappearance in the context of migration.**

#### **Secret detention and fundamental legal safeguards**

41. The Committee takes note of the registers of persons deprived of their liberty, as referred to in articles 59 and 648 of the Code of Criminal Procedure and in Decree No. 70-153 of 23 May 1970 establishing the internal regulations of prisons, as well as the willingness

expressed by the State party to digitize these registers in line with the pilot projects currently under way in prisons in the capital. The Committee also takes note of the rights guaranteed to persons deprived of their liberty set out in article 4 of Act No. 2015-033 on combating torture and the fact that the national preventive mechanism and the National Human Rights Commission routinely make regular and unannounced visits. However, the Committee is concerned that the aforementioned registers do not contain all the information referred to in article 17 (3) of the Convention and regrets that the State party has not described the measures taken to ensure that the registers are completed as soon as a person is deprived of liberty and are updated as necessary. The Committee also regrets, in view of the allegations of secret detention, that no information has been provided on the practical application of the guarantees set out in article 4 of Act No. 2015-033, particularly for persons accused of terrorism (arts. 17 and 18).

**42. The Committee recommends that the State party guarantee that no one is held in secret detention, including by ensuring that all persons deprived of their liberty are afforded all the fundamental safeguards set out in article 17 of the Convention. In this respect, the State party must:**

**(a) Ensure that, at all stages of proceedings, persons deprived of their liberty are held solely in officially recognized and supervised places of deprivation of liberty;**

**(b) Guarantee, from the outset of the deprivation of liberty, that all persons, regardless of the offence with which they are charged, have effective access to a lawyer and that their relatives, any other person of their choice and, in the case of foreign nationals, the consular authorities of their country are effectively informed of the deprivation of liberty and the place of detention;**

**(c) Guarantee that any person deprived of liberty, including a person in police custody, or, in the case of a suspected enforced disappearance, since the person deprived of liberty is not able to exercise this right, any person with a legitimate interest is entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of the deprivation of liberty and order the person's release if such deprivation of liberty is not lawful;**

**(d) Record all cases of deprivation of liberty, without exception, in an interoperable central register of all places of deprivation of liberty that exist in the national territory, which must include all deprivations of liberty, without exception, and contain, at a minimum, the information required under article 17 (3) of the Convention, and ensure that this information is filled out and updated promptly and accurately and is subject to periodic checks;**

**(e) Ensure that the register is accessible without delay to the authorities in charge of searching for disappeared persons and investigating their disappearance and to any person with a legitimate interest.**

#### **Police custody**

43. While Act No. 2015-033 on combating torture sets forth all fundamental guarantees from the outset of the deprivation of liberty, the Committee on Enforced Disappearances shares the concern expressed by the Human Rights Committee and the Committee against Torture<sup>5</sup> that these provisions are rarely applied, if at all, as the provisions of the Code of Criminal Procedure relating to police custody and the laws on terrorism, corruption and narcotics are given precedence. Consequently, persons arrested for the offences covered by such laws can be held in police custody for lengthy periods, up to 45 days in terrorism cases, without being brought before a judge and without having access to legal counsel (art. 17).

**44. The Committee strongly urges the State party to ensure that all persons deprived of their liberty, regardless of the offence with which they are charged, are afforded in law and in practice all the fundamental legal safeguards set forth in article 17 of the Convention from the outset of the deprivation of liberty. In this regard, the Committee on Enforced Disappearances supports the recommendations of the Human Rights**

<sup>5</sup> [CCPR/C/MRT/CO/2](#), para. 32; and [CAT/C/MRT/CO/1](#), para. 10.

**Committee and the Committee against Torture<sup>6</sup> and stresses that the State party should take urgent action to:**

**(a) Amend the provisions of the Code of Criminal Procedure and of laws on terrorism, corruption and narcotics that conflict with Act No. 2015-033 on combating torture and bring them into line with international standards on fundamental legal safeguards;**

**(b) Ensure that the maximum period of police custody does not exceed 48 hours, including non-working days, irrespective of the charges, and that it is renewable only under exceptional, fully reasoned circumstances.**

### **Training**

45. The Committee notes the information provided by the State party to the effect that training on the human rights conventions ratified by the State party is organized for a wide audience and that a special edition of the Official Gazette, containing all these conventions and the international commitments of Mauritania, has been published for information purposes. The Committee nevertheless notes with concern that there is currently no specific training programme on the Convention for public officials and other relevant persons (art. 23).

**46. The Committee recommends that the State party ensure that all law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty, including judges, prosecutors and other officials responsible for the administration of justice, receive specific and regular training on the Convention, in accordance with article 23 thereof.**

## **5. Measures to protect and ensure the rights of victims of enforced disappearance (art. 24)**

### **Rights of victims**

47. The Committee is concerned to note that domestic law does not provide for a system of full reparation and does not recognize the right of any victim to have access to the truth. It also notes that the reparation measures mentioned during the dialogue as having been implemented in connection with crimes committed during the period of unresolved humanitarian issues remain limited (art. 24).

**48. The Committee recommends that the State party ensure that any individual who has suffered harm as the direct result of an enforced disappearance, without exception, is afforded the rights guaranteed by the Convention, in particular the rights to justice, truth and full reparation, including not only compensation but also rehabilitation, satisfaction and guarantees of non-repetition. The Committee also recommends that the State party recognize in domestic law the right of victims of enforced disappearance to know the truth and that it introduce a system of full reparation that is fully in line with article 24 (4) and (5) of the Convention and other relevant international standards. It further recommends that the State party ensure that this system is applicable even when no judicial proceedings have been initiated and is based on a differential approach that takes into account the specific situation of each victim, including his or her sex, sexual orientation, gender identity, age, racial or ethnic origin, social status and disability.**

### **Legal situation of disappeared persons whose fate has not been clarified**

49. The Committee considers that a system for determining the legal situation of disappeared persons whose fate has not been clarified such as the one provided for in the State party's national law, which requires a declaration of absence or, where applicable, a declaration of death in respect of the disappeared person, does not take sufficient account of the situation of social and economic vulnerability in which enforced disappearance places the families of disappeared persons (art. 24).

<sup>6</sup> [CCPR/C/MRT/CO/2](#), para. 33; and [CAT/C/MRT/CO/1](#), para. 11.

50. **The Committee recommends that the State party take the legislative measures necessary to ensure that the legal situation of disappeared persons whose fate or whereabouts have not been clarified and that of their relatives is regularized in accordance with article 24 (6) of the Convention, in fields such as social welfare, family law and property rights, within a reasonable time and without the need to declare that the disappeared person is presumed dead. In this connection, the Committee encourages the State party to provide, by law, for the issuance of declarations of absence by reason of enforced disappearance that are in line with the Convention.**

#### **Situation of women who are relatives of a disappeared person**

51. The Committee recalls the limitations faced by Mauritanian women, including with respect to custody of children, inheritance and access to social benefits, that were highlighted by the Committee on the Elimination of Discrimination against Women<sup>7</sup> and is concerned about the potential negative impact of these limitations on women's full enjoyment of the rights set out in article 24 of the Convention (art. 24).

52. **The Committee recommends that the State party ensure that all women and girls who are relatives of disappeared persons are able to exercise all the rights set out in the Convention without restriction, including those contained in article 24.**

#### **Search for disappeared persons and genetic databases**

53. The Committee welcomes the information provided by the delegation during the dialogue on the development of a genetic database, the establishment of four genetic laboratories and the training of forensic doctors. It regrets, however, that the State party did not provide information on the measures currently in place to search for and identify disappeared persons (arts. 19 and 24).

54. **The Committee calls on the State party to develop and carry out comprehensive search strategies in line with the Guiding Principles for the Search for Disappeared Persons and recommends that the State party redouble its efforts to:**

(a) **Search for, locate and release disappeared persons as promptly as possible and, in the event of death, identify and return their remains in a dignified manner and in strict accordance with their customs;**

(b) **Continue to ensure that the search for disappeared persons and, in the event of death, the identification and return of their remains are carried out by State authorities and that the relatives of disappeared persons can take part, as appropriate;**

(c) **Speed up the creation of a genetic database of victims, ensuring that it is interoperable with genetic profile banks in other countries;**

(d) **Ensure that the authorities competent to search for disappeared persons and, in the event of death, to identify their body or remains have appropriate financial and technical resources and the qualified staff they need to duly carry out their work;**

(e) **Ensure that the search continues until the fate of the disappeared person has been clarified.**

#### **Right to form and freely participate in organizations and associations**

55. The Committee welcomes the presence of many members of Mauritanian civil society at the dialogue with the State party, in particular those representing associations of victims of enforced disappearance. It is nonetheless concerned about reports that associations of relatives of disappeared persons and other organizations that support them are unable to fully exercise their rights under article 24 of the Convention and face obstacles and are subjected to intimidation or reprisals by the authorities (art. 24).

56. **The Committee recommends that the State party respect and promote the right to form organizations and associations concerned with attempting to establish the**

<sup>7</sup> CEDAW/C/MRT/CO/4, paras. 42 and 43.

circumstances of enforced disappearances and the fate of disappeared persons, and to assist victims of enforced disappearance. It also urges the State party to respect and guarantee the right of all persons to participate freely in such organizations and associations and to protect all members of civil society who participated in the review of the State party's report from any acts of reprisal.

#### 6. Measures to protect children from enforced disappearance (art. 25)

##### Legislation concerning the wrongful removal of children

57. The Committee welcomes the information provided by the State party on the legal safeguards contained in the Criminal Code, the Civil Status Code and the General Child Protection Code, as well as Act No. 2003-025 on trafficking in persons. The Committee also takes note of the information on the civil registration campaign currently under way in the State party. It regrets, however, that it was not provided with information on whether there is a legal procedure in domestic law for the review and, where appropriate, the annulment of any adoption, placement or guardianship of children that originated in an enforced disappearance (art. 25).

##### 58. The Committee recommends that the State party:

(a) Incorporate as specific offences all the acts described in article 25 (1) of the Convention, providing for appropriate penalties that take into account the extreme seriousness of the offences;

(b) Take effective measures to prevent the falsification, concealment or destruction of documents attesting to the true identity of the children referred to in article 25 (1) (a) of the Convention;

(c) Prevent the disappearance of children and search for and identify children who may have been victims of wrongful removal within the meaning of article 25 (1) (a) of the Convention, and ensure that information concerning unaccompanied minors is duly recorded.

#### D. Dissemination and follow-up

59. The Committee wishes to recall the obligations undertaken by States when becoming parties to the Convention and, in this connection, urges the State party to ensure that all the measures it adopts, irrespective of their nature or the authority from which they emanate, are in full accordance with the obligations it assumed when becoming party to the Convention and other relevant international instruments.

60. The Committee emphasizes the particularly cruel effect of enforced disappearance on the human rights of women and children. Women who are subjected to enforced disappearance are particularly vulnerable to sexual and other forms of gender-based violence. Women who are relatives of a disappeared person are particularly likely to suffer serious social and economic disadvantages and to be subjected to violence, persecution and reprisal as a result of their efforts to locate their loved ones. Children who are victims of enforced disappearance, either because they themselves were subjected to disappearance or because they suffer the consequences of the disappearance of their relatives, are especially vulnerable to numerous human rights violations, including identity substitution. In this context, the Committee places special emphasis on the need for the State party to ensure that gender perspectives and child-sensitive approaches are used in implementing the rights and obligations set out in the Convention.

61. The State party is encouraged to disseminate widely the Convention, its report submitted under article 29 (1) of the Convention, the written replies to the list of issues drawn up by the Committee and the present concluding observations, in order to raise awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations and the general public. The Committee also encourages the State party to promote the participation of civil society, in particular

organizations of relatives of victims, in the actions taken in line with the present concluding observations.

62. Under article 29 (3) of the Convention, the Committee requests the State party to submit, by no later than 29 September 2026, specific and updated information on the implementation of its recommendations and any other new information on the fulfilment of the obligations contained in the Convention. The Committee encourages the State party to consult civil society, in particular organizations of victims, when preparing this report, which it wishes to consider during a constructive dialogue with the State party in September 2027.

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