

**Country session: Mauritania**  
**Date of session: 17<sup>th</sup> and 18<sup>th</sup> of September 2018**

**Background information**

[OHCHR press release:](#)

**Webcast:** [First part](#) and [second part](#)

**Audio file:** (pending)

**Reporting**

**Reporting methodology**

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

**State report:**

Common core document	
<a href="#">Initial submission</a>	10 <sup>th</sup> August 2004
<a href="#">Updated document</a>	27 <sup>th</sup> February 2017
Annexes	-

CRC	
No. of report	3 <sup>rd</sup> to 5 <sup>th</sup>
Due date	14 Jun 2012
Submission	10 Jan 2017

Written replies	
Submission	<u>29<sup>th</sup> of March 2018</u>
Due date	<u>15<sup>th</sup> of June 2018</u>

**Public reports from children's rights defenders**

<a href="#">Alternative reports</a>	
<b>NGOs</b>	<ul style="list-style-type: none"> <li>• Child Helpline Intl</li> <li>• ECPAT</li> <li>• Global Initiative to End All Corporal Punishment of Children</li> </ul>
<b>NHRIs</b>	Commission Nationale des Droits de l'Homme (CNDH)



## State delegation

The large delegation was headed by Khadeijetou Mbareck Fall, Ministry of Trade, Industry and Tourism of Mauritania and supported by the Ministry of Agriculture; of Social Affairs, Children and Family; Ministry of Justice; Ministry of Public Service, Work and Modernization of Administration; General Directorate for National Safety; Centre for the Protection and Social Integration of Children; Office of the Human Rights Commissioner, Humanitarian Action and Civil Society Relations; and members of the Permanent Mission of Mauritania to the United Nations Office at Geneva.

## Committee's Task Force members

Name & Last Name	Country
Cephas Lumina (Coordinator)	Zambia
Gehad Madi	Egypt
Clarence Nelson	Samoa
Mikiko Otani	Japan

## Dialogue description

### i. Character of the dialogue

The atmosphere of the dialogue was interactive but tense, following a political and technical discussion with tension between the Committee and the delegation.

### ii. General assessment made by the Committee

The Committee welcomed the ratification of new human rights instruments- as the CRPD, the Arab Charter on Human Rights the adoption of a General Child Protection Code, as well a general law anti-discrimination. However, The Committee stressed on the need of a general review of all legislation relating to children to ensure that it was fully compatible with CRC provisions. The Committee showed again its concern about the general reservation based on the Sharia. About the financial situation and the allocation of resources, the Committee expressed apprehension about the high risk of distress, the drop of the social spending and the high level of corruption in the country. Child marriage took an important part of the dialogue: the Committee was very concern of the high rate of marriage before the age of 15 and urged the delegation to prohibit the marriage under the age of 18 under all circumstance. The Committee concluded the dialogue by highlighting that national legislations and policies needed to be in line with all the international human rights instruments, ratified by Mauritania and expressed the wish that the concluding observation will be considered by de the delegation.

### iii. Main issues discussed:

- **General Measures of Implementation:** The Committee showed its concern about the general reservation on the Convention based on the Sharia. It welcomed the adoption of a General Child Protection Code, however it was concerned whether this Code was in line with the CRC. The delegation replied that, according their Construction, Sharia law was the sole source of positive law and its non-derogable principle; regarding the scope of the reservation, the delegation explained that the ratified international treaties would be superseded national laws only if their provisions were in line with the principles of the Sharia law.



- Definition of the Child:** The Committee was very concerned over the high number of marriage under the age of 18 and urges the delegation to enforce act that prohibit all marriages under 18 years old. The delegation was also asked to answer about the marriage of interest. The delegation replied that in the Personal Status Code the legal age of marriage is 18 years old; however, a judge – said the delegation- could authorise a marriage under the legal age considering the best interest of the child and the civil provisions. They also highlighted that marriages of interest are prohibited and a complaint mechanism against this type of union was settled.
- Best Interest of the Child:** The Committee was aware that this principle was included in the Child Protection Code and asked how this principle was implemented in policies and legislation and how judges and social workers were determined this principle. The delegation replied that they consider the best interest of the child in all areas. They also replied that judges and magistrates were trained on this principle.
- Right to be Heard:** The Committee welcomed the indirect involvement of Children’s Parliament in the children Minister. However, the Committee wondered if children have always the rights to be heard, in all the manners affecting their lives and if the Children’s Parliament was an effective platform, accessible for all children. It welcomed the equal gender representation but asked if street children were also represented.
- Non-discrimination Principle:** The Committee welcomed the new legislation anti-discrimination; however, it questioned which concrete measures were to tackle the facto discrimination among children, particularly against girls, children which are not registered, descendent of slavery, migrant and street children and if this new law also covered all the definition of the article 2CRC.
- Civil rights and Freedoms:** The Committee was concerned over the low rate of birth registration that continued, particularly in rural areas and among vulnerable groups, where as many as 42 % of children not registered. The Committee encouraged the State party to abolish the late birth registration fee. The delegation replied by empathized the expensive project of the National Agency to provide biometric data; they also. With regard to the right to an identity and nationality, the Committee was concerned about the law prohibiting having two nationalities and was concerned on possible consequence to have stateless children. The delegation replied that the nationality is transmitted from the mother. Regarding the freedom of thought and religion the Committee asked existed place of worship for non-Muslim children. Slavery was also tackled, and the Committee highlighted the report do not mentioned this issue and asked about the implementation of the national action plan against slavery.
- Violence against Children:** The Committee showed a very concern about the violence against children, particularly corporal punishment, sexual exploitation and harmful practices such as FGM. Firstly, the Committee asked if corporal punishment - as well as whipping and amputations - was still a part of the Criminal Code and also asked about measures to eradicate the use of this practices as a form of discipline at home and in schools. Secondly, the Committee was concern about the sexual exploitation and abuse and asked if there were special measure to tackle this issue and if whether it was the possibility for professionals to report child abuse and sexual abuse. Moreover, the lack of a clear definition of “rape” in the Criminal Code was also raised. The delegation replied that in the new Children’s Code, FGM were considered as act of torture and ill-treatment and the delegation replied that “rape” was defined in the Criminal Code as a crime.
- Family Environment and Alternative Care:** There are some provision of the Court that give to public authorities the duty of care of children without parental care. However, the Committee was concerned over the situations as there any alternative care framework for the care and supervision of children in foster families and in institutions? Under this topic the question of situation of koranic schools and *Kafala* was discussed.
- Health:** The Committee was alarmed by the fact that the report didn’t address a crucial priority on this issue. The Committee asked which the measures were taken to address high rates of infant and child mortality and mother-to-child transmission of HIV/AIDS, especially in rural areas. The high rate of teenage pregnancy was another burning matter, as well as the country’s strict abortion law. The delegation replied improve the quality of children’s health services, measures were being improve the equipment in health centres and train the staff; several medical colleges had been opened throughout the country.
- Education:** The Committee was concerned over the very small budget for education. The hidden costs of public education were tackled and asked the delegation if there were any standard to control quality

education of private schools. The delegation replied that to improve access to education and reduce the hidden costs, in 2017 a programme was adopted aimed to build 102 schools distribute over textbooks. They also highlighted that a programme of priority education zones had been implemented for school drop-outs.

- **Special measures children in refugee's camps:** The Committee was deeply concern over the
- **OPAC and OPSC:** The Committee asked what could prevent Mauritania to ratification of these two Optional Protocols.

## Recommendations of the Committee

In its Concluding Observations, the Committee drew attention to the need of urgent measures concerning the following six areas:

- **Definition of the child:** The Committee urges the State party to amend its legislation, including its Personal Status Code, in order to prohibit marriage under the age of 18 years, without exception, and take all necessary measures to eliminate child marriages under any circumstance.
- **Non-discrimination:** The Committee urges the State party to prioritize the adoption of a comprehensive strategy to eliminate all forms of discrimination against girls and children from disadvantaged or vulnerable groups, including children living in slavery or in slavery – like conditions, from minority groups, children with disabilities and children in street situations. Furthermore, the Committee recommend the State to intensify its efforts to eliminate discrimination against girls and children from disadvantaged or vulnerable groups, in close cooperation with civil society, media and community and religious leaders, through awareness-raising programmes aimed at creating an enabling environment that promotes equality among children.
- **Birth registration:** The Committee recommends that the State party adopt a comprehensive national strategy to accelerate birth registration and take all measures necessary to ensure that free birth registration is available to all children, including by removing fees for late birth registration, implementing mobile registration units in rural areas and refugee camps, integrating registration units into health facilities, conducting birth registration campaigns and abolishing fees for late registration; the State party I also asked to provide the human, technical and financial resources necessary for the effective functioning of civil registration centres, including through training for registration officials; to simplify birth registration procedures and make them available in all national languages; and intensify its efforts to raise awareness among the population of the importance of birth registration and encourage parents to register their children.
- **Education:** The Committee recalls its previous recommendations and recommends that the State party enhance efforts to increase the quality of education throughout the State party, including by providing continuous training of teachers, constructing and improving educational facilities and schools, including in the rural areas, and strengthening vocational education programmes. Its requests the State to eliminate all hidden costs of education and increase access to secondary education; to adopt and implement national standards and technical regulations on water, sanitation, hygiene and nutrition for all educational institutions, including Koranic schools, and establish monitoring mechanisms and tools for their enforcement. The State party is also requested to develop a policy aimed at monitoring the quality of Koranic schools, particularly in terms of their structure, management and curriculums. Furthermore, it is also requested to reduce the discriminatory effects of privatization and private education against children from financially disadvantaged families and establish mechanisms to monitor the compliance of private schools with minimum educational standards, curriculum requirements and qualifications for teachers.
- **Economic exploitation, including child labour:** The Committee reiterates its previous recommendations and urges the State party to expeditiously adopt the draft legislation aimed at prohibiting the worst forms of child labour, ensuring that it is in line with the Convention and allocate sufficient human, technical and financial resources for the implementation of laws and policies on child labour, including the National Action Plan for the Elimination of Child Labour. It also urges the States to intensify its efforts to eliminate child labour, in particular in domestic work and agricultural and mining activities and enforce the prohibition of employment of children under the age of 16 years in both the formal and informal sectors by expanding and strengthening labour inspection services and prosecuting perpetrators of violations related to child labour.



- **Administration of juvenile justice:** The Committee recalls its previous recommendations and thus urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, it recommends that the State party to strictly enforce the age of criminal responsibility at 15 years old and ensure that children between 7 and 15 years of age are not subject to any administrative or court procedures and decisions. It also recommends to ensure that all persons below the age of 18 years are tried exclusively by specialist juvenile courts, without exception, and establish such courts with specially trained juvenile judges outside of Nouakchott and Nouadhibou. Moreover, the State is requested to expedite trials involving children, with a view to reducing the period of pretrial detention, prohibit the detention of children together with adults and ensure that detention conditions are compliant with international standards, including with regard to a safe, child-sensitive environment, the ability to maintain regular contact with family members, and access to health services and education, including vocational training. It is also requested to ensure that the juvenile justice system is equipped with adequate human, technical and financial resources and that children in conflict with the law receive free, qualified and independent legal counsel, in appropriate languages, at a nearly stage of the procedure and throughout the legal proceedings.

### Sustainable Development Goals

- 1.3 on implementing nationally appropriate social protection systems and measures for all;
- 4.1 and 4.2 on ensuring that by 2030 all girls and boys complete free, equitable and quality primary and secondary education and have access to quality early childhood development, care and pre-primary education;
- 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children
- 16.9 on providing legal identity for all, including birth registration

### Next State report

CRC	
No. of report	5 <sup>th</sup> and 7 <sup>th</sup>
Due date	14 June 2023

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