



Convention on the Rights of Persons with Disabilities

Distr.: General
26 October 2022
English
Original: French
English, French and Spanish only

Committee on the Rights of Persons with Disabilities

Twenty-ninth session

14 August–8 September 2023

Consideration of reports submitted by parties to
the Convention under article 35

Replies of Mauritania to the list of issues in relation to its initial report*

[Date received: 24 March 2022]

* The present document is being issued without formal editing.



1. The Committee on the Rights of Persons with Disabilities considered the initial report of Mauritania on the measures adopted to give effect to the provisions of the Convention on the Rights of Persons with Disabilities and the progress made in the enjoyment of the rights thereunder. It then transmitted a list of issues to be addressed and additional information to be provided.
2. The present document provides information in response to the list of issues transmitted by the Committee.

I. Purpose and general obligations (arts. 1–4)

Reply to the question raised in paragraph 1 (a) of the list of issues (CRPD/C/MRT/Q/1)

3. By virtue of the fact that Mauritania is a party to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, the provisions of the Convention form part of its domestic law, as set out in article 80 of the Constitution, and take precedence over ordinary laws.

Reply to the question raised in paragraph 1 (b) of the list of issues

4. The involvement of persons with disabilities is achieved through organizations of persons with disabilities and the national federation of associations of persons with disabilities, which represents them in institutions working for the advancement of persons with disabilities and in connection with other strategic activities, namely:

- The National Multisectoral Council for the Advancement of Persons with Disabilities
- The joint commission for persons with disabilities under the Ministry for Social Welfare, Children and the Family
- The Economic, Social and Environmental Council
- The National Human Rights Commission
- The Independent National Electoral Commission
- The preparation of the 2016–2020 action plan of the National Multisectoral Council for the Advancement of Persons with Disabilities
- The technical commission responsible for disability cards
- The involvement of representatives of children with disabilities in the children’s parliament
- The involvement, in 2021, of the federation of persons with disabilities in the work of the commissions responsible for identifying children with multiple disabilities around the country so that they could take part in a cash transfer programme for such children
- The involvement of the federation and specific organizations of persons with disabilities in the development of a new national strategy for the advancement and protection of persons with disabilities

II. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

Reply to the question raised in paragraph 2 of the list of issues

5. Article 1 of the Constitution guarantees that all citizens, without distinction, are equal before the law.

6. The principle of non-discrimination is incorporated in legislation and has been given effect in several areas, including equality of treatment in taxation and in access to justice, equal pay for equal work and equal access to public services.

Women with disabilities (art. 6)

Reply to the question raised in paragraph 3 of the list of issues

7. The National Strategy for Gender Mainstreaming, adopted by the Government in 2015, covers specific groups, including women with disabilities, so that they can exercise their rights on an equal basis with others.

8. Fifty per cent of the funds allocated to the programme launched in 2020 to support the integration of 3,800 persons with disabilities have been earmarked for women with disabilities.

9. The health insurance agreement signed by the Ministry of Health in 2020 also ensures gender equality in terms of the access to health care of women and girls with disabilities.

10. Particular attention has been paid to the training of girls in situations of educational wastage and women looking for opportunities in growing niche markets in peri-urban and rural areas. In that context, in 2021, 1,938 girls and women, including women with disabilities, participated in certificate courses organized by the 14 branches of the Training Centre for Female Advancement.

11. Women and girls with disabilities are eligible for disability cards that allow them to exercise their rights and take advantage of benefits without discrimination and under the same conditions as everyone else.

12. A number of measures have been taken to promote equal opportunities, with no discrimination against women and girls with disabilities, namely:

- The recruitment, in 2014 and 2015, into the civil service of 100 unemployed persons with disabilities with degrees in various fields, including young women with disabilities (labour inspectors and monitors, civil administrators, general government staff, government desk officers, documentalists and documentation officers), who will be assigned to various departments
- The adoption of Decree No. 062/2015, which establishes a recruitment quota for persons with disabilities to ensure that they are able to participate in competitive examinations for entry into the civil service and the private sector and to find decent jobs
- National campaigns by the Directorate for Persons with Disabilities and the Federation of National Associations of Persons with Disabilities to raise awareness of the Convention
- The appointment by the Ministry for Social Welfare, Children and the Family of persons with disabilities heading organizations of persons with disabilities to represent and champion the interests of persons with disabilities in national bodies such as the National Human Rights Commission, the Economic, Social and Environmental Council, the National Multisectoral Council for the Advancement of Persons with Disabilities, the joint commission for persons with disabilities under the Ministry itself and certain administrative boards of public institutions handling disability matters

Children with disabilities (art. 7)

Replies to the questions raised in paragraphs 4 and 5 of the list of issues

13. A centre for the education and social development of children with disabilities was established under Decree No. 142/2014 to address the specific needs of children with disabilities requiring special education.

14. Inclusive education was incorporated into the national education sector development programme as a priority.

15. Ordinance No. 2005-015 on criminal law protections for children provides for legal aid for children in conflict with the law, who are assisted by a social worker and a lawyer.

16. The General Child Protection Code provides for children capable of forming their own views, including children with disabilities, to be able to participate in judicial and administrative proceedings on an equal basis with others. The provisions of the Code ensure that children with disabilities can participate in judicial and administrative proceedings.

17. The Government has taken the following steps to protect the rights of children with disabilities:

- The establishment under Decree No. 142/2014 of a centre for the education and social development of children with disabilities to address the specific needs of children with disabilities requiring special education
- The incorporation of inclusive education into the national education sector development programme as a priority
- The establishment of a programme to make regular monthly cash transfers to all children with multiple disabilities
- The opening of several branches of the training centre for children with disabilities in the country
- The adoption of the decree setting out the General Child Protection Code

18. In connection with the implementation of the national child protection strategy adopted in 2020, the Social Welfare Department has hired staff to work on child protection matters and deployed them in all the wilayahs of the country.

Awareness-raising (art. 8)

Reply to the question raised in paragraph 6 (a) of the list of issues

19. All awareness-raising programmes and campaigns are prepared and carried out in close collaboration with the Mauritanian Federation of National Associations of Persons with Disabilities, which brings together nearly fifty associations addressing different types of disability. Organizations of persons with disabilities take part in the awareness-raising campaigns, which are carried out by the Social Welfare Department, through the Directorate for Persons with Disability, and in the planning and implementation of policies and programmes that affect them.

20. At the regional level, the regional directorates of the Social Welfare Department and the regional sections of the federation of associations of persons with disabilities work in full coordination on all matters that affect persons with disabilities, including programmes implemented for the benefit of minority groups of persons with disabilities.

Reply to the question raised in paragraph 6 (b) of the list of issues

21. The Social Welfare Department, through the Directorate for Persons with Disabilities and in collaboration with the federation of persons with disabilities, has conducted several nationwide awareness-raising campaigns and held debates on national television and radio stations on the rights of persons with disabilities.

22. These awareness-raising activities have highlighted the capabilities and skills of persons with disabilities and the programmes carried out and initiatives undertaken by associations of persons with disabilities, including associations working with persons whose disability is related to leprosy, for their members.

Accessibility (art. 9)

Reply to the question raised in paragraph 7 (a) of the list of issues

23. Decree No. 2017-169, adopted in 2017, provides for all forms of accessibility, including with respect to the built environment, goods and services, and facilities in all spheres of life.

Reply to the question raised in paragraph 7 (b) of the list of issues

24. The decree provides that all buildings that are open to the public must be accessible to persons with disabilities and provides for a monitoring mechanism.

Reply to the question raised in paragraph 7 (c) of the list of issues

25. The decree provides for information and communications technology to be adapted to the specific needs of persons with disabilities. As a practical measure, a programme offering sign language interpretation and subtitling for deaf persons had been launched on national television.

26. A workshop on accessibility was organized by the Social Welfare Department for the various departments working on issues affecting persons with disabilities in order to disseminate the decree.

Situations of risk and humanitarian emergencies (art. 11)

Reply to the question raised in paragraph 8 (a) and (b) of the list of issues

27. A capacity-building workshop on the harmonization of Ordinance No. 2006-043 with the Convention on the Rights of Persons with Disabilities was held for members of the National Multisectoral Council for the Advancement of Persons with Disabilities in December 2021.

Reply to the question raised in paragraph 9 of the list of issues

28. The Government has put in place a national plan to respond to the coronavirus disease (COVID-19) pandemic. It is structured around the following five areas:

- Health
- Development and coordination of and follow-up on the economic monitoring plan
- Measures to mitigate the socioeconomic impact of the pandemic
- Resilience, economic recovery and access to basic services
- Safety- and prevention-related aspects of the pandemic

29. One of the tools introduced to halt the pandemic was a special social solidarity fund to fight COVID-19 that gave priority to the most vulnerable groups, including persons with disabilities, who received cash transfers under the fund on a priority basis, in addition to the health insurance programme of the General Delegation for National Solidarity and the Fight against Exclusion (Taazour).

30. The Ministry for Social Welfare, Children and the Family set up a sectoral committee to raise awareness of COVID-19. It included representatives of the Directorate for Persons with Disabilities, which made it possible to raise awareness among persons with disabilities and distribute protective masks.

31. In April 2020, the Ministry for Social Welfare, Children and the Family, the Ministry of Health and the National Health Insurance Fund signed an agreement regarding access to the health insurance scheme, which covers 2,000 persons with disabilities.

32. In addition, in 2021, the General Delegation for National Solidarity and the Fight against Exclusion signed an agreement with the National Health Insurance Fund that covers 100,000 poor households, which include thousands of persons with disabilities.

33. This health insurance will allow persons with disabilities to obtain health care on an ongoing basis.
34. In 2020, the Ministry for Social Welfare, Children and the Family also began the process of issuing disability cards, with 3,000 cards being printed in December 2021. The card affords certain rights and benefits in the areas of health, education and employment.
35. To support the ongoing care and nutrition of children with multiple disabilities, the Ministry for Social Welfare, Children and the Family made cash transfers to 557 families with children with multiple disabilities in 2021.
36. In addition, a platform was set up to enable recent graduates with disabilities to submit employment proposals remotely in order to provide protection against COVID-19.
37. The Ministry for Social Welfare, Children and the Family also distributed thousands of protective masks and awareness-raising material about COVID-19 to the national federation of associations of persons with disabilities, which comprises more than 50 associations.
38. Cleaning products and disinfectants were distributed to the leadership and the associations of persons with disabilities.
39. Sign language interpreters were provided for the television news programme and all COVID-19 awareness-raising activities.

Equal recognition before the law (art. 12)

Reply to the question raised in paragraph 10 of the list of issues

40. Article 1 of the Constitution stipulates that “the Republic guarantees all citizens equality before the law, without distinction as to origin, sex, race or social status”.
41. Article 12 provides that “all citizens may accede to public office or employment without any conditions other than those determined by law”.
42. Under Decree No. 2013/129, on the definition of the status of a person with a disability and measures for the prevention of disability, any measure or act that results in exclusion or that could lead to a reduction of opportunities or be detrimental to persons with disabilities is considered discriminatory.
43. Legal capacity is established by the law for persons in general and for persons living with a disability in particular. Decisions regarding legal capacity are regularly reviewed by a guardianship judge, who may take any measures deemed to be necessary in the interests of the individual concerned.
44. The first priority in such decisions is to protect the person living with a disability.
45. All individuals are entitled to equal enjoyment of rights related to property, entering into contracts, inheritance, voting and taking decisions, regardless of their status. This right is not restricted for persons with disabilities who are assisted or represented in the exercise of these rights in accordance with the rules in force.
46. Article 24 of the Code of Obligations and Contracts provides that a person’s civil capacity is determined by the law governing his or her personal status.
47. All persons are capable of binding others and themselves unless declared to be without capacity to do so under the law. Persons without capacity are not bound by commitments that they have undertaken in contracts entered into without the authorization of their guardian or conservator and may ask that they be rescinded in accordance with the terms of the law. However, such obligations may be validated if the guardian or conservator gives his or her approval to the agreement entered into by the person lacking capacity.
48. This approval must also be given in the form required by law.
49. Persons without capacity can improve their situation even without the assistance of their guardian or conservator, as they can accept donations or other complimentary gestures

that enrich them or release them from an obligation (Code of Obligations and Contracts, art. 26).

50. Guardians administering the property of a person without capacity, guardians, conservators and any administrator appointed under the law generally may not enter into any agreement disposing of the property in their care without first obtaining special authorization from the competent magistrate. Such authorization will be granted only in cases of necessity or obvious utility.

Access to justice (art. 13)

Reply to the question raised in paragraph 11 of the list of issues

51. Legal aid is provided to any person who proves that he or she is indigent or has a very limited annual income and whose claims in assertion of a right appear substantiated (Act No. 2015-030 of 10 September 2015 on legal aid, arts. 1–3).

Liberty and security of the person (art. 14)

Reply to the question raised in paragraph 12 of the list of issues

52. Regardless of whether or not they have a disability, female inmates are held separately from male inmates in prisons. They are held either in a different prison or in an area that is completely separate from where the male inmates are held.

Number of persons with disabilities in detention (30 December 2021)

<i>Persons with motor impairments</i>	<i>Persons with mental/ other impairments</i>	<i>Men</i>	<i>Women</i>	<i>Children</i>
14	15	27	2	0

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Reply to the question raised in paragraph 13 of the list of issues

53. Under article 7 of Act No. 2015-033, education and information regarding the prohibition against torture are to must be an integral part of the mandatory training of civilian and military law enforcement personnel, particularly the police, the gendarmerie, judges, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

Freedom from exploitation, violence and abuse (art. 16)

Reply to the question raised in paragraph 14 of the list of issues

54. Article 14 of Act No. 2015-033 on combating torture provides that no exceptional circumstances whatsoever, whether a state of war, a state of emergency or any other public emergency, may be invoked as a justification of torture, which cannot be justified by an order from a superior officer or a public authority.

55. This prohibition has been incorporated into the rules and instructions adopted regarding the duties and powers of the persons referred to in paragraph 1 of the article. To prevent any acts of torture from occurring, prosecutors systematically monitor the application of interrogation rules, instructions, methods and practices and the arrangements for the custody and treatment of persons who have been arrested, detained or imprisoned (art. 7).

Protecting the integrity of the person (art. 17)

Reply to the question raised in paragraph 15 of the list of issues

56. The laws and policies in force in Mauritania guarantee the right of all persons to provide informed consent to treatment.

57. By way of example, article 9 of the Reproductive Health Act, passed by the parliament in 2017, guarantees the right to information and education regarding the benefits, risks and effectiveness of all birth spacing methods. It also enshrines the right to receive health care of the best possible quality and not to be exposed to practices that are harmful to one's health.

58. The Constitution protects and safeguards the rights of all Mauritians, including persons with disabilities, who have the same rights as everyone else.

59. Furthermore, Ordinance No. 2006-043 on the protection and advancement of persons with disabilities requires the State to take the appropriate steps to enable persons with disabilities to have access to and benefit from the overall system by which society functions.

Liberty of movement and nationality (art. 18)

Reply to the question raised in paragraph 16 of the list of issues

60. The Constitution guarantees freedom of movement to the entire population, with no discrimination. The National Agency for the Population Registry and Secure Identity Documents has opened offices in all the regions of the country to make it easier for members of the public to register. All the Agency's offices are accessible to persons with disabilities.

Living independently and being included in the community (art. 19)

Reply to the question raised in paragraph 17 of the list of issues

61. Persons with disabilities are able to apply for a disability card that entitles them to free health care through health insurance coverage.

62. The State has put in place a socioeconomic integration programme for 3,800 persons with disabilities. In the first phase of the programme, income-generating microprojects were funded for 900 persons with various types of disabilities, while ensuring parity between men and women.

Personal mobility (art. 20)

Reply to the question raised in paragraph 18 of the list of issues

63. Each year, the State orders mobility aids (wheelchairs, crutches, white canes and walkers) and teaching aids for use in special education for deaf, blind and autistic students and students with intellectual impairments.

64. These mobility aids and assistive equipment for persons with disabilities are distributed free of charge to persons with disabilities and to students in schools for special education.

65. The mobility aids benefit an average of 1,000 persons with disabilities each year, and nearly 300 students benefit from the assistive equipment for persons with disabilities.

Freedom of expression and opinion, and access to information (art. 21)

Reply to the question raised in paragraph 19 of the list of issues

66. Decree No. 2017-169 on accessibility, adopted in 2017, provides for the accessibility of the built environment, transportation and the various types of media (sign language and subtitling for television and web accessibility).

Respect for home and the family (art. 23)

Reply to the question raised in paragraph 20 of the list of issues

67. The Personal Status Code prohibits any discrimination relating to marriage, the family or parenting. The General Child Protection Code provides severe penalties for any abandonment, neglect or abuse of a child, regardless of the reason for it.

Education (art. 24)

Reply to the question raised in paragraph 21 of the list of issues

68. The right to education is a fundamental right that is, like all other economic and social rights, guaranteed in the preamble to the Constitution.

69. The principle of equality among all pupils and students at the various levels of education – preschool, primary, secondary, technical or vocational and tertiary – is likewise guaranteed under domestic laws without any discrimination.

70. To guarantee and enshrine the rules for providing equal opportunities in education to persons with disabilities, the Government has taken the following legislative, institutional and operational measures:

Legislative measures:

- Ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto in 2010.
- Ratification of the Convention on the Rights of the Child in 1991.
- Enactment of Act No. 2001-054, which made schooling compulsory for children of both sexes between 6 and 14 years of age.
- Adoption of Ordinance No. 2006-043 of 23 November 2006 on the advancement and protection of persons with disabilities. Articles 33 and 34 of the Ordinance provide that children with disabilities must, to the extent possible, be included in mainstream schools located close to their homes. However, if they have a severe disability, they should be referred to a school for special education that prepares children with disabilities, to the greatest extent possible, to enter mainstream or vocational schools.

71. Students with disabilities who hold a disability card are not subject to legislative or regulatory provisions regarding age limits for or expulsion from ordinary schools (Ordinance No. 2006-043, art. 36).

72. Disability-related issues are taken into consideration by the State under the education sector development programme, in the construction and equipping of school buildings (Ordinance No. 2006-043, art. 37).

73. Students with disabilities holding a disability card have priority access to scholarships and are exempt from the payment of enrolment fees in all public institutions (Ordinance No. 2006-043, art. 39).

Health (art. 25)

Reply to the question raised in paragraph 22 of the list of issues

74. All Ministry of Health facilities are to provide all users with equal access to the treatment and services that they offer, without distinction as to or discrimination based on race, colour, sex, disability or age.

75. Article 9 of the law on health and reproduction guarantees every person the right to receive care of the best possible quality and not to be exposed to practices that are harmful to his or her health.

76. Article 11 of that law prohibits all forms of violence and sexual abuse against people.

77. All persons, including adolescents and children, have the right to be protected from acts of torture and cruel, inhuman or degrading treatment involving their bodies in general and their reproductive organs in particular.

78. Under article 14 of the law, the State, local authorities and community groups must, within the scope of their activities, ensure that the right to health of every human being is protected, safeguarded and promoted.

79. Lastly, the reproductive health protocols, standards and procedures approved in May 2019 took account of the special reproductive health needs of persons with disabilities.

Work and employment (art. 27)

Reply to the question raised in paragraph 23 of the list of issues

80. Technical and vocational training for persons with disabilities is specifically provided for in government policies, and there are dedicated centres for such training.

81. With regard to employment, article 191 of the Labour Code contains labour- and wage-related prohibitions and all violations are, under article 435 of the Code, subject to the penalties set out in article 5 of Act No. 2003-025 of 17 July 2003.

82. Decree No. 2015-062, implementing Ordinance No. 2006-043 of 23 November 2006 on the advancement and protection of persons with disabilities, sets out a clear quota for all civil service hiring. A civil service entrance examination to fill 100 posts was held exclusively for persons with disabilities meeting the criteria for joining the civil service.

Adequate standard of living and social protection (art. 28)

Reply to the question raised in paragraph 24 of the list of issues

83. In 2013, the Ministry for Social Welfare, Children and the Family put in place a cash transfer programme for families of children with multiple disabilities, under which there is a monthly allocation for each child over the year. The programme covers 110 children, and there are plans to expand it in 2022.

84. With respect to access to health care, the Government has signed a health insurance agreement covering 2,000 persons with disabilities.

85. With respect to poverty reduction among persons with disabilities, the Government financed 900 microprojects in 2020 and distributed 1,000 food packages.

86. A portion of the grant funds provided by the State to associations of persons with disabilities is reserved each year for the development of income-generating opportunities for persons with disabilities in the interior of the country.

87. As an affirmative action initiative, 200 plots of land for housing were distributed to persons with disabilities in 2013.

88. The General Delegation for National Solidarity and the Fight against Exclusion has distributed food packages and made regular monthly cash transfers to more than 100,000 poor households, including households with persons with disabilities.

Participation in political and public life (art. 29)

Reply to the question raised in paragraph 25 of the list of issues

89. The national federation of associations of persons with disabilities has always been involved in the electoral process, including in aspects relating to the establishment of the national electoral commission, on which it is represented, the electoral roll, awareness-raising and the accessibility of polling stations. Persons with disabilities have even played a part, to varying degrees, in candidates' platforms.

90. During the last presidential elections, the independent electoral commission, with support from the United Nations Development Programme, conducted a training session for organizations of persons with disabilities.

Participation in cultural life, recreation, leisure and sport (art. 30)

Reply to the question raised in paragraph 26 of the list of issues

91. All sports and cultural facilities are accessible to persons with disabilities. There is a national parasports federation that brings together a number of regional leagues and various sports and whose members regularly take part in national, regional and international competitions.

92. The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled has been signed by Mauritania and will soon be submitted to the parliament for ratification.

III. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

Reply to the question raised in paragraph 27 of the list of issues

93. The general housing and population census conducted in 2013 covered people with disabilities, even if there were some gaps. The ministry responsible for disability-related matters and the Ministry of Economic Affairs, responsible for the statistics agency, made a joint statement regarding the next census at the Council of Ministers, and it was recommended to the statistics agency that persons with disabilities be involved in the training of interviewers and that they be provided with training in the disability classification method of the Washington Group on Disability Statistics.

International cooperation (art. 32)

Reply to the question raised in paragraph 29 of the list of issues

94. The national federation of persons with disabilities was consulted during the design and development of the Strategy for Accelerated Growth and Shared Prosperity and its views were solicited so that persons with disabilities would be covered by all areas of the Strategy. Cooperation agreements are often submitted to the Directorate for Cooperation of the Ministry for Social Welfare, Children and the Family to ensure that the various issues on which the Ministry works, including disability, have been taken into account.

National implementation and monitoring (art. 33)

Reply to the question raised in paragraph 30 of the list of issues

95. The Social Welfare Department, the Human Rights Department and a multisectoral committee responsible for preparing the State's reports to treaty bodies monitor the implementation of the Convention and the recommendations of the treaty bodies.

96. The National Human Rights Commission, an independent institution, continuously monitors the implementation of the Convention and the recommendations of the treaty bodies. One of its members is a representative of the associations of persons with disabilities.