



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fiftieth session

### Summary record of the 1405th meeting

Held at the Palais Wilson, Geneva, on Thursday, 28 May 2009, at 10 a.m.

*Chairperson:* Ms. Lee

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*Second periodic report of Mauritania on the implementation of the Convention on the Rights of the Child*

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties** (*continued*)

*Second periodic report of Mauritania on the implementation of the Convention on the Rights of the Child* ((CRC/C/MRT/2); core document (HRI/CORE/1/Add.112); list of issues (CRC/C/MRT/Q/2); written replies of the State party to the list of issues (CRC/C/MRT/Q/2/Add.1))

1. *At the invitation of the Chairperson, the members of the delegation of Mauritania took places at the Committee table.*
2. **Mr. Ould Ely Telmoudy** (Mauritania) said that for reasons beyond her control, Ms. Mint Cheikhna Ould Lemrabott, Minister for Social Affairs, Children and Family, was unable to attend the meeting.
3. Mauritania had been a party to the Convention since 1991. It was committed to the implementation of political and legislative reforms centred around greater social justice, the reduction of poverty and the improvement of the living conditions of the most vulnerable population groups. In that spirit, the Council of Ministers had adopted a bill enacting the adoption of the Convention on the Rights of Persons with Disabilities and its Optional Protocol.
4. The recently created Ministry of Social Affairs, Children and Family had the particular remit of fostering, coordinating and implementing strategies and measures aimed at promoting children's issues and protecting children. Measures taken to reinforce child protection included capacity-building in the judicial system with a view to providing better care for children in conflict with the law, the opening — planned for late 2009 — of a semi-open rehabilitation centre for such children and the recent adoption of two decrees on legal assistance for children and alternatives to detention for them.
5. With regard to health, the Mauritanian Government had taken steps to accelerate the reduction in infant and child mortality. The implementation of a national child survival and development strategy had enhanced the hospital medicine subsector. Seven regional hospitals had been established as public administrative institutions offering maternity and paediatric care, ear, nose and throat medicine and resuscitation services. A maternity and infant hospital had been established in 2009 and served as a specialized establishment for children. Poliomyelitis had been eliminated in 2007 and Mauritania was in the process of obtaining certification of guinea-worm disease eradication.
6. In the education sector, the Government had made significant efforts to reach the Millennium Development Goals, and in 2007–2008 gross primary enrolment had been 95.1 per cent. Girls had accounted for 50.3 per cent of those enrolled in primary school and 46.2 per cent of secondary school enrolment. Further, the disparities between the *wilayas*, or regions, had been reduced, with gross primary enrolment exceeding 81 per cent across the board. Great strides in preschool education had been made as a result of a national preschool education programme implemented throughout the country and thanks to support from private and community projects. Koranic schools remained the most widespread form of educational institutions for young children in Mauritania and a pilot project aimed at improving the care and treatment of children in such schools was under way. The Early Childhood Education Training Centre had doubled its capacity, making it possible to enhance the teaching skills of the teachers in Koranic schools.
7. To combat violence against and exploitation of children, the Government was currently preparing a national social protection policy for children centred around prevention of violence, victim care and strengthened capacity-building for various parties, together with coordination of their efforts. The policy aimed to promote family stability,

parental education and the social values of solidarity, and to implement a policy of integration of street children into society.

8. A directorate for persons with disabilities had been established in 2008 within the Ministry of Social Affairs, Children and Family, with the particular mission of supporting school attendance by children with disabilities and promoting their functional autonomy and integration into the world of work. Specialized educational structures had also been set up.

9. Mauritania was a vast territory and one of the Sahel countries hardest hit by drought and desertification, which represented a heavy drag on its economic and social development. Its financial resources remained limited despite the development of the oil industry, and its poverty rate continued to be high. Those were factors that hindered implementation of the Convention. Basic social indicators were insufficient, as were economic and social infrastructure and material and human resources. Further, the strategic framework for poverty reduction did not sufficiently take into account children's issues. There was a need to continue adapting national legislation to the Convention; much more remained to be done to pursue and strengthen the implementation of the programmes and strategies described above.

10. **Mr. Zermatten** (Country Rapporteur) thanked the State party for its second periodic report and the written replies to the list of issues, which updated the information given in the report. He was pleased that the State party had adopted new legislation and set up structures and programmes aimed at strengthening the protection of the rights of the child, and that it had ratified a number of fundamental international human rights instruments since 2001.

11. Progress had been made in implementing the Convention, notwithstanding the State party's current period of instability, which was having adverse effects on the situation of the most vulnerable groups, in particular women and children. Mauritania was under a great deal of international pressure; it had been suspended from the African Union, and the United States of America and the European Union had halted humanitarian assistance, posing economic problems for a country that was already very poor.

12. After stressing that the State party had not sufficiently followed through on the recommendations submitted by the Committee in 2001 on the establishment of a national plan of action, budget allocations, registration of births, harmful traditional practices and sexual exploitation, he asked whether citizens ever invoked before the courts the international instruments ratified by the Government and whether the judicial or administrative authorities had ever applied the Convention in their decisions or referred to its provisions. He also wished to know whether the State party had examined the compatibility of its national laws with the Convention, and in particular, whether the Order of 15 December 2005 on the judicial protection of children was in compliance with the State party's international commitments.

13. The speaker wished to know the relationship between codified, positive law — particularly the Personal Status Code — and sharia law. In particular, he wished to know whether the Personal Status Code setting the age of marriage at 18 years for girls and boys prevailed over customary law.

14. Noting that the actions taken by the various ministries dealing with the rights of the child, such as the Ministries of Finance, Education, Health and Justice, did not appear to be very coordinated, he asked how cooperation was effected between those bodies and between the capital and the local authorities of the *wilayas, moughatas* (departments) and communes. It was astonishing that 90 per cent of infrastructure devoted to administration and health was concentrated in Nouakchott, where one fourth of the population lived. He

also wished to know the operational role of the National Council for Children and how it was funded.

15. Although the State party had many sectoral plans of action, it lacked a comprehensive policy relating to children and the family. Noting that the Personal Status Code called for the child's best interests to be served, he wished to know whether the judiciary and the administration took that principle into consideration when issuing their decisions, in accordance with article 3 of the Convention. He requested additional information on the Children's Parliament mentioned in the report and in the written replies; in particular whether it was still at the project stage or whether it was operational. Finally, he wished to know whether children had the possibility to be heard in the judicial and administrative proceedings concerning them.

16. **Ms. Maurás Pérez** (Country Rapporteur) said that the State party had made significant efforts, in particular with regard to legislation. She wished to know what steps had been taken to disseminate knowledge of the Convention and other legislation, as well as the Committee's recommendations, among the population in the various national languages other than French and Arabic, namely Wolof, Soninke, Poular and Hassaniya. She also wished to know whether there were any institutional mechanisms enabling civil society to engage in dialogue with the authorities and to take part in drafting and enforcing new legislation. Did the national movement for the promotion and protection of children mentioned in the report and written replies aim to foster in society a culture of respect for children's rights?

17. Expressing concern over the sharp reduction in budget allocations for basic social services in recent years, as well as in official development assistance, she wished to know what steps the Government had taken to reduce poverty, strengthen social services and ensure that the Millennium Development Goals and social action for children had a central role in the next strategic framework for poverty reduction. She wondered whether the scant funds earmarked for children reflected a political choice or the current situation with regard to international cooperation. She hailed the establishment by the Government of the so-called Fund for Future Generations. Financed by the oil industry, it was designed to fund children's programmes and make savings for future generations. It was important to know whether the Fund was managed in a purposeful and transparent manner, whether it aimed to lessen the State party's dependence on foreign aid and whether it would be used to finance primarily the activities of the Ministry of Social Affairs, Children and Family, the lead ministry dealing with children.

18. Several definitions of the child appeared to coexist within the State party, which could create confusion and lead to harmful practices. In fact, while the Personal Status Code set the age of marriage at 18 years, sharia law established a link between the age of marriage and puberty. There was also a discrepancy between the minimum school-leaving age of 14 and the minimum working age of 16. Had the State party considered the possibility of producing a single definition of the child or harmonizing civil and customary law on the subject, and had it taken steps to disseminate knowledge of the Code on the Judicial Protection of Minors and the Personal Status Code?

19. Noting that, despite the State party's efforts in recent years, the birth registration rate had not exceeded 56 per cent, she asked whether the State party intended to make birth registration compulsory and define a national strategy financed by public funds to overhaul the birth registration system.

20. Mauritania had made significant progress in reducing female genital mutilation. Ms. Maurás Pérez wished to know whether the State party was pursuing efforts in that area and whether steps had been taken or headway achieved with regard to the eradication of other harmful practices such as forced feeding, early marriage and forced marriage.

21. **Ms. Khattab** wished to know whether there were any regional or socio-economic disparities in the registration of births, what incentives existed to encourage families to register their children's birth and whether the State party had access to birth registration data disaggregated by sex. She also wished to know whether children born out of wedlock could be registered in the civil registry. She expressed satisfaction at the State party's designation of rape in marriage and family violence as offences and wished to know what steps had been taken to further raise awareness about those issues among the population. She also wished to know what action the State party had taken, considering the very high adult illiteracy rate, to make women aware of their right to press charges for rape in marriage. She wondered whether there were means for filing a complaint such as telephone hotlines, whether there were victim rehabilitation services, and what was being done to prevent the stigmatization of those women. In addition, she wished to know whether the State party had set up a programme to promote the emancipation of girls, make them aware of their worth and heighten families' awareness in that respect.

22. She stressed that female genital mutilation was not specific to Islamic tradition, but was a regional practice spanning 26 to 28 African countries and engaged in by both believers and non-believers. Female genital mutilation should be declared an offence. The fact that it was possible to use the Criminal Code to curb those acts was not sufficient and left excessive discretionary power to judges.

23. **Mr. Kotrane** wished to know whether the State party intended to launch a national debate on the situation of children's rights in Mauritania once the Committee had adopted its concluding observations, and whether it intended to ratify the Convention on the Rights of Persons with Disabilities and withdraw its general reservation on the Convention on the Rights of the Child. It would seem that the State party, with a view to harmonizing the minimum school-leaving age and the minimum working age, had reduced the latter to 14 years. It would have been preferable, however, to raise the age for ending compulsory education to 16 years. He wished to know what steps were being taken to combat discrimination, and in particular, to allow mothers, like fathers, to transfer their nationality to their children.

24. **Mr. Pollar**, having expressed appreciation for the State party's efforts to disseminate knowledge of the Convention, wished to know how certain practices contrary to the Convention, such as slavery, could still exist in Mauritania. Welcoming the establishment of a Children's Parliament, he drew the State party's attention to the importance of guaranteeing freedom of expression to children in school, within the family and in society in general. He would welcome any additional information on the mechanisms envisaged to supervise establishments where children ran a high risk of exposure to forced labour or sexual violence.

25. **Mr. Filali** said that the general reservation made by the State party when it ratified the Convention was now moot, on the one hand because of the commitments it had made by ratifying various international human rights instruments, and on the other because of the very nature of its domestic legislation, which bore witness to its intent to ensure better respect for human rights in general and the rights of the child in particular. It was regrettable that in several instances national legislation, such as the 1999 law on compulsory education, had not gone into effect, owing to the lack of an implementing decree. He wished to know whether that particular law would soon become effective, and in that context whether parents who failed to enrol their children in school were subject to prosecution.

26. The delegation should specify the activities carried out by the National Human Rights Commission to improve the situation of children, also indicating whether the Commission was independent, whether the judges, attorneys and other judicial staff in contact with children received specialized training in the rights of the child, whether it was

possible to invoke directly the articles of the Convention before the courts, and if so, whether any such occurrences had been reported.

27. Finally, he requested the delegation to indicate whether the *fatwa* launched by the religious authorities, seeking to prevent corporal punishment, had been respected and whether the State party intended to prohibit the practice of corporal punishment.

28. **Mr. Citarella**, noting that positive law, customary law and sharia law existed side by side in the State party, wished to know whether the new laws adopted by Parliament were systematically applied nationwide or whether, on the contrary, it was difficult to ensure compliance in certain regions of Mauritania. He requested information on whether early or forced marriages, which appeared to be common in the State party, were considered legal by communities and village chiefs.

29. Since the definition of the child varied depending on the context — marriage, work or school — the speaker wished to know whether the State party intended to adopt a Children's Code covering all aspects of children's rights and providing a standard definition of the child.

30. **Mr. Puras** wondered what steps the State party was taking to combat ethnic tensions and racism and to inculcate a spirit of tolerance in children. He asked the delegation to indicate what measures the Government had taken to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

31. He expressed regret at the lack of precise information on the right to privacy. He wished to know whether adolescents had access to services adapted to meet their needs, particularly in the health centres, and whether they enjoyed freedom of assembly.

32. **Ms. Varmah** wished to know what measures the State party intended to take to ensure that all newborns were registered at birth, and therefore all enjoyed the rights conferred by registration. She also wished to know the extent of begging, which was particularly marked in urban areas, and whether an awareness campaign had been conducted countrywide to bring about the reintegration of child beggars, whether a national mechanism had been created to abolish the practice and whether there were any plans to involve civil society in that undertaking.

33. **Mr. Krappmann** expressed disappointment that the statistics in the report dated back to 2001 and wished to know whether the State party intended to set up an efficient data-collection system which would allow tracking of the implementation of children's rights.

34. **Mr. Gurán** wished to know about the specific activities of the National Council for Children, which appeared to be composed of members of various ministries as well as civil society organizations. He asked how the Council members were selected, since hundreds of non-governmental organizations (NGOs) were dedicated to promoting the rights of the child in Mauritania. He also wished to know why the State party had stopped financing the Council two years previously, given that it would be hard-pressed to implement its three-year plan of action 2009–2011 if its resources had dried up.

35. **Ms. Al-Asmar** requested additional information on the State party's children's strategy and wished to know whether it had been drawn up based on a situational analysis, whether partners had already been designated, what budget had been allocated to it and whether the strategy was provided with a general framework enabling it to be implemented.

36. **Ms. Aidoo** said that African ministries dealing with social affairs tended to have a small budget and were often overshadowed by other ministries considered to be more important. Therefore, she wished to know whether the Mauritanian Ministry of Social

Affairs, Children and Family had an adequate budget and staff specialized in children's rights. She also wished to know whether Ministry representatives worked with traditional chiefs in the local communities of the 13 administrative regions of the country, as the latter's influence in the areas of traditional practices and marriage was critical.

*The meeting was suspended at 11.30 a.m. and resumed at 11.55 a.m.*

37. **Mr. Ould Ely Telmoudy** (Mauritania) said that his country was in the middle of the election process and that the situation should return to normal after the presidential elections of 6 June 2009.

38. The National Council for Children was a consultative body within the Ministry dealing with children's issues. It was composed of representatives from several ministries, including the ministries of Health and of Social Affairs, Children and Family, representatives from three civil society organizations and academics. It served as a children's rights observatory and helped develop policies relating to children and strategies to protect and promote their rights. Further, the Council had taken part in the recent campaign to raise awareness of the Convention, and also published an annual report on the situation of children.

39. The National Council for Children had in fact not received the US\$ 8,000 budget appropriations in 2008 and 2009 that the Government of Mauritania was supposed to allocate it each year, but had received a contribution from the United Nations Children's Fund (UNICEF), its other source of revenue. Customary funding practices would be restored in 2010.

40. With regard to statistics, when the State party had submitted its report in 2007, it had not yet received the results of the combined national multi-indicator survey that had been released in November 2007. However, those updated statistics had been included in the written replies to the list of issues.

41. Since the State party's policies had not prioritized children's issues to date, workshops had been organized in 2009 to better target measures on behalf of children, as set out in the strategic framework for poverty reduction which incorporated those Millennium Development Goals in which issues relating to children were particularly important.

42. **Ms. Maurás Pérez** (Country Rapporteur) said that she did not understand how the State party could, within the context of the strategic framework for poverty reduction, allocate resources to children's policies without access to specific child-related indicators generated from a situational analysis carried out by experts. Given that the implementation of the strategic framework for poverty reduction was partially financed through international cooperation, she wished to know whether the State party was subject to restrictions or other conditions set by the donors, who could, for example, require that part of the funds should be earmarked for children's policies or social sectors.

43. **Ms. Aidoo** expressed satisfaction that the second national poverty reduction strategy implemented by the State party took account of children. However, it was regrettable that the funds allocated had not been distributed more equitably among the various budget items. She wished to know what steps the State party intended to take to ensure that budget allocations were not made solely for children's health and education, but also for childhood protection, which was rarely the case in that part of the world. That was all the more important since poverty reduction strategies in Africa generally replaced national development plans.

44. **Ms. Khattab** wished to know whether the State party had conducted a study on children living in poverty.

45. **Mr. Ould Ely Telmoudy** (Mauritania) said that his Government used indicators that had been established in the context of the Millennium Development Goals to define its policies and that budget allocations were made not only for health and education but also for sanitation and the environment. Further, since children lived within a family unit, it was logical to assume that they benefited indirectly from services enjoyed by their families. A study on children living in poverty was planned to be carried out in 2009.

46. **The Chairperson** wished to know the budget provided to the National Human Rights Commission's coordinator in charge of children's affairs, and whether the coordinator had any staff.

47. **Mr. Ould Ramdan** (Mauritania) said that the members of the National Human Rights Commission were nominated by civil society organizations before being appointed by decree for three years. The Commission was composed of NGO representatives with voting rights and representatives from various ministries, such as the Ministry of Justice, who offered technical expertise but did not enjoy voting rights, thus guaranteeing the Commission's independence. The Commission was a member of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Its budget, US\$ 450,000, was part of the State budget. It was composed of subcommittees, including a subcommittee on sectoral rights dealing with women, persons with disabilities and children, in particular, and a subcommittee on legal affairs that included a juvenile justice coordinator.

48. The National Human Rights Commission set up training sessions for those whose work brought them into contact with children. It had recently launched a two-week human rights campaign during which it had presented all texts relating to human rights, carried out a number of projects and organized lectures and plays. Whenever it observed human rights violations, it informed the public authorities. It proposed corrective measures and conducted, on its own initiative, surveys on grave issues such as slavery and human trafficking. The conclusions were included in a report that was sent to the chairperson of the Commission and the President of the Republic, after which it was issued to the public and posted on the Internet.

49. Along with its activities relating to awareness-raising and human rights training, the National Human Rights Commission carried out investigations into potential violations of children's rights. The law clearly stated that in case of divorce, custody of the child was granted to the mother. Yet women, who were more likely to be illiterate than men, were seldom familiar with their rights. When the Commission was apprised of a case in which a mother's rights had been flouted, it intervened, or, if necessary, called on the local authorities to do so.

50. The Convention had been incorporated into domestic law and, under the Mauritanian Constitution, prevailed over it. In addition, the Order of 15 December 2005 on the criminal protection of children emulated the terms of the Convention by penalizing all violations of the rights listed in it. A precedent had been set in criminal law whereby the legislature had established a twofold penalty — involving both imprisonment and a fine — in order to enhance the protection of children. Civil society and people working in the area of children's rights had been involved in incorporating the provisions of the Convention into legislation, a process that had lasted nearly seven years.

51. According to the Personal Status Code, no one was allowed to enter marriage before the age of 18, unless a judge had ruled that it was in the child's best interests. Registrars officiating at an illegal marriage were penalized.

52. **Mr. Filali** wished to know what measures were taken to prevent the marriage of minors. He also wished to know the status of marriages resulting from the ritual pronouncement of the *Fatiha* at a mosque or at the home of the parents of one of the spouses,

which were legitimized by sharia law, and after which the married couple could request the judge to regularize their marriage, and thus have it registered, even if the woman was a minor.

53. **Mr. Ould Ramdan** (Mauritania) said that in Mauritania, which was a Muslim society, Muslim-law marriages prevailed. It was a solemn act that was then recorded by a registrar provided that the legal requirements — age and consent — were observed. If not, the registrar was liable to punishment.

54. **Ms. Khattab** asked for details regarding the procedures for registering marriages and births at the civil registry.

55. **Mr. Beidy** (Mauritania) said that it was compulsory for all marriages to be declared at the civil registry. Births had to be declared within three months. If it was not done within that time, then only a judge was competent to make the registration. Failure to register a birth was subject to penalty.

56. Since Mauritania was a decentralized State, civil registry offices were spread across the entire territory. Every commune had a civil registry office and temporary offices served the needs of the nomadic population.

57. **Mr. Ould Ramdan** (Mauritania) said the best interests of the child had been taken into account in several areas. Therefore, when children were arrested by the police, they received assistance from a social worker and legal counsel. Likewise, judges could hand down non-custodial penalties. Children under 15 years of age could not be placed in detention.

58. **Mr. Zermatten** (Country Rapporteur) said that two groups of children were reduced to slavery or near-slavery. One group comprised the *talibés*, child beggars who were not given an education but were deprived of their liberty to be economically exploited. The other group comprised children descended from slaves, also deprived of liberty and education. He wished to know whether the new law seeking to abolish slavery by criminalizing the practice had produced any effect, whether sentences had been handed down, whether the phenomenon of *talibé* children had declined and whether the lives of children descended from slaves had improved.

59. He requested information on progress made in connection with the reform that had been undertaken by virtue of the Order of 2005 on the criminal protection of children. He also wished to know whether the simultaneous application of that Order and the law on the criminalization of slavery had enabled NGOs to take up the defence of child victims of slavery.

60. **Ms. Maurás Pérez** (Country Rapporteur) asked for details on the practice of polygamy and on measures taken to ensure observance of divorce laws and protect the growing number of women heads of households.

61. She also wished to know whether the centres for rehabilitation and reintegration into society, which took in abandoned children, had been evaluated and whether they respected the rights of the child. She also wished to know whether other solutions based on family- or community-type arrangements enabling children to remain in their environment had been envisaged.

62. She expressed regret over the lack of data concerning the number of cases of rape, which were on the rise. Organizations working in that area indicated that many victims dropped out of school, never married, were ostracized by society, were subjected to other acts of sexual violence or ended up in prostitution. She wished to know what steps the Government had taken to combat sexual violence in general and to dispel the

misunderstanding among the public — and even among judges — about the distinction between rape and adultery.

63. It was reassuring that Mauritania's HIV/AIDS prevention policy had helped reduce incidence to less than 1 per cent. She requested information on the action that had been taken to keep the situation under control and to promote prevention. She wished to know whether the Government programme also covered mother-to-child transmission of the virus.

64. Noting that negotiations between employers and workers had led to a considerable rise in minimum wages and that it had been decided that medicines would not be subject to import taxes or custom duties, she asked whether, in practice, those measures had benefited workers and consumers.

65. **Mr. Filali** wished to know whether, to guarantee the presumption of innocence and a fair trial, the Code on the Judicial Protection of Minors prohibited an investigating judge from hearing the same case in court, especially in cases dealing with crimes involving children between the ages of 15 and 18.

66. He also wished to know what protection measures were available for migrant children passing through Mauritania on their way from sub-Saharan Africa to Europe.

*The meeting rose at 1 p.m.*