



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD  
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**WRITTEN REPLIES BY THE GOVERNMENT OF MAURITANIA  
TO THE LIST OF ISSUES (CRC/C/MRT/Q/2) PREPARED BY THE  
COMMITTEE ON THE RIGHTS OF THE CHILD IN CONNECTION  
WITH THE CONSIDERATION OF THE SECOND PERIODIC  
REPORT OF MAURITANIA (CRC/C/MRT/2)\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## **Introduction**

The Government of the Islamic Republic of Mauritania presents its compliments to the United Nations Committee on the Rights of the Child and confirms its willingness to engage in constructive dialogue for the purpose of ensuring effective implementation of the provisions of the Convention on the Rights of the Child.

For this purpose the Government of Mauritania, having regard to all the issues raised in connection with its second periodic report, submits the following responses in the order set by the Committee's pre-sessional working group.

During the preparation of this supplementary report, wide-ranging consultations took place between the Government, civil society and the United Nations system.

## **PART I**

### ***1. Please provide a brief description, including examples, of cooperation between the State party and civil society in the area of the rights of the child.***

In the past two decades the Islamic Republic of Mauritania has encouraged the emergence of many civil society organizations active in promoting the rights of the child.

These organizations are involved in the design, implementation, monitoring and assessment of policies, strategies and programmes for children's survival and development, child protection and the participation of children in society. At all levels, these organizations are regarded as special partners of the Government. A central directorate for civil society was established in 2007 within the Ministry for Relations with Parliament and Civil Society; in 2008, it was brought within the staffing structure of the National Commission for Human Rights, Humanitarian Action and Civil Society.

There are 123 non-governmental organizations (NGOs) in the country working directly on children's issues, with a strong presence in Nouakchott. Programmes for capacity-building among Government actors are also offered to civil society organizations. Several of these organizations have gained valuable experience in protecting children from violence, abuse and exploitation, and in promoting their educational, health and nutritional status.

This partnership cuts across several domains in which civil society actors are involved. For example, in protecting the rights of the child the Department of Justice collaborates with civil society in several areas, including the preparation of legislation relating to children. Professionals in the juvenile justice system (judges, lawyers, social workers and police officers) are trained in collaboration with civil society. Civil society also provides legal aid for children in conflict with the law, and monitors their subsequent rehabilitation.

The Department of Justice also entrusts to civil society at the national and regional levels the task of publicizing and raising awareness about the body of legislation relating to children.

Civil society, in close collaboration with the probation system, is now responsible for tutoring children in conflict with the law, with a view to successfully rehabilitating them and reducing recidivism.

This partnership operates through a variety of forms of cooperation, consultation, implementation and monitoring, including independent advisory bodies (the National Human Rights Commission (CNDH), the National Council for Children (CNE), the National Nutrition Council, etc.), programme steering committees (such as those for orphans and other vulnerable children, juvenile justice, child camel jockeys, etc.), and the special commissions (on female genital mutilation (FGM), on gender, on the follow-up to the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW), and to the Secretary-General's recommendations on violence against children; on anti-personnel landmines and other unexploded ordnance, etc.), and ad hoc commissions (set up to prepare reports and discuss draft legislation, policies and programmes, etc.).

**2. *Please indicate whether the State party intends to withdraw its general reservation to the Convention.***

The Islamic Republic of Mauritania will, at a later date, specify the Convention provisions to which its reservation applies. This will mean replacing its general reservation by more specific and detailed reservations on certain provisions of the Convention. For this purpose, the ministry for children will set up arrangements for wide-ranging consultation with those involved in protecting the rights of the child, including specialists in Mauritanian Islamic law and human rights organizations, in order to determine which of the Convention's provisions call for specific reservations. This consultative mechanism will be similar to the mechanism already in place for withdrawing Mauritania's general reservation to the Convention on the Elimination of All Forms of Discrimination against Women.

**3. *Please indicate whether the State party has plans for an overall reform of its domestic legislation and to what extent the State party has sought to reconcile the dualist legal system (civil and sharia law) and aspects of customary law that are incompatible with the Convention.***

The preamble to the 1991 Constitution proclaims that the sharia is the only source of law. Accordingly, every legal enactment must be consistent with Islamic law, and no duality of sources of law is recognized, nor is customary law.

A reform of Mauritanian legislation to bring it into line with the principles of international law and with human rights, including the rights of the child, has been in progress since the early 1990s. This process culminated in the adoption of Order No. 2005.015 of 5 December 2005 on the judicial protection of children, an example of harmonization of the Convention with domestic law.

A reform of the justice system which began in 1999 has also endowed Mauritania with a panoply of legal instruments, known as "Mauritanian law", which reconciles sharia principles with positive law while taking account of Mauritania's individual character and its international obligations.

In Mauritania today, it is not a question of having either an Islamic or a western legal system. The country applies its own law, which is a synthesis of these two legal systems. It covers every aspect of life and is being progressively applied across the country, at a pace proper to itself.

**4. *Please state which government entity is responsible for coordinating implementation of the Convention and indicate the amount of resources allocated to it.***

Decree No. 189-2008 of 19 October 2008 sets out the responsibilities of the Ministry for Social Affairs, Children and the Family: to ensure the safety and well-being of children and to design, implement and monitor national policy on children. Through two public bodies, this ministry provides training for professionals involved in the care and education of young children, and ensures the social protection and integration of vulnerable children.

At the regional level, the ministry also has decentralized offices (regional coordination centres) responsible for the implementation on the ground of the national policy for children and the Convention on the Rights of the Child.

Additionally, consultative mechanisms have been set up to support the Ministry for Social Affairs, Children and the Family in implementing its policy. They include:

- The National Council for Children
- The National Commission to Combat Gender-based Violence, including FGM
- The National Gender Monitoring Group
- The National Commission for follow up on the Secretary-General's Study on Violence against Children and the recommendations of the Committee on the Elimination of Discrimination against Women

In 2009, this ministry was allocated 700 million ouguiya from the State budget.

However, this coordination does not impact sufficiently on other government structures.

**5. *Please provide additional information on the National Council for Children (CRC/C/15/Add.159, para. 11), especially on its mandate and composition and the resources at its disposal.***

The National Council for Children is an advisory body reporting to the ministry for children. Its principal tasks are:

- To help assess the situation of children and their needs (as an observatory for these)
- To help design policies and strategies to promote child development and protection
- To help in awareness-raising and advocacy to promote the rights of the child
- To prepare an annual report describing the situation of children in Mauritania, action on their behalf and action planned for the future

The National Council for Children, chaired by an adviser to the Prime Minister, consists of representatives of the government departments most involved with children's issues (justice,

health, education, human rights, children's affairs, social security, etc.), together with representatives of civil society. Since it was established, the Council has been constrained by:

- A lack of understanding, on the part of decision makers and even some of its members, of the role and functions of the Council
- A lack of experience of the operation of national councils for children
- Inadequate resources, both human and financial
- No premises for its headquarters
- A low level of involvement in the design of policies, strategies and legislation relating to children

This is why a preliminary draft of a decree to reform the Council was prepared in 2007. Reform will enable the Council to perform its observation role concerning the rights of the child, and its role of approving policies, strategies and legislation.

The National Children's Council has an unfunded three-year plan of action for 2009-2011, prepared with the support of the United Nations Children's Fund (UNICEF). There are four principal directions in this plan:

- Contributing to an understanding of the situation and needs of children
- Building support among decision makers and partners for child-related programmes and policies
- Contributing to raising public awareness of the rights of the child
- Strengthening capacity in the Council

## Resources

Budget (in US dollars)	2006	2007	2008	2009
From the State	8 000	8 000	-	-
From UNICEF	15 000	15 000	15 000	15 000

6. *With reference to paragraph 20 of the State party's report, please inform the Committee about the mandate of the National Human Rights Commission and the resources allocated to it, and indicate whether it has a unit dealing specifically with children.*

### (a) Mandate of the National Human Rights Commission

The National Human Rights Commission is an independent public institution enjoying administrative and financial autonomy. Its headquarters are in Nouakchott. In its role as an advisory body with observation, early-warning and mediation functions, it assesses compliance with human rights and humanitarian law by:

- Rendering, either at the request of the Government or on its own initiative, advisory opinions on general and specific issues relating to promotion and protection of human rights and respect for individual and collective freedoms
- Rendering advisory opinions on domestic legislation, either draft form or in force, on human rights questions
- Contributing, by all appropriate means, to disseminating and inculcating a human rights culture
- Promoting research, education and teaching in the field of human rights, in training courses at all levels and in social and professional contexts
- Monitoring conditions of detention of persons deprived of liberty

The Commission is also responsible for examining all human rights violations which are reported or brought to its attention, and for taking appropriate action in response, through consultation and coordination with the competent authorities.

It submits an annual report on the national human rights situation to the President of the Republic. The report is made public.

The Commission has a mixed membership comprising representatives of public institutions and of professional organizations and civil society, together with appointed members from the relevant Government departments. To protect the Commission's independence, only the former may speak and vote at its meetings.

The Commission operates through:

- A chairman, assisted by a secretary-general appointed by decree of the Council of Ministers
- A standing bureau consisting of Commission members
- Specialist committees to deal, inter alia, with the rights of specific groups and with legal questions

In the performance of its duties, the Commission may take statements from anyone and call for any information or documents it needs in order to assess situations within its mandate, subject to the restrictions imposed by law.

It may alert public opinion through the press, through which it also publishes its opinions and recommendations.

The members of the Commission enjoy immunity in the performance of their duties.

**(b) Unit dealing specifically with children**

The organs of the National Human Rights Commission dealing specifically with children are the subcommission on legal affairs, which has a focal point on the rights of the child, and the subcommission on the rights of specific groups. The latter has worked in prisons where women and children are held.

The Commission has received technical assistance from Canada, Switzerland and the United Nations Development Programme (UNDP).

**(c) Budgetary resources**

Budget	2007	2008	2009
State budget allocations	102 million UM US\$ 395 000	109 million UM US\$ 422 000	117 million UM US\$ 450 000

**7. *Please provide information on the rate of birth registration in the State party and on the trend over the past five years.***

The Convention on the Rights of the Child stipulates that every child has the right to a name and nationality as well as protection of his or her identity. The registration of births plays a vital role in ensuring respect for these rights.

In 2007, 55.9 per cent of children in Mauritania under 5 years of age had been registered. The rate of registration has hardly changed since 2001, when it was 55 per cent. There has been no significant variation in terms of sex or age.

**8. *Please describe how the criminalization of slavery has been implemented in practice and indicate what measures have been taken by the State party to counter slavery. Please indicate also whether rehabilitation and social reintegration measures exist on behalf of victims of slavery.***

Under Act No. 2007.048 of 3 September 2007, slavery is punishable by law and slavery-like practices are criminal offences. Article 2 of the Act defines this degrading practice as the exercise over one or more people of any or all of the powers attaching to ownership, a slave being a man or a woman, an adult or a child over whom such powers are exercised.

The crime of slavery is punishable by 5 to 10 years' imprisonment and a fine of 500,000 to 1,000,000 ouguiyas. Offences relating to slavery are punishable by six months to two years' imprisonment and a fine of 50,000 to 200,000 ouguiyas.

Criminal proceedings can be instituted by the victims themselves, who may be assisted by human rights NGOs, public authorities (police, gendarmes, magistrates, prefects, governors, administrators) or any other person with knowledge of the facts.

Persons who were aware that the crime was being committed but did not report it or take the necessary steps to have the offender prosecuted may themselves be prosecuted under criminal or administrative law, or be civilly liable.

The judge with competence to deal with crimes of slavery is the presiding judge of the criminal court. For ordinary offences relating to slavery, the presiding judge of the criminal division has competence. Every regional court in Mauritania has a criminal court as well as a criminal division.

Crimes and offences relating to slavery are prosecuted by the office of the public prosecutor, which does not cover costs. Parties with insufficient means, and especially victims, can have a lawyer paid for by the public authorities, and are eligible for legal aid.

For cases of slavery in which children may be the victims, NGOs working in the field of child protection may act as civil plaintiff and institute criminal proceedings themselves, as provided in Order No. 2005.015 of 5 December 2005 on the judicial protection of children.

A national strategy has been drawn up to deal with the legacy of slavery. It will aim to:

- Guarantee for all Mauritians, without discrimination, the right to freedom, equality and justice, and respect for human dignity, as enshrined in the international human rights conventions ratified by Mauritania, including the Slavery Convention of 1926 abolishing slavery and the slave trade in all its forms and prohibiting servitude and forced or compulsory labour
- Implement the provisions of the revised Constitution of June 2006 which protects the civil and individual liberties of all citizens, and take all the steps necessary to implement the law prohibiting slavery, while strengthening the role of the State in protecting rights and freedoms
- Mobilize all sectors of civil society, and the Government - including the justice system, regional authorities and law enforcement agencies - in taking the necessary steps, whether institutional, legal, economic, social or political, to ensure that the legacy of slavery in all its forms is swiftly and comprehensively done away with
- Equip judges with the means to fulfil their role in social regulation and the protection of rights and freedoms, in particular by adhering to the legal time limits for hearing the slavery cases brought before them

To achieve these objectives, a national programme for poverty reduction places the emphasis on improving access to basic services for deprived communities. More specifically, the National Human Rights Commission is implementing a national programme to eradicate the legacy of slavery, funded through a total of 1 billion ouguiyas from the State budget in 2009.

This programme aims to address the psychological, economic, social and cultural legacies of slavery. Based on a participatory and consensus approach, it aims to put in place all the basic social services necessary for the development of the rural and urban areas where the target populations live (water, health, education, electricity, social housing, income-generating activities, etc.).

In addition, the programme provides legal advice, aid and support for descendants of former slaves, to enable them to live full lives and be fully integrated into society.



**9. *Please provide additional information on measures taken to promote the reproductive health of adolescents.***

The national reproductive health strategy includes a priority component on the reproductive health of adolescents and young people. Work has begun in this area by providing counselling services in youth centres and health facilities in Brâkna and Gorgol, and by training health-care providers in adolescent health issues.

Fresh efforts are being made in advocacy and awareness-raising, so as to improve the legal climate for reproductive health.

An Act on the prevention, care and control of HIV/AIDS was adopted in 2007. In partnership with the United Nations system, the Government has established youth networks and associations to conduct information, awareness-raising and counselling activities on health and the prevention of sexually transmitted diseases (STDs) and HIV/AIDS, as a major strategy for promoting the reproductive health of adolescents. In 2007 over 14,000 young people were given advice on STDs and HIV/AIDS. Strategies being implemented to train, inform and raise awareness among young people, and among girls and boys in school and in extracurricular settings and traditional education facilities, include the use of peer educators, networking, counselling and guidance centres, clubs for education in family planning, theatres, public education materials, cultural and sports events, the media and new technologies. Population and family life education is now being offered in university courses and has been included in courses of study in the humanities. Population and family life education clubs have been created in higher technical and vocational training establishments. At the University of Nouakchott, a group of researchers is specializing in population issues, and theses and dissertations on population issues will be encouraged.

**10. *Please inform the Committee about the criminalization of female genital mutilation (FGM) and steps taken by the State party to combat harmful traditional practices such as FGM, early marriage and force-feeding.***

**(a) Female genital mutilation**

Since 2005 female genital mutilation (FGM) has been criminalized, in accordance with article 12 of Order No. 2005.015 of 5 December 2005 on the judicial protection of children: “Any person who interferes or attempts to interfere with the genital organ of a girl child, by infibulation, anaesthetization or any other means, is punishable by one to three years’ imprisonment and a fine of 120,000 to 300,000 ouguiyas if the act has resulted in harm to the child. If the offence is committed by a medical or paramedical professional, the penalty is four years’ imprisonment and a fine of 160,000 to 300,000 ouguiyas.”

There is now greater awareness of the extent of the phenomenon of FGM, following the publication of some alarming findings of national surveys (POPCHILD 1991, 2000 Demographic and Health Survey (DHSM), etc.).

In light of these results, a national programme has been put in place to combat FGM.

The combined efforts of the public authorities, United Nations agencies and NGOs, both national and international, have resulted in the establishment of a national commission to combat harmful practices. Work in this area has expanded significantly over the past decade, and there have been several landmark initiatives involving the State, civil society, United Nations agencies and bilateral donors.

Other initiatives include:

- The preparation and approval of a national strategy to combat FGM (in January 2007), as well as a plan of action and a road map (September 2007)
- The establishment of a national commission to combat gender-based violence, including FGM (February 2008)
- The establishment, within the Directorate for the Advancement of Women, of a unit responsible for coordinating and overseeing efforts to combat gender-based violence, including FGM
- The establishment, in April 2008, of regional and departmental commissions to combat FGM in areas of high prevalence (Gorgol, Brâkna, Guidimakha, Hodh Charghi)
- A number of initiatives focused on advocacy, awareness-raising and capacity-building (including the organization of a round table in 2000 on practices attributed to Islam, with the participation of ulemas, leaders of opinion, NGOs and personnel from the State Secretariat for the Status of Women (SECF)
- Since 2004, “Zero Tolerance for FGM” Days, attended by several members of the Government, members of parliament and NGOs; events to mark the International Day for the Elimination of Violence Against Women, etc.
- Involving numerous ulemas and imams in efforts to combat FGM
- Involving the medical profession in efforts to outlaw excision

#### **(b) Early marriage**

Marriage of children is a violation of human rights. It undermines the development of girls and often leads to early pregnancy, and results in a low level of education and vocational training, which in turn exacerbates the feminization of poverty. Women who are married at an early age are more likely to abandon their studies and to have more children.

According to the MICS survey, 19 per cent of married women in Mauritania were married below the age of 15, and 43 per cent below the age of 18. The percentage of women marrying at an early age (under 15) is higher in Guidimagha (25.9 per cent) and Gorgol (22.2 per cent) than in other regions. The lowest percentage is found in Nouakchott (13.1 per cent). The rate is higher among uneducated women and those from the poorest families. Moreover, the percentage of women who were married under the age of 15 increases with the woman’s age, heralding a lessening trend among the younger generations.

In the framework of action to combat early marriage, campaigns to disseminate the Personal Status Code have been conducted throughout Mauritania with the cooperation of civil society. Presiding judges and court registrars have been involved in consultation meetings on ways of implementing the provisions of the Personal Status Code. Centres for addressing and resolving family disputes, including domestic violence, have been set up in some of the country's regions to increase community access to services. Committees on family dispute resolution and domestic violence have also been set up in some regions, bringing together all government departments involved in family issues. The ministry for children is implementing a national strategy for the advancement of women (2005-2008), with plans to enhance women's access to basic social services and to develop strategies for modifying behaviour.

**11. *Please provide additional and updated information on the repatriation programmes for refugees run by the National Agency to Assist and Integrate Refugees (ANAIR) and indicate to what extent they take the rights of refugee children into account, especially in the areas of education and health.***

The National Agency to Assist and Integrate Refugees (ANAIR) has drawn up programmes for the reintegration of all Mauritians repatriated from Senegal in accordance with the tripartite agreement signed in November 2007 by Mauritania, Senegal and the Office of the United Nations High Commissioner for Refugees (UNHCR).

This includes:

- A programme to improve reception facilities for returnees
- A programme for the integration of returnees
- The Mauritania Refugee Reintegration Project

Refugee children benefit from a number of services provided by ANAIR:

**(i) Education**

All refugee children covered by the repatriation operation receive education at schools set up within reception facilities.

Pupils who had been enrolled in secondary education in Senegal have joined classes at the equivalent level in nearby schools.

**(ii) Health**

As soon as they arrive at the repatriation sites, children receive free medical attention. The reception facilities are located so as to provide ready access to nearby health facilities.

**(iii) Other activities**

ANAIR helped to organize a special session of the Children's Parliament on the theme of consolidating national unity in Aioun, the main town of Hodh El Gharbi region, from 27 August to 2 September 2008. Six repatriated children (three boys and three girls) took part.

From 17 to 26 September 2008, ANAIR organized a summer camp in Boghé for repatriated children from Senegal.

Eighty young children from various repatriation sites in Brâkna were able to spend two weeks in the company of 80 other children from the same region.

Other humanitarian assistance activities by ANAIR for children involved distributing food and clothing to children during Ramadan and the El Fitr and Al Ad'ha festivities, and supplying medicines through regional health authorities.

Civil registration is a high priority for the public authorities, which have been registering all those repatriated with a view to preparing and distributing civil status documents. They have recently conducted a distribution round.

***12. Please inform the Committee about the State party's policy regarding the detention of immigrant and refugee minors attempting to transit through Mauritania and about the applicable legal framework and judicial oversight.***

Immigrant and refugee children in transit through Mauritania are not subject to any specific regime. They enjoy the benefits of refugee status under the United Nations Convention on the Status of Refugees and the Convention of the Organization of African Unity governing the specific aspects of refugee problems in Africa.

Immigrant children have the same rights as their parents and enjoy access to public services on the same basis as Mauritanian children.

Mauritania has signed a readmission agreement with Spain to regulate migratory flows. The agreement requires it to repatriate any illegal immigrant arrested by the Spanish authorities who has transited Mauritania. A holding centre for this purpose has been set up at Nouâdhibou. Children are not admitted to the centre; the public authorities hand them over to NGOs or trusted individuals. Infant children are reunited with their families and the family is treated as a unit pending repatriation.

On 15 March 2009 the Government adopted two pieces of legislation in this area. The first of these concerns entry, temporary residence and asylum in Mauritania. It regulates the situation of migrants and asylum-seekers, and includes child-specific provisions to spell out the obligations imposed on States by the Convention on the Rights of the Child in the matter of migration, transit and asylum. Holding areas will now be kept open, and people may not remain there for longer than 48 hours. Beyond this time period, the public prosecutor and the responsible investigating judge must closely monitor conditions at the holding centre in question. At this stage, which is distinct from detention, a person can use legal remedies, consult a lawyer and receive assistance from civil society organizations.

The second bill deals with illicit trafficking of migrants. It establishes the principle that the victims are not themselves guilty of any crime, and introduces special arrangements for children to secure their Convention rights against a background of transnational crime.

Immigrant or refugee children, if detained, are placed in a re-education facility for children in conflict with the law. They are kept apart from adults and receive social and legal assistance. Detention only happens as a last resort, because judges prefer to use alternatives to custody such as placements of this nature.

**13. *Please inform the Committee about the number of children working and/or living in the street, including talibé children (who beg in exchange for religious instruction), and the measures taken to protect them and to give them access to education and health care.***

According to the survey carried out by CNE in 2003, there are an estimated several hundred street children. The non-governmental organization Caritas claims that there are about a thousand street children in Nouakchott alone.

As for child labour, a survey conducted in 2004 by the Ministry of Labour with the assistance of UNICEF found that an estimated 80,000 children in Mauritania were working, 43.3 per cent of them being girls.

Child labour in Mauritania follows a pattern: 52 per cent are domestic servants and the rest are either garage apprentices or street traders (7 per cent).

The Government has overhauled the Labour Code by fixing the minimum age for a child to begin work at 14. New legislation has been adopted, including the Act which makes school attendance compulsory from 6 to 14, and Act No. 025/2003 against trafficking in persons, which specifically mentions children. This Act makes human trafficking a criminal offence, and treats unpaid work as forced labour or exploitation.

In addition to the remarkable work done by civil society organizations, the establishment in 2006 of an Office for Children and, in 2007, of a Centre for the Protection and Social Integration of Children, has provided the basis for genuine progress in the combined effort to stamp out child labour.

In 2008 the Government drew up a strategy for tackling the factors underlying the street children phenomenon, and for ensuring that these children are protected and brought into a proper educational and social environment.

This strategy follows a number of approaches:

**1. The legal approach**

This consists of implementing and applying the laws and regulations on the protection of children, including the law on compulsory basic education; giving practical effect to the Personal Status Code in matters of custody (Hadana) and arrangements for paying child support (Nevagha); and speeding up the adoption and publication of judicial procedures and of implementing statutes and decrees, especially the Act on legal aid.

**2. The institutional approach**

This lies in support for the national social protection system for children, enhanced coordination and partnership among the various agencies dealing with the problem of street

children, and a definite role for resource persons, such as *mahadras* teachers, especially in Fulani society where the phenomenon is most marked and where the teachers tend to come from the same social background as the *talibé* children. This will facilitate children joining and becoming part of a family.

### 3. The socio-economic approach

The tasks in this area are: (i) to support the implementation and application of national policies for families and children; (ii) to improve the material situation of the *mahadras* and provide economic support for the poor families from which the street children have come; (iii) to provide guaranteed vocational training so that pupils who drop out of school at different stages are assured an entry into society.

### 4. The pedagogical and psychological approaches

Efforts will be focused on: (i) combating school dropouts; (ii) help for schoolchildren from poor and/or separated families; (iii) providing social protection specialists on the ground, to support the monitoring and follow-up of vulnerable children in the schools.

The Government has overseen the repatriation and return home to their families of the children who took part in the camel races held from 1992 to 2005 in the United Arab Emirates, and the payment of compensation to the 463 young people involved.

Preventive action has also been taken by the authorities in cooperation with civil society. This culminated in a warning by the Prosecutor General to parents and to traffickers about the punishments for these offences. It was made clear that the authorities were determined to crack down on trafficking, and that those who had played a role in it must undertake never to do so again.

**14. *Please inform the Committee about efforts to document and counteract child labour and indicate whether the State party is collaborating with the International Labour Organization. Please state whether domestic legislation defines the worst forms of child labour. Please inform the Committee about measures taken to prevent domestic work by girls in conditions akin to slavery.***

Efforts to counteract child labour are now a priority for the Government, as part of the three-year plan of action for the period 2008-2010 of the Ministry responsible for children. In 2009 there will be two detailed studies of the worst forms of child labour and of the sale and trafficking of children.

In 2009 there are also plans to draft and adopt, with the technical support of UNICEF, a legal instrument defining the worst forms of child labour.

Mauritania cooperates with the International Labour Organization (ILO). This cooperation mainly takes the form of support from ILO for the employment sector, through measures to strengthen the capacity of the social partners and of labour inspections, and to improve the legal framework. However, there is insufficient provision within this partnership for the child dimension.

Domestic work by girls is informal. It is paid work which has nothing in common with slavery. It does however violate some of the rights of the child enshrined in Mauritanian law, including the right to compulsory basic education and the Hadana.

As well as the laws prohibiting child labour (the 2004 Labour Code and the law on compulsory basic education), Government efforts are focused on combating poverty, which is the chief cause of child labour.

**15. *Please inform the Committee about preventive action taken against the sale and trafficking of children (within the country's borders and beyond).***

Action over the long term to prevent the sale of children has been pursued by setting up a special minors team to track down all those involved, under the direction of a deputy State prosecutor. Judges have been given training to enable them to combat this phenomenon, which is already sanctioned by the Act on the prevention and punishment of trafficking in persons. The penalties laid down in the provisions of the penal code governing the protection of children have also been increased. Since 22 January 2009 Mauritania has had legislation to prevent unlawful trafficking in migrants, introduced in collaboration with the United Nations Office on Drugs and Crime. Gendarmerie and police stations have been placed on the alert to prevent children from travelling without their parents' permission in the company of adults who are obviously not their parents. From the same perspective, and to draw maximum benefit from the campaign against the sale and trafficking of children, the problem of the Mauritanian children who were used as jockeys in the United Arab Emirates has been resolved, in collaboration with UNICEF and the Government of the United Arab Emirates, in favour of the former child jockeys. The children concerned have received compensation and have been looked after so that they can be reabsorbed into society. Infrastructure improvements in the villages from which the children came are providing a shield against poverty and a means of monitoring the children so that they do not fall victim to traffickers.

Thanks to the assistance of UNICEF, Mauritania is pursuing a strategy to combat the trafficking and sale of children. Young girls leaving for the Gulf countries are subjected to strict police checks and are not allowed to board flights if the police have doubts about their intended fate, especially as regards trafficking.

**16. *Please inform the Committee of preventive action taken against the sexual abuse and exploitation of children. Please indicate in particular the extent to which the sharia is applied to cases of rape and sexual abuse of girls.***

There is no specific legislation on sexual assaults against women and children. These crimes are punishable under articles 305 to 309 of the Penal Code, which does not define the elements of the crimes although it punishes them severely. The same applies to the codified provisions for the protection of children, which simply reproduce the relevant provisions of the Penal Code. A strict system of prevention and punishment necessarily involves the adoption of a law defining sexual assault itself, the constituent elements of such an offence, the penalties for it and the aggravating circumstances which may attend it. For such a law to be effective, this category of offences must be clearly defined and distinguished from sexual offences in general.

However, in spite of these shortcomings Mauritanian law as it stands is systematically applied to the cases of rape which are brought before the courts. The police have been instructed not to resort to mediation in rape cases, because a crime has been committed. In future, the penal policy adopted by the authorities will emphasize the prevention and punishment of sexual assaults instead of focusing on the offence against public morals, which tended to result in the victims going to prison.

The tendency nowadays is to pass heavy sentences on rapists and to compensate the victims. It must however be admitted that it is still rare for sexual assault cases to come to court, although the efforts of civil society organizations have brought about some progress in this direction.

Every year seminars are held in partnership with civil society, bringing together judges, police officers, lawyers and non-governmental organizations which specialize in combating sexual assaults on women and girls. These seminars are a means of spreading knowledge about the campaign to end such assaults, improving the statistical record and thereby making the campaign strategy more effective.

A civil society study of how the law and the courts treat sexual assaults on women and girls has resulted in a series of recommendations which should enhance the effectiveness of the campaign against the sexual exploitation of children. The Government has taken note of these recommendations and is taking action to improve preventive measures and refine the techniques for detecting sexual assault, while ensuring that cases are rapidly dealt with by the justice system and the police.

**17. Please indicate the age system:**

***(a) Applicable in matters of juvenile justice: state in particular whether children in the 7 to 15 age group can be deprived of their liberty, whether children in the 15 to 18 age group may be held fully criminally responsible, and whether child detainees in the 15 to 18 age group are segregated from adults;***

***(b) Applicable to recruitment to the armed forces: indicate the minimum age and whether enrolment is voluntary or compulsory;***

***(c) Applicable to admission to employment: indicate the minimum age and the applicable legislation.***

(a) Children between the ages of 7 and 15 cannot be deprived of their liberty. Instead, they are placed under protective measures in their own interest. Children between the ages of 15 and 18 are not regarded as having full criminal responsibility, but only diminished responsibility, in line with article 4 of Order No. 2005.015 of 5 December on the judicial protection of children, which provides that when an offence committed by a child over the age of 15 is a petty offence or a common crime, the penalty handed down must not exceed half of that applicable to an 18 year-old;



(b) The minimum age for recruitment to the armed forces is 18 years, according to Act No. 64.130 of 14 July 1964. However, this can be waived by permission of the Minister of Defence, who can recruit soldiers from the age of 16. Under Act No. 62.215 of 18 December 1962 on the armed forces, any Mauritanian citizen aged 18 and over may join the army. Between the ages of 16 and 18, such enrolment is subject to a decision by the Minister of Defence and the consent of the parents or guardians. There is no compulsory military service in Mauritania, so enrolment is voluntary. The age for recruitment to the National Guard is at least 20, according to article 18 of Decree No. 80.286, implementing Order No. 80.174 of 22 July 1980 on the organization and status of the National Guard;

(c) The minimum age for admission to employment in the public sector is 18, and in the private sector 16.

**18. *Please indicate which issues concerning children are held by the State party to have priority and to require urgent attention from the perspective of implementation of the Convention.***

At the heart of the Government's priorities is the campaign to reduce infant and child mortality, by implementing the accelerated strategy for children's survival and development.

In education, the Government's priorities are to secure equitable access for all children to a quality education, in the context of the National Development Programme for the Education Sector (PNDSE), in order to achieve the goals of the Millennium for education.

Among the Government's short-term priorities is the preparation and implementation of a programme for handicapped children to provide health care, re-education and preparation for both work and recreation.

The Government's priorities for child protection are chiefly centred on combating violence and abuse, discrimination and the economic and sexual exploitation of children, in terms of: (i) the exposure of hundreds of children in the main urban centres to a life on the street and begging; (ii) the thousands of children who lack parental care (orphans and other vulnerable children whose situation results from HIV/AIDS, newborns abandoned by their parents); (iii) the thousands of young girls working as domestic servants; (iv) the high prevalence of excision (72 per cent); and (v) trafficking in children, especially young girls, for the purpose of sexual exploitation abroad.

The Government will unremittingly pursue its efforts in the area of juvenile justice, so as to consolidate and reinforce the gains made in creating a protective environment and appropriate protective mechanisms.

It will continue to harmonize its domestic law with the provisions of the Convention and to monitor compliance with the Convention, as well as fostering public attitudes favourable to promoting the rights of the child.

In the area of social protection, it is giving priority to the incorporation of childhood concerns into the new phase of the Strategic Framework for Poverty Reduction for 2009-2010.

## **PART II**

### **1. New bills or enacted legislation**

#### **1.1 New bills**

##### **1.1.1 Bill to regulate immigration to Mauritania and residence and asylum in Mauritania**

This Bill governs the situation of migrants and asylum-seekers. It includes specific provisions for children, spelling out the obligations under the Convention as regards migration, transit and asylum.

##### **1.1.2 Bill on unlawful trafficking in migrants**

This Bill enshrines the principle that the victims are not the guilty ones, and contains special provisions for children so as to secure their Convention rights in a context of transnational crime.

##### **1.1.3 Bill amending the Labour Code**

This Bill increases the level of fines payable under employment law, and protects children of working age from abusive employers.

#### **1.2 Decrees**

##### **1.2.1 Decree of 22 January 2009 specifying alternatives to detention for minors in conflict with the law**

This Bill lays down the principle that the decisions of the courts can be reversed, and that detaining minors in conflict with the law is a last resort. For this purpose, it specifies the placements for children which can be ordered by the prosecution service, in pretrial proceedings or by the courts.

##### **1.2.2 Decree on the formation of a Children's Parliament**

This decree ensures the fullest possible participation by children in the process of decision-making on their behalf, and entitles children to question the Government on matters concerning children.

### **2. New institutions**

#### **2.1 The Ministry for Social Affairs, Children and the Family**

The responsibilities of this Ministry include, as well as childhood issues, social action, national solidarity, measures for handicapped persons, the advancement of women, and gender and family matters.

## **2.2 National Commission for Human Rights, Humanitarian Action and Civil Society**

As well as human rights, this institution is responsible for humanitarian matters, including emergency situations, and for coordinating the activities of civil society organizations.

## **2.3. National Civil Status Office**

This office is responsible for accelerating the reform of civil status, based on the registration of changes in civil status.

As a public institution with administrative and financial autonomy, it can give full effect to reforms in this sector.

## **2.4. Hospital for mothers and children**

This is a model institution for health care for mothers and children.

## **2.5. Centre for the Protection and Social Integration of Children**

This public institution contributes to the making of arrangements for looking after vulnerable children.

## **3. Newly implemented policies**

- A policy for the protection of children in conflict with the law is now in effect, based on alternatives to detention. The policy is to place children in centres open to the outside world where they receive training to prepare them for their future reintegration into society
- An Accelerated Child Survival and Development Strategy is being implemented across the country
- A strategy for the care of street children aims to strengthen partnerships to bring about the social integration of this population group

## **4. Newly implemented activities, programmes and projects and their scope**

- The national plan of action to combat FGM
- The project to provide children in conflict with the law with access to legal and social assistance
- The project for the social integration and compensation of former child camel jockeys in the United Arab Emirates
- The project on child-friendly social policies
- The nationwide project to strengthen partnerships for the promotion of the rights of the child

**PART III****Data and statistics, if available**

1. *In the light of article 4 of the Convention, please provide data for 2007 and 2008 on budget appropriations (in absolute terms and as a percentage of the national budget or gross domestic product) for the application of the Convention throughout the country in the areas of education and health.*

**1. Health sector**

Year	Regular State budget (ouguiyas)	Ministry of Health budget (ouguiyas)	Ministry of Health budget as a percentage of the regular State budget
2007	192 700 000 000	8 775 351 900	4.55%
2008	228 825 000 000	9 342 250 808	4.08%

**2. Education sector**

Year	Regular State budget (ouguiyas)	Ministry of Education budget (ouguiyas)	Ministry of Education budget as a percentage of the regular State budget
2007	192 700 000 000	25 348 572 728	13.1%
2008	228 825 000 000	33 284 244 598	14.5%

2. *With regard to children deprived of a family environment and separated from their parents, please provide, for 2005, 2006 and 2007, disaggregated data (by sex, age group and urban or rural area) concerning the number of children:*

- (a) *Separated from their parents;*
- (b) *Placed in institutions (indicate the number of institutions in the country);*
- (c) *Placed in foster families or placed through kafalah;*
- (d) *Adopted within the country or abroad.*

Owing to the lack of reliable data for certain categories of children, the only figures currently available are for foster children (newborn babies abandoned by their parents).

	2005	2006	2007
Girls	18	10	11
Boys	17	14	14
Urban areas	35	24	25
Rural areas	-	-	-
Total	35	24	25

3. *Please provide additional information on rates of HIV/AIDS infection among children and the budgetary resources allocated by the State party for HIV/AIDS prevention over the past five years, and indicate whether children are entitled to free antiretroviral treatment.*

**(a) HIV infection rate**

Population group	Incidence	Data source	Year of estimate
Adolescent girls infected with HIV, 15-18 years of age	733	The Joint United Nations Programme on HIV/AIDS (UNAIDS) and the National Statistical Office of Mauritania (projections based on the General Population and Housing Census (RGPH) of 2000)	2007
Adolescent boys infected with HIV, 15-18 years of age	767	UNAIDS and the National Statistical Office of Mauritania (projections based on the General Population and Housing Census (RGPH) of 2000)	2007
Girls (0-14 years of age) infected with HIV	3 039	UNAIDS and the National Statistical Office of Mauritania (projections based on the General Population and Housing Census (RGPH) of 2000)	2007
Boys (0-14 years of age) infected with HIV	3 204	UNAIDS and the National Statistical Office of Mauritania (projections based on the General Population and Housing Census (RGPH) of 2000)	2007

**(b) Resources allocated**

Source	Amount
World Bank Multi-Country HIV/AIDS Program (MAP)	US\$ 21 million
Global Fund	US\$ 6 million
State budget	300 million ouguiyas*

\* 1 US dollar = 260 ouguiyas

**(c) Entitlement to free antiretroviral treatment**

Children infected with HIV/AIDS are entitled to completely free antiretroviral treatment.

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