



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-first session

### Summary record of the 1406th meeting

Held at the Palais Wilson, Geneva, on Thursday, 28 May 2009, at 3 p.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 (continued)*

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*The meeting was called to order at 3 p.m.*

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

*Second periodic report of Mauritania* (continued) (CRC/C/MRT/2); core document (HRI/CORE/1/Add.112); list of issues (CRC/C/MRT/Q/2); written replies by the Government of Mauritania to the list of issues (CCPR/C/Q/2/Add.1)

1. *At the invitation of the Chairperson, the delegation of Mauritania resumed their places at the Committee table.*
2. **Ms. Villarán de la Puente** noted that the right to education was guaranteed under Act No. 2001-054 of 19 July 2001, that 95 per cent of children were in school, and that there was relative gender parity among students. Nevertheless, improvements still needed to be made to further enhance access to school and the quality of teaching and to ensure that schools served to bring about the social integration of all children without discrimination on the basis of gender, culture or language.
3. She asked the delegation to provide figures on public and private investments in education, indicate whether schooling was truly free of charge, and specify how many pupils had completed the primary and secondary cycles respectively. She would also welcome further information on the measures that had been taken to ensure that all children received an education, such as through grants for poorer families, and to put in place food assistance and health promotion programmes in nursery and elementary schools.
4. It would also be useful to have updated data on the child labour rate and to know whether policies were in place to curb domestic labour of girls, combat child slavery and reintegrate *talibé* children into public schools, ensure the right to education of foreign children transiting through the country and help pregnant teenagers to stay in school or go back to it.
5. It would also be useful to know the results of the official reading and mathematic tests, whether classes were taught in the language of ethnic groups, how human rights and the rights of the child were taught and what measures had been taken to prevent and sanction corporal or humiliating punishment in schools and to discipline teachers who used them.
6. **Ms. Herczog** enquired about the results of the national Strategic Reproductive Health Plan, asking whether the plan had been extended beyond its end date of 2007, and whether the number of women benefiting from prenatal care services or assistance during delivery had increased.
7. She also asked for information on the vaccination of young children. According to the World Food Programme, tens of thousands of young children suffered from malnutrition in Mauritania, and, according to the British medical journal, *The Lancet*, many children had iron, zinc and iodine deficiencies. In that respect, she wished to know whether programmes were in place to address those problems.
8. She also wished to know whether Mauritania had any programmes to train health workers in the care of newborns and young children, and if so, whether such programmes had a budget, and whether other professionals, such as social workers, provided families with assistance on child rearing and health matters.
9. **Mr. Koompraphant**, on the issue of working children, wished to know whether any mechanisms were in place to monitor their living and working conditions, what criteria were used to assess their working conditions, whether employers were under an obligation to guarantee their protection and well-being, and whether the Government had set up any educational or recreational programmes for them. He also wondered who assisted such

children in their efforts to obtain better working and living conditions, and whether they could obtain legal assistance in the event that they wished to take legal action against their employer.

10. He wished to know which authorities had responsibility for assisting child victims of sexual violence, sexual exploitation and trafficking, and what type of assistance was provided.

11. **Mr. Puras** enquired what services were available to help children with disabilities, both those living in specialized institutions and those living with their families. He pointed out that the Committee favoured community assistance, which was less expensive and more respectful of the rights of the child, over placing them in institutions. In that regard, he asked which official entity monitored observance of the rights of children in institutions.

12. Concerning health service provision, which was said to have deteriorated, he wished to know how resources were allocated, whether sufficient human resources were available in primary health care, and whether there were geographical disparities in that regard.

13. He wished to know whether immunization campaigns were financed with help from foreign donors or with Government resources. The accelerated strategy for children's survival and development had been adopted, and now required a strong political will to ensure its implementation. Lastly, he wished to know what measures were in place or were envisaged towards fulfilling the health-related Millennium Development Goals.

14. **Mr. Krappmann** wished to know what activities the State party had undertaken to achieve the objectives under its national policy for early childhood development, particularly measures to ensure that the best interests of children were taken into account and to reduce inequalities.

15. He wondered about the practical consequences of the Government of Mauritania's belief that children's well-being and development was first and foremost the responsibility of families and the community, and asked what childcare infrastructure and services were currently provided or envisaged for the future.

16. Lastly, the lack of a study on poverty was regrettable. He welcomed Mauritania's adoption of its Strategic Framework for Poverty Reduction, but regretted that none of the measures set out in it were geared specifically towards families or children. He requested clarification on the measures the State party had taken to reduce poverty.

17. **Mr. Kotrane** was surprised to note that the State party had set the legal minimum age for admission to employment at 14 rather than 16, contrary to the recommendation the Committee had made in 2001, and asked whether the State party planned on extending compulsory education up to the age of 16. According to paragraph 223 of the State party's report, the Code on the Judicial Protection of Minors was in line with the Convention. In that respect, he asked for clarification on the distinction between age groups, and particularly on the fact that children aged from 7 to 15 who were in conflict with the law might be sentenced to measures of protection, as that seemed to contradict the Committee's general comment No. 10.

18. He asked whether any specialized training might be offered for judges, possibly organized through international cooperation, and whether measures were being taken to prevent the taking of criminal proceedings against victims of sexual violence.

19. **Ms. Al-Asmar** pointed out that under sharia law, all that was required for a young girl to be married was her father's permission and the presence of two witnesses. She wished to know whether Mauritania's new law on marriage allowed for overlap between traditional practices and positive law.

20. Noting that an alternative report claimed that teachers in Koranic schools were involved in the trafficking of children to force them into begging, she wished to know whether the Government of Mauritania's new strategy for the promotion of the rights of the child provided for the creation of other early childhood development structures and programmes which could serve as an alternative to Koranic schools.

21. **Mr. Pollar** was pleased to note that Mauritania was not involved in any armed conflicts. Since paragraph 218 of the report stated that the State party admitted to its territory refugee children fleeing from the conflicts which were raging in some neighbouring countries, he would welcome more information on the children Mauritania had hosted in that context. Also, as a huge area in the north of the country was affected by landmines, he wondered what measures were in place to remedy the situation and prevent accidents.

22. Lastly, he welcomed the fact that the State party had set up a programme to encourage the return of refugees, principally benefiting refugees from Senegal, but it seemed that some of them, including many children, had been forced to return to their country of origin for reasons that were not clear. He would welcome information on that matter.

23. **Ms. Aidoo** said it was regrettable that the report did not contain more information on health issues in general, and particularly on the measures to ensure the health of adolescents, especially through reproductive health and mental health services. He wondered whether social and counselling services sufficiently addressed the needs of adolescents and guaranteed the confidentiality and special attention they needed.

24. While the 1 per cent national HIV/AIDS prevalence rate was commendable, the 7 per cent prevalence among adolescents revealed by the 2007 multiple indicator cluster survey was surprising. That survey also revealed that only 5 per cent of women aged 15 to 49, and only 1.5 per cent of them in rural areas, could cite two ways to ensure protection against the virus. That reflected a serious lack of information on the issue. Also, although Mauritania's maternal mortality rate was dropping, it was still among the highest in West Africa.

25. The responses to the list of issues mentioned that according to the 2007 survey, 43 per cent of married women were under the age of 18, and 19 per cent were under the age of 15. Accordingly, she wished to know to what extent the National Strategy for the Advancement of Women focused on the health of adolescents and maternal mortality among adolescents. The issue of rape and sexual violence was a serious problem, especially when perpetrated within the family or community, where the culture of silence prevailed and dissuaded victims from speaking out. She wished to know what steps the State party was taking to raise the awareness of children and families as well as religious and village leaders on the risks of sexual exploitation.

26. She noted that 52 per cent of working children were domestic workers, most of whom were low-paid young girls from poor families and in some cases victims of trafficking. Such conditions were conducive to sexual exploitation. While some progress had been made in addressing the trafficking of child jockeys to Gulf States, it appeared that channels were still in place for trafficking young women as brides to those countries, and she sought further information on that aspect. She wondered whether studies and research had been conducted on sexual exploitation, teenage prostitution and trafficking in girls, and whether structures were in place to assist teenage mothers who were unable to raise their children and provide them with appropriate psychological, social and financial support.

27. **Ms. Khattab** said that she would welcome more information on the 2005 law prohibiting excision. In particular, was excision punished only when sequelae occurred or was it a punishable offence in all cases? A ministerial decree prohibited excision except when “deemed necessary”, which left the door open to abuse. She also wished to know whether victims of female genital mutilation had recourse to redress, whether their right to privacy was respected and whether arrangements were made for them to confide in someone in complete confidentiality. She asked whether the doctors who had performed the mutilations faced prosecution and whether any sentences had been handed down. She also wished to know whether the State party was cooperating with international organizations in addressing that issue and whether the Government might set up a free hotline for the victims of those practices.

28. On education and the school enrolment rate, she wished to know how the State party was combating the problem of dropout and how it was ensuring that young girls did not get married too early in life and that they pursued an education. According to the report, fines were imposed on families that did not send their children to school; she wondered what measures the State party was taking in order specifically to encourage poor families to keep their children in school rather than sending them out to work.

29. She would also welcome additional information on teacher training and the measures taken to promote the teaching profession. Lastly, she wondered whether any awareness-raising activities had been conducted to address the discrimination suffered by children from certain ethnic groups and whether the Government was promoting greater tolerance.

30. **Ms. Ortiz** wished to know what measures the State party was taking to tackle the abandonment of newborn children, especially when they were illegitimate or born as a result of rape. She would also welcome more information on the *kafala* and the measures the State party was taking to ensure that more children could be placed in foster families rather than in institutions.

*The meeting was suspended at 3.55 p.m. and reconvened at 4.15 p.m.*

31. **Mr. Beidy** (Mauritania) said that the general reservation to the Convention, which the State party had submitted at the time of ratification and which rendered inapplicable any provision not compatible with sharia law, had had the effect of voiding the Convention of substance. The Government had thus decided to withdraw that reservation and replace it with reservations specific to certain articles. To that end, it had set up a mechanism to follow up on the Committee’s recommendations and organized exchanges of views among the various representatives of prevailing Islamic thought so that they could decide on the specific reservations to be made. Pointing out the duality of the sources of Mauritanian law, he emphasized that Islam was the State religion, that the precepts of sharia law took precedence over the Constitution and that any instruments ratified must also be in line with sharia rules. The Mauritanian legal system had been reformed and no longer distinguished between Islamic law judges and modern law judges.

32. As to the definition of the child, the Committee had already recommended in 2001 that the State party should ensure that the minimum age for admission to employment corresponded with that for the end of compulsory education. The former had been set at 15 years and the employment conditions for youths aged from 15 to 18 years had been adapted to that age bracket. The official age for consent to marriage had been set at 18 years, with no exception being allowed, unless required by the best interest of the child. If it came to light that a guardian had given a child

in marriage to suit his or her own interests rather than that of the minor, a judge could annul the marriage and impose penalties on the guardian.

33. The Fund for Future Generations, established in 2006 and financed by oil revenues, was located abroad and managed in a transparent manner by the Government and representatives of civil society.

34. Polygamy was permitted under certain conditions stipulated by the Personal Status Code, conditions which tended to discourage the practice.

35. **Mr. Ould Ramdan** (Mauritania) said that the State had issued an ordinance on the protection of the child which was in keeping with the definition of the child under the Convention. The protection measures for a child aged 7 to 15 excluded detention and took the child's interest into account.

36. The State, through the National Human Rights Commission, conducted awareness-raising campaigns to address the legacy of slavery, in collaboration with non-governmental organizations, which reinforced the State's efforts in that regard and provided support to victims. It should be noted that the code on children's issues enabled non-governmental organizations devoted to the protection of the child to associate with the public prosecutor in cases involving a violation of the rights of the child.

37. **Mr. Citarella**, returning to the issue of the age of criminal responsibility, asked for clarification concerning the fact that the adoption of protective measures for children aged 7 to 15 entailed sentencing by a criminal court and a trial before a judge.

38. **Mr. Kotrane** said that, under the Convention, children under a certain age could not be subject to criminal proceedings because they were considered as incapable of infringing the law. As to the general reservation, the State party was no longer empowered to set out new reservations that were less restrictive, and thus could only withdraw its general reservation, as other countries had already done.

39. **Mr. Zermatten** wished to know whether the State party had made any progress towards decentralizing juvenile justice, who decided on placement in detention centres, and whether a specific body was responsible for monitoring the administrative processes of those centres.

40. **Mr. Filali** asked for clarification on the status of girls under the age of 18 who had been victims of rape and appeared before a court. He would also welcome clarification on the distinction the State party made between "indecent assault" (*attentat à la pudeur*), "immoral acts" (*attentat aux mœurs*) and "abduction of a minor" (*détournement de mineur*) and whether there was any exact classification describing such offences.

41. He also wished to know what kind of protection was provided to children who transited through Mauritania for migration purposes, for example, and whether they had access to health services or could be schooled in their native language if held in a detention centre. He also wished to know whether young girls who became pregnant during such migration could receive medical and social care.

42. **Mr. Ould Ramdan** (Mauritania) said that placement in detention centres was an administrative measure against which an appeal could be lodged. On the decentralization of juvenile justice, each of the country's 13 regions had a juvenile court and in some cases an investigating judge who specialized in juvenile justice. Under the Mauritanian legal system, a case involving a young girl who had been

raped would be considered as involving an immoral act or the abduction of a minor; in any case, rape was a clearly defined offence under the law.

43. The decision to place children transiting through the country in detention fell to administrative officials, who made the necessary health and schooling arrangements for them, resources permitting.

44. The explosive remnants from the conflict in Western Sahara posed problems for the nomadic population that needed to cross mined zones, at the border with Morocco, in order to move their livestock into farmland to graze. A joint programme was being conducted with the United Nations Children's Fund (UNICEF) to raise awareness of landmine-related risks and to organize income-generating activities for victims in order to facilitate their reintegration and readaptation.

45. **Mr. Mohamed Jereb** (Mauritania) said that the national movement for the promotion and protection of the rights of the child, which reflected the State party's new approach since its ratification of the Convention, aimed to instil a genuine and widespread culture of the rights of the child in the country. That had led to the creation of networks and partnerships involving national and international stakeholders. Moreover, regional activity had been established at the level of the *wilayas*.

46. Measures had been taken to enable children to express themselves and participate in society. For example, a national children's day had been declared and 10 Mauritanian children were participating in the International Children's Parliament. A parliament for children, with broad legislative and judicial competence, had been established and had organized a number of information campaigns.

47. The Government was currently endeavouring to establish municipal children's councils and to raise awareness about the United Nations World Report on Violence against Children. The networks in place were taking measures in preparation for celebrating the Convention's twentieth anniversary and using that opportunity to raise public awareness of the rights of the child. Committees had also been established to incorporate the issues relating to children into the Strategic Framework for Poverty Reduction and draw up specific budgets to that end. Lastly, a commission had been set up to ensure follow-up on the Committee's recommendations following its consideration of Mauritania's initial report, and those recommendations had been widely disseminated.

48. *Talibé* children were children who received a Koranic education and, due to their extremely difficult living conditions, descended to begging. In 2008, a national centre to provide support and protection to those children had been established, in the framework of the national strategy for the reintegration of children. To date, the centre had helped more than 70 children and had signed agreements with certain Koranic schools with a view to improving such pupils' prospects. The centre also provided assistance to illegitimate children. Fortunately, the many requests received from host families meant that children did not tend to stay in those centres very long.

49. Although the State party's report submitted in 2007 had not contained any detailed information as regards preschool education, it had taken significant measures since then: it had set up a national programme which addressed the special needs of children and attempted to harmonize Koranic and modern teaching methods. The aim was to modernize the teaching methods of Koranic schools, which still made use of relatively violent methods.

50. **Ms. Villarán de la Puente** asked for clarification on that violence in Koranic schools.

51. **Mr. Mohamed Jereb** (Mauritania) said that, in Koranic schools, students learned how to read and write in Arabic, the language of the Koran, and were required to learn verses from the Koran by heart. Teachers frequently used corporal punishment. The Government had decided to amend current legislation and set up teaching programmes which encouraged the use of more moderate teaching methods. Nonetheless, the Koranic centres could not be eliminated, as they were the main structures looking after young children. There were plans to make improvements to 10 Koranic schools.

52. **Ms. Khattab** asked whether children with diplomas from Koranic schools could find work easily.

53. **Mr. Citarella** wished to know whether there were any non-Koranic private schools in Mauritania.

54. **Ms. Al-Asmar** asked whether Koranic schools sufficiently prepared students to enter the workforce and face the realities of life.

55. **Mr. Mohamed Jereb** (Mauritania) said that experience had shown that children from Koranic schools were better prepared than other children at the start of elementary school. One of the Government's main objectives was to promote social justice among students, and as such, it had attached great importance in recent years to improving the quality of its educational system, especially through measures to increase the school enrolment rate, efforts to curb dropout rates, ensuring free elementary to university-level education, and by distributing handbooks at affordable prices in every province. The Government's 10-year plan (1999–2009) had helped to significantly improve the school enrolment rate of girls.

56. **The Chairperson** asked for information on the provisions on compulsory schooling, on sanctions applicable to negligent parents, the cost of schooling and measures for reducing dropout rates.

57. **Mr. Mohamed Jereb** (Mauritania) said that school books were sold at a price the Government believed all families could afford and it provided free school supplies (such as pencils) to children. Bus services had been established in remote areas to encourage and facilitate girls' access to secondary schools. Young girls sometimes lived on site, as close as possible to their school. The Ministry for Social Affairs, Children and the Family was endeavouring to raise awareness on the importance of schooling for young girls, including in higher education. It provided support to parents' associations, which played a very important role in that regard.

58. **Mr. Ould Ely Telmoudy** (Mauritania) added that, currently, girls made up 50.3 per cent of the elementary student body. Unfortunately, the trend was reversed at the secondary level. Indeed, it was difficult for girls to pursue their studies as secondary schools were not present in all of the townships. Consequently, the Government had provided the community, in certain pilot areas, with free bus services to facilitate girls' attendance at secondary schools. The results had been satisfactory, and it was hoped that the experiment would soon be expanded.

59. Parents could send their children to school free of charge, and only had to pay for notebooks and school books, which the State currently made available at a fixed price. Moreover, the thousand or so school canteens throughout the country helped to effectively reduce school dropout rates by ensuring that children were provided with one meal a day.

60. **Ms. Al-Asmar** said that she would welcome more information on what, aside from tuition fees, would drive parents to take their children out of school, bearing in mind that the students often cited the dull or irrelevant design of the curricula, especially those geared towards girls.

61. **Mr. Ould Ely Telmoudy** (Mauritania) said that the Government of Mauritania was endeavouring to eradicate one by one the difficulties that girls faced. It had recently adopted legal provisions to combat the practice of early marriage.

62. **Mr. Filali** asked whether there were any State grants to help the poorest families pay for school supplies.

63. **Ms. Varmah** asked whether school canteens provided their services free of charge and whether they were located actually in the schools.

64. **Mr. Ould Ely Telmoudy** (Mauritania) said that school canteens were indeed in schools and that the meals were fully paid for by the Government. For the 2008/09 academic year, students had received a bag containing all the school supplies they needed. Unfortunately, that practice had not yet been institutionalized.

65. An agreement had been signed between the United Nations High Commissioner for Refugees (UNHCR), Mauritania and Senegal for the voluntary repatriation of Mauritanian refugees. In that context, the Government had set up an institution to prepare their return and facilitate their reintegration, and had prepared orientation programmes. According to the most recent available data, 11,000 of the 18,000 refugees who had expressed a desire to return to Mauritania had already returned, after freely choosing where they wished to settle. That operation was directly overseen by the Government of Mauritania in collaboration with UNHCR and Senegal.

66. **The Chairperson** wished to know what measures had been taken to promote immunization and combat child malnutrition.

67. **Mr. Ould Ely Telmoudy** (Mauritania) said that the Mauritanian authorities were endeavouring to strengthen the health system in order to fulfil the Millennium Development Goals by 2015, especially Goal 4 (Reduce by two thirds the mortality rate among children under 5), Goal 5 (Reduce by three quarters the maternal mortality ratio), and Goal 6 (Halt and begin to reverse the spread of HIV/AIDS and malaria). To date, 72 per cent of Mauritians lived within 5 kilometres of a health facility. The health budget had considerably increased over recent years, from 8.7 billion ouguiyas in 2007 to 9.34 billion in 2008.

68. Despite having of a relatively low HIV/AIDS prevalence (0.62 per cent), Mauritania remained vigilant. According to the most recent multiple indicator cluster survey, less than 10 per cent of the women surveyed knew how the disease was transmitted or could be prevented. Nevertheless, twice as many women had agreed to undergo screening in 2007 as had been the case in 2001. In 2006, in the framework of its national strategy for child monitoring and development, the Government of Mauritania had adopted a strategy to prevent mother-to-child transmission.

69. The Government had for several years been purchasing vaccines through UNICEF. In spite of the availability of the vaccines, however, coverage of children, particularly in rural areas, was insufficient: only 78 per cent had been vaccinated against measles and 57 per cent against diphtheria/pertussis/tetanus (DPT). It was hoped that the pentavalent vaccine, available since 2008, administered in a single injection versus multiple ones, would encourage families to have their children immunized.

70. Malnutrition indicators remained alarming since, according to the most recent survey, 30 per cent of children were underweight and 12 per cent suffered from severe malnutrition. However, the situation was not worsening. The rate of child and maternal mortality also remained of concern, but the work of the health services had helped make substantial progress in that area.

71. The country's birth registration rate was 57 per cent on average, but 81 per cent for births assisted by professionals. The problem was not a matter of a lack of civil registration services, as those were present even in remote areas, in some cases in mobile form, but to the slowness with which people changed their attitudes. The Government needed to adopt a more proactive approach to foster a change in behaviour.

72. **Ms. Maurás Pérez** (Country Rapporteur) asked whether the State party planned to call upon civil society to help it to address that situation and foster greater awareness.

73. **Mr. Ould Ely Telmoudy** (Mauritania) expressed the view that although the registration of births had been widely promoted, especially through the media, it would indeed be useful to involve civil society and all other stakeholders in that effort, especially in remote areas.

74. **Ms. Maurás Pérez** (Country Rapporteur) thanked the delegation of Mauritania for its replies and said she was pleased with the fruitful dialogue that had taken place. She took note of the Mauritanian Government's efforts to codify and incorporate human rights into its legislation, although questions remained on how to reconcile concepts from legal systems based on sharia law and customary law and practices, particularly as regards the definition of the child. She was pleased with the progress made in the school enrolment of girls, especially at the secondary school level, but many questions remained as to the financing of education, the quality of teaching and grants for the poorest.

75. **Mr. Ould Ely Telmoudy** (Mauritania) thanked the Committee for the warm welcome extended to the delegation. Close attention would be paid to the Committee's recommendations with a view to their implementation.

76. *The delegation of Mauritania withdrew.*

*The meeting rose at 6 p.m.*