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Summary record of the 37th meeting

Held at the Palais Wilson, Geneva, on Friday, 16 November 2012, at 10 a.m.

Chairperson: Mr. Pillay

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

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Initial report of Mauritania (continued) (E/C.12/MRT/1; E/C.12/MRT/Q/1 and Add.1)

1. **Mr. Abdellahi Ould Khattra** (Mauritania), replying to a question about economic development asked at the previous meeting, gave an overview of the Strategic Framework for Poverty Reduction. He said that a national employment strategy focusing on areas such as vocational training, microenterprise development and public-private partnerships had in 2011 created more than 20,000 jobs.
2. **Mr. Ould Zahaf** (Mauritania), replying to questions asked at the previous meeting about work-related issues, said that the minimum wage was established by collective bargaining and was based on the cost of living. It had most recently been reviewed in August 2011, when it had been raised by 43 per cent. Information campaigns were conducted regularly to keep employers, trade unions and other stakeholders abreast of labour legislation, with radio and television campaigns targeting the general public. There were 10 regional labour inspectorates and a total of 82 inspectors, with larger numbers assigned to regions with higher concentrations of workers. While corruption was a problem at all levels of labour administration, efforts were being made to root it out. The Labour Code gave all workers the right to strike. He described the structure of worker and employer representation in his country and stressed that there was no prohibition against establishing or joining a trade union. Unions could, however, be shut down if they engaged in activities not falling within their core mandate of defending workers' interests.
3. There was no discrimination against women with regard to hiring or pay. Mauritania had ratified the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100) and reported regularly to ILO, which had not identified any cases of work-related gender discrimination in Mauritania. If the Committee had any information on such discrimination, his delegation would appreciate receiving it.
4. Rigorous periodic monitoring of worksites was done to ensure adherence to hygiene and safety rules. A programme had been set up in cooperation with the International Atomic Energy Agency to assist workers who might be exposed to nuclear waste. The employment of persons with disabilities was protected by the law, especially if their disability resulted from their employment. The proportion of workers with disabilities was 4 per cent. His delegation would provide the Committee with information on the social security scheme.
5. Turning to questions relating to child protection, he said that Mauritania had four child protection centres. Slavery-like practices such as child labour still existed in the country. The Country Rapporteur had mentioned three court cases, of which one had resulted in a conviction, but it was important to note that the latter case had concerned child labour, not traditional slavery.
6. **Mr. Abdel Malick** (Mauritania) said that he would respond to various questions posed at the previous meeting on legal issues. Mauritania was prepared to withdraw its general reservation to the Convention on the Rights of the Child, and to replace it with reservations on specific aspects of the Convention. In response to a request for information about legislative and other measures to combat violence against women, he said that, as the written replies indicated, several legislative measures had been taken in connection with his country's accession to relevant conventions such as the Convention on the Rights of the

Child and the Convention on the Elimination of All Forms of Discrimination against Women. A national committee to combat gender-based violence had been established in 2008 and a survey on such violence carried out in July 2012. A national strategy to combat female genital mutilation had been adopted in 2007 and various projects had been implemented in urban centres to root out the practice. Since the promulgation of a fatwa against female genital mutilation some years previously, the occurrence of the practice among women between the ages of 15 and 49 had fallen slightly. Awareness-raising campaigns on excision had been organized by civil society entities and public authorities. His Government was working on legislation to criminalize rape. In addition to psychosanitary centres for rape victims, awareness-raising campaigns aimed at the judiciary and the general public had been conducted.

7. Turning to measures in favour of children, he said that his country had acceded to a number of conventions related to trafficking in persons, several relevant ILO conventions and the two Optional Protocols to the Convention on the Rights of the Child. He mentioned legislation, promulgated respectively in 2003 and 2007, that prohibited trafficking in persons and criminalized slavery and slavery-like practices. A national commission had been set up to monitor the situation with regard to child trafficking, and his Government intended to establish a national plan of action to combat trafficking in persons.

8. He outlined measures taken by his Government to implement recommendations by the Committee on the Elimination of Discrimination against Women. In response to a question about whether a legal definition of what constituted discrimination against women had been established in Mauritania, he said that such a definition would be included in a gender law that his Government was considering. Responding to a question about the rights of children born out of wedlock, he said that they had the same rights as children born to married couples, with the exception of rights related to inheritance and succession, which were governed by the Personal Status Code.

9. **Mr. Abdellahi Ould Khattra** (Mauritania), responding to additional questions about labour-related issues, said that the national unemployment rate, as determined by a 2008 households survey, was 31 per cent. The results of a new survey were expected in January 2013. Efforts by employers and employees to avoid taxation and circumvent cumbersome administrative procedures had resulted in a very large informal sector. A lump-sum tax for small businesses had been established and other administrative procedures simplified to encourage such firms to join the formal sector.

10. Responding to questions on other topics, he said that, while Mauritania did not have an unemployment benefit scheme, the unemployed could have access to subsidized food and other benefits through various other social protection programmes. Vaccination rates for certain illnesses had declined in the past few years owing to logistical problems affecting distribution, especially in isolated parts of the country. Steps were being taken to overcome those difficulties. School meal programmes and other measures were being used to boost primary school enrolment rates.

11. He gave an overview of efforts to provide housing to slum dwellers. Since 2009 many squatters had been settled on newly prepared sites that included basic services such as water delivery and infrastructure such as schools. Those efforts were financed through a new development fund, and a housing substitution fund was being established. He also described his Government's efforts to tackle food shortages. Citing efforts to bring all the country's regions to a comparable level of economic development, he described a national programme for regional development, aimed at improving infrastructure and encouraging investment in productive sectors so that inhabitants would not migrate to other regions.

12. **Mr. Abdel Malick** (Mauritania), responding to a question on the protection of the economic, social and cultural rights of persons with disabilities, said that the 2006 Order on

assisting and protecting persons with disabilities safeguarded all the rights enshrined in relevant international instruments.

13. **Mr. Ould Zahaf** (Mauritania), replying to a question posed at the previous meeting, said that his Government did not carry out forced evictions. After land for a settlement had been properly prepared, with utilities in place and areas set aside for schools and other public facilities, families were resettled there, though not necessarily on the plot they had originally occupied as squatters.

14. In connection with an earlier discussion of slavery, he drew attention to the Programme to Eradicate the Legacy of Slavery, described in the written replies.

15. **Ms. Barahona Riera** said that the response to her question about extractive industries had been incomplete. She requested more detailed information about how the State party's policies for those industries ensured that the affected general population received an adequate water supply, health care and other basic services. She also wished to know how taxes imposed on firms engaging in extractive activities were used to ensure the well-being of the local population.

16. **Mr. Texier**, referring to the delegation's statements on the issue of gender discrimination in employment, requested details about the actual situation. He wished to know the relative percentages of women and men at work and whether they enjoyed equal career opportunities and equal pay for equal work, something that the facts belied.

17. The replies to his earlier questions about trade unions had been too general and too vague. Recalling that the International Trade Union Confederation had deemed articles 275 and 276 of the Labour Code an infringement of unions' freedom of association because they allowed the Government to decide which unions were legitimate, and that their provisions departed from ILO criteria, he requested clarifications on that matter and on how trade unions operated in practice. He also wished to know how multinational companies and the private sector in general behaved with respect to trade unions.

18. **Mr. Martynov** reiterated questions asked earlier regarding the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), private-sector funding of social security and the percentage of the working population covered by social security. He asked whether the fact that the extreme poverty threshold in 2008 had been set at three times the minimum wage did not actually mean that persons earning the minimum wage could not even aspire to the extreme poverty threshold.

19. **Mr. Sadi** asked why there had not been total or near total eradication, rather than a mere decrease, of female genital mutilation since a fatwa had been declared against the practice. He also asked whether the fact that the Government was in the process of criminalizing rape meant that there were currently no legal provisions punishing such acts. He wondered what view the State party took of abortion in the case of rape. He wished to know the nature of the specific reservations with which Mauritania intended to replace its current general reservation to the Convention on the Rights of the Child. He said that he was especially bothered by the Personal Status Code and its provisions regarding guardianship of women in the marriage process. He asked whether a marriage was considered valid without the woman's consent, how the best interests of women were taken into consideration and to what extent their rights were protected.

20. **The Chairperson** (Country Rapporteur), speaking as a member of the Committee, asked how many job opportunities for Mauritians had arisen from exploration for and exploitation of natural resources and whether there were laws governing the employment of foreign nationals. If so, were those laws being respected?

21. **Mr. Abdel-Moneim**, referring to the delegation's comment about the country's limited resources, said that, based on article 2, paragraph 1, of the Covenant, the State party should also take account of its potential resources when defining its policies.

22. **Mr. Abdellahi Ould Khattra** (Mauritania) said that Mauritania made reservations to any international instrument that ran counter to Islamic law. Rape was already an offence under the Criminal Code but the Government was currently adopting a specific law on the issue. The progress made in combating female genital mutilation, in large part thanks to the fatwa, was significant in the context of a country where the practice was widespread. Nevertheless, the Government would enact a law criminalizing the practice. The legal marriage age was 18 for men and women alike and guardianship was a sine qua non for it to take place.

23. **Mr. Abdel Malick** (Mauritania) said that Mauritania had considerable untapped mineral resources and most of the related activity was at the exploration stage. However, the authorities had very early on set up an oversight apparatus to maximize the windfall for the State budget and the population. A national commission on the extractive industry, which reported to the Office of the Prime Minister, had been given responsibility for monitoring, attracting investors and mobilizing all stakeholders, especially civil society. Firms were obliged to hire a minimum quota of Mauritanian workers, there were no barriers to forming a union and the right to strike was guaranteed, provided that prior notice was given. His delegation was not aware of any recent cases of companies contracting work out to avoid the unionization of their employees. Mauritania worked closely with ILO on the issue of trade unions.

24. Women had a very important part to play in Mauritanian society, but that importance did not necessarily result from a professional career. There were not enough qualified women and they remained underrepresented in some sectors. However, the Government was going to great lengths to promote women in the workforce.

25. **Mr. Ould Zahaf** (Mauritania) said that, in the context of marriage, the judiciary could step in as guardian.

26. **Mr. Abdel Malick** (Mauritania) said that Mauritanian women benefited from the utmost respect. Mauritania had been one of the first Arab countries to allow women to occupy high public office. They were also permitted to join the armed forces and the police. There was no gender pay gap.

27. **Mr. Abdellahi Ould Khattra** (Mauritania) said that, although a society could not be changed overnight, there was a ministerial department dedicated to promoting the advancement of women and reversing cultural biases. Women had to make up at least 20 per cent of elected officials at all levels of government.

Articles 10 to 12

28. **Ms. Cong** asked what legislative measures had been taken to establish a modern health-care system and reduce maternal and infant mortality rates and what obstacles the State party had encountered in so doing. She also asked whether State subsidies tended to favour more affluent people over the most disadvantaged.

29. **Mr. Riedel**, noting that two thirds of women did not know how to prevent HIV/AIDS and half of men aged 15 to 24 had never used a condom, asked what the State party was doing to address the lack of awareness of the disease. Also, HIV/AIDS prevalence in sex workers and convicts was 7.6 per cent and 3.9 per cent, respectively, whereas the prevalence in the general population was only 0.61 per cent. How was the State party addressing the particular needs of those two groups? He welcomed the establishment of the neuropsychiatric centre and the adoption of a national mental health programme and

asked what they consisted in and what their effect had been. He requested an explanation of the “*antennes psychiatriques régionales*” (regional psychiatric units) mentioned in paragraph 73 (c) of the replies to the list of issues. He commended the State party for its candid description of the alarming situation regarding essential medicines, but asked for additional information on the steps taken to address the issue and whether Mauritania had appealed for assistance from donor States or the World Health Organization. He also asked what the results had been of the pharmaceutical law, whether it was being complied with and whether any firms had been prosecuted or fined. He expressed concern that pricing at tertiary hospitals was not standardized among all institutions and asked what had been, or would be, done to correct price discrepancies.

30. **Ms. Shin** agreed that societies and cultures could not be radically changed overnight, but said that the Committee’s role was to ascertain to what extent States parties — which ratified international instruments voluntarily — abided by the Covenant provisions whereby men and women had equal rights. Moreover, customs and traditions were not static, they could evolve. Quoting articles of the Personal Status Code relating to marriage and guardianship, she asked the delegation what its reaction would be if the wording was reversed, in other words, if “men” was replaced by “women” and vice versa. Would there not be an outcry? Could it not see that the provisions were discriminatory? She asked why an adult woman should have a guardian appointed for marriage purposes but not men, why one or the other spouse had to “direct” the marital relationship and why only men could be guardians. She strongly urged the establishment of a legal reform committee to review the Personal Status Code and suggested that all provisions regarding guardianship should be, if not abolished altogether, at least modified to reflect the various treaties to which Mauritania was a party.

31. She welcomed the drafting of specific legislation on rape and hoped that it would also include other forms of sexual violence, the various settings where such acts could occur, and provisions for punishment, victim protection and standards of criminal procedure, especially to avoid re-victimization. She also hoped that the drafting process would be done in cooperation with women’s organizations. She encouraged the State party to devise medium- to long-term plans to tackle the persistently high rate of female genital mutilation, including annual targets, and called for greater awareness and use of contraceptives among both women and men. She reminded the State party of the essential features of addressing sexual violence, namely, prosecution and punishment of offenders, protection of victims, and prevention.

32. **Mr. Sadi** asked the delegation to state the grounds on which women were allowed to file for divorce. He wondered whether a fatwa had been issued against the use of contraception and, if not, whether contraception was available to the public. He also wished to know if Mauritania had established regulations on the sex selection of children.

33. **The Chairperson** asked if there were any housing programmes in place in rural areas. While he appreciated the delegation’s reply regarding forced evictions in Nouâdhibou and Nouakchott, he wished to know if forced evictions took place in any other urban areas. He reiterated questions about homelessness, social security and the creation of job opportunities through the exploitation of natural resources. The National Human Rights Commission had recommended that the Government should adopt a tenancy law and improve access to land for the poor, including by allocating to them plots of land in suburban areas. He asked whether the Government planned to implement those recommendations and to build low-cost housing in urban areas.

34. **Mr. Ould Zahaf** (Mauritania) said that the Government was focusing its housing efforts on eliminating shantytowns from urban areas by early 2013, as they posed serious health and safety problems, whereas the situation was different in rural areas. No forced evictions were taking place anywhere in Mauritania. Rather, families were being relocated

to areas with basic services, where they were allocated a plot of land that was theirs to own in perpetuity. A special housing bank had been established to allow families to take out loans to buy homes, and a State housing agency had been set up to deal specifically with housing issues. A programme whereby groups of people helped each other to build their own homes had also been very successful.

35. There were no homeless people in Mauritania, because family ties were so strong that it would be unacceptable for a family to allow any of its members to remain homeless. All companies involved in the exploitation of natural resources were required to fill a quota of Mauritanian employees, though opportunities to hold executive and engineering positions were limited.

36. Given that Mauritanian society was Muslim, the best way to prevent HIV/AIDS or any other disease, especially those resulting from anti-religious practices, was by encouraging the public to follow Islamic morals. Many awareness-raising campaigns on the dangers of HIV/AIDS had been conducted by official and private media outlets, religious leaders and civil society organizations, and contraceptives were starting to be used, especially by young people. From a religious and cultural point of view, there was no need to use contraception outside the context of family planning within marriage.

37. He recognized that mental health care constituted a weak point in the Mauritanian health-care system, but that was also due in part to cultural factors because many people suffering from mental illness would prefer to visit a marabout or religious healer rather than a psychologist or psychiatrist. Counterfeit medication was also a problem in Mauritania, as it was in all least developed countries. Nevertheless, the Government was taking measures to monitor the sale of medicines and to standardize prices and quality in the sector. His delegation would provide further details about the country's health-care system at a later time.

38. It was the will of God that the husband should be the leader of the family. Islamic law was very clear about the fact that a Muslim man could marry a woman from a different monotheistic religion while a Muslim woman could only marry a Muslim man. Those issues were not up for debate in Mauritanian society. While the Government did believe in human rights principles and the universality of human rights, given that Islam was the official State religion it was not the Government's place to discourage its citizens from acting in accordance with Islamic law. Sexual violence did not exist in Mauritania, because sexual relations were governed by religion and were based on consent.

39. Slavery had been abolished in Mauritania. It was true that some descendants of slaves and descendants of slave owners lived together, but the relationship between the two was no longer that of slave and master, and it was not the Government's place to separate them. The challenge facing the Government was to ensure that persons from all social strata had the same opportunities and could attain the same standard of living. A woman could file for divorce if her husband was no longer providing for her. To his knowledge there was no domestic legislation on the sex selection of children.

40. **Mr. Abdel Malick** (Mauritania) said that he shared Ms. Shin's view on changes in society, but that the Government must conform to the limitations imposed by Islam, the State religion. Nevertheless, the form of Islam practised in Mauritania was very tolerant and respected universal human rights principles. His Government would take note of the Committee's suggestions on the issue of rape and would attempt to include them in the legislation being drafted to criminalize and punish that offence.

41. The use of contraception was accepted in Mauritania, and the need to protect oneself from sexually transmitted diseases was discussed daily in the media. The Government had adopted a law punishing female genital mutilation and was working in collaboration with religious leaders to change attitudes towards the practice, with a view to eliminating it

altogether. While it still occurred in some isolated parts of the country where access to the media was limited, it was gradually disappearing.

42. **Mr. Tirado Mejiá** said he was surprised to note the delegation's position that nothing could be done to change certain aspects of Mauritanian society because they stemmed from Islamic beliefs. Many Islamic countries took a different view of the matter, and in any case Mauritania had voluntarily committed to the obligations set out in the Covenant and was therefore required to develop policies and legislation to implement those obligations.

43. **Ms. Barahona Riera** said it was questionable to argue that a whole series of practices harmful to women were justified on religious grounds. The people of Mauritania were rights holders, and as a party to the Covenant the State had an obligation to respect those rights. The Government should consider whether it was fulfilling that obligation, given the many obstacles to its citizens' enjoyment of their rights as discussed during the dialogue with the Committee.

44. **Ms. Shin** said that the issue of the universality of human rights in the face of different countries' specific cultural characteristics had been addressed at the World Conference on Human Rights held in Vienna in 1993. There were many interpretations of Islam, some of which were consistent with international human rights instruments. Those religious practices in Mauritania that were not in line with those instruments and that had a harmful effect on the lives of women and children should be changed. While slavery in its traditional form might not exist in Mauritania, child descendants of slaves still faced significant difficulties and discrimination. She asked what assistance the Government could provide to those who wished to escape from that situation. Noting that victims of child labour were often illiterate, she suggested that the Government should establish a system whereby third parties, such as non-governmental organizations, could file complaints of human rights violations on their behalf.

45. **Mr. Texier** said that the concept of male superiority existed in various religions, but that in many countries reforms had nevertheless been enacted to achieve equality between the sexes. If Mauritania did not follow suit, it would eventually end up completely at odds with the international instruments to which it was a party. The Government should not deny the reality of the situation regarding sexual harassment and violence against women. Human beings were imperfect, and thus the best way to fight HIV/AIDS was through prevention, including the use of condoms and sex education.

The meeting rose at 1 p.m.