

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 38TH SESSION (NEW YORK, 14 MAY- 1 JUNE 2007) MAURITANIA (INITIAL REPORT)

Information Submitted to the Committee.....	1
Themes and Issues.....	3
National Machinery.....	3
Discrimination Against Women	3
Representation of Women & Temporary Special Measures	4
Reservation.....	4
Violence Against Women.....	4
Exploitation of Women and Girls	5
Education.....	5
Health.....	5
Conclusions and Next Steps.....	6

Information Submitted to the Committee

On 25 May 2007, Mauritania submitted its combined initial report¹ under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention), as well as written responses² to the list of issues and questions³ raised by the Committee on the Elimination of Discrimination against Women (the Committee). Ms. Fatimetou Mint Khattriled, the Minister for the Promotion of Women, Children and Family led the delegation from Mauritania.

¹ <http://daccessdds.un.org/doc/UNDOC/GEN/N05/453/00/PDF/N0545300.pdf?OpenElement>.

² <http://daccessdds.un.org/doc/UNDOC/GEN/N07/286/68/PDF/N0728668.pdf?OpenElement>.

³ <http://daccessdds.un.org/doc/UNDOC/GEN/N06/555/59/PDF/N0655559.pdf?OpenElement>.

Mauritania is among the poorest countries in the world and the economic and social conditions of women suffer as a result. Mauritania signed and ratified the Convention with one reservation,⁴ on 10 May 2001. Mauritania's report is comprised of the initial report, due in 2001 and the first periodic report due in 2005. The report is divided into two parts. The first provides an overview of Mauritania's territory and population, economic data, political and institutional development, and administrative organisation. The second describes implementation developments under each article of the Convention as required by the Committee's reporting guidelines.⁵

The Committee's list of issues and questions addressed discrimination and violence against women, the situation of rural women, health services, education, and participation of women in the political arena. The list focused on practices that violate the Convention such as female genital mutilation (FGM) and force-feeding,⁶ enquiring as to what measures were being taken to eradicate them. The Committee also pressed for information as to any progress made concerning the withdrawal of the reservation and towards ratifying the Optional Protocol.⁷ Although not mentioned again throughout the dialogue, in her closing remarks, the Chairwoman further urged Mauritania to consider the ratification of the Optional protocol.

Two shadow reports were submitted. The first was submitted by a coalition of non-governmental organisations (NGOs) supported by the United Nations Development Fund for Women (UNIFEM) and Women in Law and Development in Africa (WILDAF).⁸ The WILDAF report is a highly detailed and extensively researched document, containing significant amounts of data and statistical analyses that were lacking in the government report. It concludes with the Charter for the Advancement of Women in Mauritania focusing on three principal themes: increasing the number of women in decision-making spheres of public life, action to be taken concerning reproductive health, and lastly, the accelerated implementation of the first two issues in the rural areas, where women's illiteracy is high.

The Partners Network for Promotion and Protection of Human Rights in Mauritania (PNPP) representing several Mauritanian NGOs,⁹ submitted the other shadow report. This report comments on Mauritania's progress and makes recommendations to the Government of Mauritania. It also focuses on practices detrimental to the health of women and girls such as domestic and sexual violence, force-feeding, and premature and forced marriages. The PNPP shadow report provides examples and case studies to evidence each of these detrimental customs. Finally, it recommends the creation of a structure at the highest level, which would focus solely on the protection of young girls and women. This structure would also stress the importance of building the capacity of NGOs working for the advancement of women. The shadow report also recommends that a study be conducted on violence against women, and that an action plan be adopted to abolish these practices and help improve health services' ability to handle and identify cases of violence.

During the dialogue, the Committee urged the delegation to involve civil society and religious leaders in its preparation of future periodic reports. Upon its conclusion, a representative from the NGO expressed satisfaction with the results of the dialogue with the Committee.

Mauritania is party to a number of international instruments including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and

⁴ 'Having seen and examined the United Nations Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979, have approved and do approve it in each and every one of its parts, which are not contrary to Islamic Sharia and are in accordance with our Constitution.'

⁵ Overview of the working methods of the Committee, <http://daccessdds.un.org/doc/UNDOC/GEN/G03/417/51/PDF/G0341751.pdf?OpenElement>.

⁶ The practice of feeding someone against his or her will. This practice is found in Mauritania due to the traditional mindset that fat is beautiful.

⁷ <http://www.un.org/womenwatch/daw/cedaw/protocol/text.htm>.

⁸ [http://www.iwraw-ap.org/resources/pdf/Mauritania%20SR%20\(FNPDFE\).pdf](http://www.iwraw-ap.org/resources/pdf/Mauritania%20SR%20(FNPDFE).pdf).

⁹ *Alternative Report for CEDAW*, [http://www.iwraw-ap.org/resources/pdf/Mauritania%20SR%20\(FNPDFE\).pdf](http://www.iwraw-ap.org/resources/pdf/Mauritania%20SR%20(FNPDFE).pdf).

the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.¹⁰

Themes and Issues¹¹

National Machinery

Mauritania has three government bodies tasked with addressing women's rights. The first is the Ministry for the Promotion of Women, Children and Family - referred to in the report as the 'State Secretariat for the Status of Women'. The Ministry's mandate is to protect the family and child rights in accordance with Islam and the 'requirements of modern life', to guarantee the advancement of women and their participation in public and political life and to combat the poverty affecting them. It monitors the implementation of the Convention as well as other treaties Mauritania is party to, raises awareness of international legal instruments, tracks Government policies regarding gender, the family and the child, and proposes legislation in all these areas. Conceding that the Ministry is weak and that inter-ministerial cooperation needs improvement, the delegation also pointed out that the current budget is inadequate. However, if the new proposed budget met with approval, many more projects could be implemented. The Minister for the Promotion of Women, Children and Family also established a network of women parliamentarians to ensure important issues concerning women were addressed.

The second government body is the Ombudsman, established in 1993 and appointed by the President. The Government describes it as an independent authority, mandated to receive complaints, including complaints of discrimination from citizens. The Committee found a great deal of fault with the procedures under the Ombudsman system, which require that complaints be submitted through members of Parliament rather than directly. Committee member Ms. Shin enquired as to how many women utilised the Ombudsman and emphasised that the procedure was not very "woman friendly".

The third body is the Commission on Human Rights, Poverty Reduction and Integration, mandated with drafting and implementing national human rights policy. The Committee enquired about the budget for the Commission, to which the delegation merely commented that the body received State funding, and did not elaborate further. The delegation also mentioned a Text Revision Committee, which continually reviews Mauritanian legislation to ensure it is line with international human rights instruments. This Text Revision Committee was also referred to as a Commission. How this body functions or what it is actually called remained unclear.

One Committee member expressed concern over the difficulties Mauritania is having facilitating cooperation between the Government, civil society and the private sector. The head of the delegation acknowledged that Mauritania faced a number of obstacles standing in the way of effective implementation of the Convention. Ignorance of their rights was identified as a major impediment for women realising their rights. As one member of the delegation stated, women cannot avail themselves of services and rights they do not know exist. Ms. Chutikal suggested utilising traditional oral methods of communication such as folksongs to reach women in the rural areas.

Discrimination Against Women

The Committee enquired about the existing legal framework for tackling discrimination against women. Committee member Ms. Dariam further questioned the effectiveness of this framework and asked if the Constitution of Mauritania contained a definition of discrimination. She explained that discrimination can occur even if it was not intended and went on to explain the meaning of indirect discrimination. Although no definition of discrimination is found in the Constitution, the delegation indicated that the Constitution and

¹⁰ See <http://www.ohchr.org/english/law/index.htm>.

¹¹ For a more detailed description of the dialogue between the Committee and the State, please see the press release of the proceedings, available at <http://www.un.org/News/Press/docs/2007/wom1631.doc.htm>.

other legal texts do contain provisions combating discrimination. The delegation also pointed out that current legislation in Mauritania refers to equality between men and women and a national mechanism exists to preserve respect for women. The delegation's conclusion was that the legislation, coupled with the cultural value systems, ultimately protect the rights of women, especially those of marginalised groups. Although the Committee recognised Mauritania's efforts in this area, it still seemed unsatisfied and expressed real concern over the prevalence of discrimination and discriminatory practices.

Representation of Women & Temporary Special Measures

Committee member Ms. Gaspard suggested that the Mauritanian report appears to have misunderstood the scope of temporary special measures that are permissible to apply in order to accelerate the advancement of women in economic, cultural, social and political life. Acknowledging that Mauritanian law seemed to provide for a 20 per cent quota for women in municipal councils and that the elections of November 2006 succeeded in assuring more than 20 per cent representation of women, Ms. Gaspard pressed the delegation on whether this quota also extended to jobs within the administration. She questioned further the absence of women judges in Mauritania's judicial system, a point raised by one of the NGO groups. The delegation explained that no laws exist prohibiting women from filling administrative roles or becoming judges, and that many women participated in a recent competition for judgeships but did not qualify.. The PNPP, one of the NGOs which submitted a shadow report, emphatically stated that every representative present from their NGO were lawyers with years of experience and not a single woman passed the judgeship competition. Ms. Gaspard suggested that Mauritania review General Recommendation No. 25¹² and use this recommendation to encourage participation of women. The delegation informed the Committee that four Secretaries of State are women and stressed the importance of building the capacity and increasing representation of women in public and political life. According to the delegation, one way to achieve this is through working to decrease illiteracy rates among women.

Reservation

The delegation's interpretation of the reservation appeared to mean that Mauritania acceded to the Convention only to the extent that it does not conflict with Shariah law. The Committee conveyed distress with this viewpoint, emphasising that it is not in accordance with international law governing access to the Convention. Committee member Mr. Flinterman questioned if the reservation was really necessary in view of a comment from a member of the delegation, who referred to the Convention as being similar to Islam. The delegation stressed that it hopes to withdraw the reservation and replace it with a more carefully drafted reservation. However, the delegation did not clarify or identify areas where the Convention clashed with Shariah, only stating that the text of the Convention does not generally contravene Shariah.

Violence against Women

Violence against women was of great concern to the Committee and was the paramount issue discussed throughout the course of the dialogue. Practices such as FGM, force feeding, and domestic violence were among the issues discussed, and many Committee members conveyed great distress that these issues were still being practiced in Mauritania. Committee member Ms. Shin stated that it was difficult to ascertain the "whole picture" regarding the situation of violence against women from the report submitted by the State. Ms. Simms expressed great concern regarding the practice of FGM and questioned whether, although FGM was outlawed, Mauritania had ever charged anyone with committing this crime. Committee member Ms. Pimentel told the delegation she "was touched by the immense challenges" Mauritania faces, but noted that such practices could be classified as torture. The delegation stressed that this practice no longer exists and that there are many exaggerations on the Internet regarding this topic. With the help of United Nations, the government said that it had run sensitivity campaigns. In 2005, the State amended the penal code to address FGM as a harmful and unlawful act. Mauritania is also preparing a draft law on FGM that would

¹² [http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf).

prosecute all persons involved in the act. The delegation also welcomed comments made by a leading Mauritanian Imam, who was present at the dialogue and spoke out against FGM during the time allotted to NGO presentations, several days earlier. The presence of the Imam made an impression on many at the meeting and signified a commitment by religious leaders to fight against FGM. NGOs reported that force-feeding does still occasionally occur in Mauritania. The Committee enquired as to what steps the Government was taking to prevent violence against women including provision for shelters, and medical and legal assistance.

The delegation provided information on shelters established for female victims of violence, including marital violence, which are supported by Government but managed by NGOs. The delegation admitted that there was a lack of data in this area and acknowledged that a study would be helpful in looking at the scope of violence against women. In response to a question regarding women seeking redress for violent crimes committed against them, the delegation indicated that criminal courts could prosecute and that occasionally NGOs accompanied women seeking remedies in court. Lastly, the Committee strongly urged that Mauritania carry out a study with the help of the international community on violence against women. The Committee went on to recommend that the relevant bodies of the State examine the Secretary General's study on violence against women¹³ to gain knowledge of how other governments combat this and promote good practices. The delegation did not directly respond to many of the questions posed by the Committee. When the delegation did respond to a specific question, the information provided was often non-specific making it difficult to pinpoint what in reality is happening on the ground.

Exploitation of Women and Girls

Mauritania adopted a Trafficking Act in 2003, which included the creation of an interministerial taskforce and a definition of trafficking. The delegation repeatedly denied the existence of slavery within Mauritania but Committee member Ms. Chutikal called attention to contradictory statements made by the delegation. The delegation stated that no children were living in slavery-like conditions, but also referred to girls who provided domestic services and who are often underpaid or go without pay. The delegation clarified that while slavery no longer exists in Mauritania, this "sequel" to it does persist, in the form of exploited labour. To address this problem, the delegation urged awareness raising of the issue, its origins and its consequences as key to combating exploitation. The Committee welcomed the establishment of an inter-ministerial committee with a mandate to address trafficking and exploitation.

Education

As one Committee member pointed out, the report does not provide basic information such as literacy rates and school enrolment and drop out rates in rural areas and cities. This data is essential to constructing successful policies to address inadequacies in the area of education, especially illiteracy. Committee member Mr. Flinterman expressed concern about the economic, social, and cultural problems, which hinder girls' access to education.

The delegation recognised that it must carry out policies and practices to improve dropout rates and ensure attendance of girls in school. It also listed obstacles to girls' attendance in school such as the long distances to school, chores in the home girls are expected to do, poverty, early marriage and pregnancy. Fourteen areas now have buses running to help get more girls into school, and according to the delegation, girls can buy school equipment subsidised by the states. The State has also established prizes to award to young women to encourage their participation and excellence in science and maths. In regards to literacy, the Ministry for the Promotion of Women, Children and Family and NGOs have been working in remote regions to tackle this problem. The Government also wants to expand a pilot project into additional regions of Mauritania.

Health

¹³ <http://www.un.org/womenwatch/daw/vaw/violenceagainstwomestudydoc.pdf>.

Committee members conveyed great distress at a number of issues such as adolescent female health, a high maternal mortality rate, and the lack of any effective strategy to protect women from HIV,. Committee member Ms. Pimental enquired as to why HIV was treated as a women's problem, when it is obvious that HIV is usually transmitted by sexual relations. The Committee expressed great concern that although the delegation mentioned a program for health from 2003 - 2007, the information provided on this was minimal and when questioned, the delegation's answers were vague and no mention was made on the actual impact of the program.

The delegation emphasised that the Government had done many things to address reproductive health and was trying to reduce the cost of parental healthcare. The delegation pointed out that the State established several projects on prenatal care, created a National Reproductive Health Program and had also developed a strategy to reduce maternal mortality to 250 by 2010. The delegation also referred to the 2006 - 2012 health strategy in its responses. This strategy aims to reduce maternal mortality, improve vaccinations, and combat malaria although the delegation did not elaborate or give further details on how this would function.

Conclusions and Next Steps

Questions from the Committee often went unanswered during the dialogue and the delegation appeared to find many of the questions posed very challenging. Committee members at times seemed slightly exasperated with the often rambling and circular nature of the delegation's responses. The Committee remained highly sceptical about certain issues, such as the denied existence of slavery or force feeding. It was also concerned about the lack of data provided by the Government, and as well as the State's difficulties in conforming its laws to the Convention. However the enormity of the task facing Mauritania was not lost on the Committee.

In its Concluding Comments,¹⁴ the Committee expressed its appreciation to the Government of Mauritania for the submission of its initial report, and that it sent a high level, gender-balanced delegation to the Committee. The Committee's Concluding Comments urged Mauritania to completely withdraw the general reservation to the Convention, which the Committee described as 'contrary to the object and purpose of the Convention.' The Committee also pointed out that the levels of awareness about the Convention and the Optional Protocol are too low in the country. Efforts must be made to promote the Convention and the Optional Protocol amongst professionals in the legal field and women generally.

The Committee's Concluding Comments urge the State to ensure women do not face obstacles in gaining access to justice and suggest that Mauritania seek assistance from the international community to ensure this. The Committee recommends that Mauritania strengthen its national machinery for the advancement of women, better clarify that machinery's mandate and identify means for cooperation between all gender equality mechanisms to ensure maximum effectiveness. The Concluding Comments also urge the State to adopt a strategy aimed at eliminating harmful practices against women, which are very prevalent in Mauritania. In this regard the State should pay special attention to those marginalized groups such as rural women and minority ethnic groups. The Committee reiterated that Mauritania needs to carry out more data collection (specifically disaggregated by gender) with regard to violence against women and include information on disabled women. The Concluding Comments repeatedly recommended that the State party seek support and assistance from United Nations agencies and the international community.

¹⁴ <http://www.un.org/womenwatch/daw/cedaw/cedaw38/cc/Mauritania.pdf>.

TREATY BODY MONITOR STAFF IN NEW YORK

Michelle Evans, Representative to the UN
Kobi-Rénee Leins, Human Rights Officer

AUTHORS OF THE MAURITANIA REPORT

Stacy Morinsky, Intern

ABOUT THE PUBLICATION

The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the seven treaty bodies and provides an overview of every treaty body session. It is currently an online publication that can be found at <http://www.ishr.ch/hrm/TMBs>.

FEEDBACK AND SUBSCRIPTION

We would welcome your feedback on this publication so please send any comments and suggestions to information@ishr.ch. If you wish to receive the Treaty Body Monitor by e-mail after each session of a particular treaty body, please e-mail information@ishr.ch with 'subscribe' in the subject line. Your e-mail address and personal information will not be shared or sold to any third parties. We may from time to time send you a notification about other publications in the Human Rights Monitor Series that you may be interested in downloading or subscribing to.

COPYRIGHT AND DISTRIBUTION

Copyright © 2007 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

DISCLAIMER

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on or any use of this publication. We are however happy to correct any errors you may come across so please notify information@ishr.ch.