

COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty first session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: MAURITANIA

1. The Committee considered the second periodic report of Mauritania (CRC/C/OPSC/MRT/2) at its 1405th and 1406th meeting (see CRC/C/SR.1405 and CRC/C/SR.1406), held on 28 May 2009, and adopted at its 1425th meeting, held on 12 June 2009, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second report. The Committee further welcomes its written replies (CRC/C/MRT/Q/2/Add.1) to the list of issues and appreciates the constructive dialogue with the delegation.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes a number of positive developments in the reporting period, inter alia:

a.) the Act No. 2007-042 of 3 September 2007 on the criminalisation of slavery;

b.) the Act No. 2005-015 of 5 December 2005 on the judicial protection of children;

c.) the Act No. 2003-025 of 17 July 2003 on the suppression of trafficking.

4. The Committee also welcomes the ratification of or accession to the following international and regional human rights instruments:

a.) the Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography on 23 February 2007;

b.) the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families on 22 January 2007;

c.) the International Covenant on Economic, Social and Cultural Rights on 17 November 2004;

d.) the International Covenant on Civil and Political Rights on 17 November 2004;

e.) the Convention against Torture and Other Cruel Inhuman, Degrading Treatment or Punishment on 17 November 2004;

f.) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 22 July 2005;

g.) the ILO Convention No. 138 concerning Minimum Age for Admission to Employment on 3 December 2001;

h.) the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 3 December 2001;

i.) the African Charter on the Rights and Welfare of the Child on 14 December 2005;

j.) the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court of Human and Peoples' Rights on 19 May 2005.

B. Main areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

5. The Committee notes with satisfaction that certain concerns and recommendations (see CRC/C/15/Add.159) made upon the consideration of the initial report of the State party in 2001 have been addressed. However, the Committee is concerned that recommendations regarding, inter alia, legal reform, national plan of action, resources allocation, birth registration, harmful traditional practices, child labour and juvenile justice have not been given sufficient follow-up. The Committee

notes that those concerns and recommendations are reiterated in the present document.

6. The Committee urges the State party to take all necessary measures to address those recommendations contained in the concluding observations on the initial report that have not yet been implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second and third periodic report.

Legislation

7. The Committee welcomes that the Constitution establishes the primacy of international treaties over domestic legislation and that such instruments can be invoked before national courts. The Committee however remains concerned over practical challenges with the pluralist legal system and in particular regarding the incompatibility between Sharia law, customary law and positive law, including the Personal Status Code of 2001. The Committee is also concerned over insufficient implementation of legislation as a consequence of the lack of implementing decrees.

8. The Committee recommends that the State party strengthen and expedite its efforts to bring domestic law into full compliance with the Convention by completing a comprehensive review of legislation and its implementation. The State party should consider the adoption of a comprehensive Children's Code in order to incorporate the provisions of the Convention and take into account the African Charter on the Rights and Welfare of the Child. Furthermore, the State party should promote awareness of national legislation.

Reservation

9. The Committee regrets the broad nature of the reservation entered by the State party, however notes as positive information that the State party intends to review its general reservation.

10. The Committee recommends, in the light of article 51, paragraph 2, of the Convention, that the State party review the nature of its reservation with a view to withdrawing it in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights of 1993. The Committee further recommends that the State party seek inspiration from other countries which have either withdrawn similar reservations or not entered any reservations to the Convention.

Coordination

11. The Committee notes that the Ministry of Social Affairs, Children and Family is the coordinating authority and that the National Council for Children is a consultative body. The Committee regrets not having more information on the mandates and resources available to both the Ministry of Social Affairs, Children and Family and the National Council. The Committee expresses concern over insufficient coordination between both entities, given in particular the fact that children are only part of the mandate of the Ministry. Furthermore, the Committee is concerned that the

policies of the coordinating authority are not adequately implemented at the local level.

12. **The Committee recommends that the State party ensure that the Ministry of Social Affairs, Children and, Family, along with its consultative body, be given an adequate mandate and human and financial resources enabling it to effectively coordinate and monitor implementation at the national, regional and sub-regional level. In this regard, the Committee refers the State party to its general comment No. 5 (2003) on general measures of implementation for the Convention on the Rights of the Child.**

National Plan of Action

13. The Committee welcomes the National Plan for the Promotion of Human Rights and notes that it includes reference to children's rights. The Committee also notes that a National Policy for the Development for Young Children was adopted in 2005. The Committee however regrets that a comprehensive Plan of Action for Children has not been adopted.

14. **The Committee recommends that the State party consider, in conjunction with the above efforts, the adoption of a comprehensive Plan of Action for Children and ensure their implementation with adequate human and financial resources, accompanied with assessment and evaluation mechanisms.**

15. **Furthermore, the Committee recommends that the relevant Plans and Strategies be translated into local languages and disseminated widely among local authorities and non-governmental organizations (NGOs) as they play an important role in their implementation. The Committee encourages the State party to take into account the Declaration and Plan of Action "A World Fit for Children" adopted by the General Assembly at the Special Session on Children held in May 2002 and its mid-term review of 2007. Finally, the Committee encourages the State party to also monitor the implementation of the "Call for accelerated action on the implementation of the Plan of Action towards Africa Fit for Children (2008-2012)" adopted in Cairo on 2 November 2007 by the African Union second Pan-African Forum on Children: midterm review (see A/62/653).**

Independent monitoring

16. The Committee welcomes the establishment of the National Human Rights Commission in 2006 and information indicating that it has a unit specialised on children's rights, however is concerned that the Commission lacks resources and is not accessible to children.

17. **The Committee recommends that the State party ensure that the National Human Rights Commission complies with the Paris Principles and that its is provided with adequate human and financial resources to receive, monitor and investigate complaints from or on behalf of children on violations of their rights as well as recommend remedies. In this regard, the Committee draws the attention of the State party to its general comment No. 2 (2002) on the role of**

independent national human rights institutions in the promotion and protection of the rights of the child.

Resources for children

18. The Committee notes information that resources for education have been increased, however remains concerned that the overall resources allocated by the State party for children are insufficient and, in fact have been decreasing, which impedes the progressive implementation and protection of children's rights. The Committee is particularly concerned that allocations to the health sector are inadequate in order to achieve the Millenium Development Goals relating to health. The Committee is encouraged that an Oil Fund to protect future generations is being established, under extractive industries' international standards.

19. **The Committee urges the State party, taking into account the Committee's recommendations during its Day of General Discussion in 2007 on "Resources for the Rights of the Child - Responsibility of States", to :**

- a) **utilise a child right's approach in the elaboration of the State budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus providing visibility to the investment on children. The Committee also urges that this tracking system is used for impact assessments on how investments in any sector may serve "the best interest of the child", ensuring that the differential impact of such investment on girls and boys is measured.**
- b) **when possible, follow UN recommendation to start budgeting-by-results to monitor and assess the effectiveness of resource allocation and, if necessary, seek international cooperation to this effect;**
- c) **define strategic budgetary lines for disadvantaged or particularly vulnerable children and for those situations that may require affirmative social measures (such as birth registration) and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;**
- d) **in the context of the decentralization process currently carried out in the State party, ensure transparent and participatory budgeting through public dialogue and participation especially that of children and for proper accountability by local authorities;**
- e) **specifically address, through the Oil Fund being established, practical ways of funding for the rights of children.**

Data collection

20. The Committee notes as positive the State party's collaboration with the United Nations country team and the establishment of a DevInfo-based national database, however is concerned that data related to the implementation of the Convention, including at the regional level, is still missing.

21. The Committee encourages the State party to further strengthen the DevInfo database for data collection and analysis as a basis for assessing progress achieved in the realization of children's rights and to help design policies to implement the Convention.

Dissemination, training and awareness-raising

22. The Committee notes with appreciation the efforts made by the State party in disseminating the Convention through the training of professionals, public awareness campaign and its inclusion in the school curricula. However, the Committee is concerned that awareness of the Convention is insufficient among relevant professional groups, communities, religious leaders, parents and among children themselves, especially in rural and remote areas. Furthermore, the Committee reiterates its concern that the Convention is not available in several of the national languages.

23. The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by communities, religious leaders, parents and children, by using various forms of media with active participation of children. In particular it recommends that socio-cultural research is conducted in the country in order to tailor communication strategies to the local context. The Committee also recommends that the State party fully incorporate the Convention into all levels of the educational system and conduct public awareness campaigns paying particular attention to people with low literacy skills. Finally, the Committee recommends that the Convention be translated into Pulaar, Soninke and Wolof in order for it to be available in all national languages.

24. The Committee recommends systematic training of all professional groups working for and with children, including teachers, police, lawyers, judges, health personnel, social workers and personnel of childcare institutions, including those in rural and remote areas. The Committee suggests that the State party seek technical assistance from UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the above recommendations.

Cooperation with civil society

25. The Committee notes the increasing involvement of civil society actors in the discussion, design and implementation of child related strategies, including the fact that NGOs were consulted in the elaboration of the State party report.

26. The Committee encourages that the State party continue its cooperation with civil society and to further strengthen such collaboration throughout all stages of implementation of the Convention at the national, regional and local level.

2. Definition of the child

27. The Committee, while noting that legislation establishes the minimum marriage age at 18 years, is concerned that girls can be married below the age of 18 in accordance with the discretionary powers of a judge.

28. **The Committee recommends that the State party take all measures to ensure that the marriage age is 18 years, in accordance with the Personal Status Code of 2001, and that girls and boys are treated equally under the law.**

3. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

29. The Committee notes as positive that the principle of non-discrimination is incorporated in the Constitution. The Committee is however concerned that *de facto* discrimination against girls and certain groups of children persists, particularly with regards to children living in slavery or of slave descent, children living in poverty and orphans.

30. **The Committee recommends that the State party make combating discrimination against vulnerable groups a national priority. In particular, the Committee recommends the State party to design programmes which enable the girl to access her rights without discrimination and to raise awareness among all stakeholders and society at large of the value of the girl child. The Committee urges the State party to take adequate measures to ensure the practical application of provisions guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a comprehensive strategy to combat discrimination on any grounds and against all vulnerable groups, and dedicate particular efforts to eradicate slavery.**

31. **The Committee requests that information be provided in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the 2009 Durban Review Conference, taking into account General Comment No. 1 (2001) on the aims of education.**

Best interests of the child

32. The Committee appreciates the efforts of the State party to incorporate the best interests of the child into certain decision making processes, however is concerned that it is not explicitly enshrined in national legislation nor is referred to in national jurisprudence.

33. **The Committee recommends that the State party ensure that the principle of the best interests of the child be formally incorporated into the practice of the legislative, executive and judicial branches of power by inter alia including reference to the best interests of the child in legislation and other actions such as children in cases of divorce, child protection, adoption and juvenile justice;**

ensuring that procedures of the executive include reference to the best interests of the child; and that judges are aware of the Convention and its implications.

Respect for the views of the child

34. While noting with appreciation the efforts made by the State party to implement the principle of respect for the views of the child, and in particular the establishment of a children's parliament, the Committee remains concerned over the lack of adequate opportunities for children to express their views and that societal attitudes limit the consideration given to children's views, including in the community, schools, within the family and in judicial and administrative proceedings.

35. **The Committee recommends that the State party strengthen its efforts to ensure that children's views are given due consideration in the community, the family, the schools and to guarantee the right of the child to be heard in any judicial and administrative proceedings affecting the child, in accordance with article 12 of the Convention. In this context, the Committee encourages the State party to take into account the recommendations adopted by the Committee following the Day of General Discussion on the Right of the Child to Heard in 2006. The Committee recommends the State party to multiply the initiative of children's parliaments at the regional and local level.**

4. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a) of the Convention)

Slavery

36. While noting as positive the Act No. 2007-042 of 3 September 2007 criminalising slavery, the Committee is concerned over the lack of effective implementation of the law. The Committee is seriously concerned over reports indicating the continued existence of caste based slavery, which has a particular impact on girls in domestic service and boys forced to beg by marabouts. The Committee is especially concerned over the absence of services to free and reintegrate children victims of slavery and over the lack of measures to educate the public about traditional slavery practices in general.

37. **The Committee urges the State party to take all necessary measures to eradicate slavery and in particular to ensure that perpetrators of such practices are held accountable in accordance with the law. The Committee calls upon the State party to implement a national strategy against slavery, including an analysis of root-causes and effective measures to free victims of slavery and provide them with psycho-social recovery and reintegration measures. The Committee recommends that the State party conduct specific awareness raising campaigns on the legislation which criminalises slavery.**

Birth registration

38. The Committee remains concerned over the very low rate of birth registration at 55%, which has not increased since 2001. The Committee is particularly concerned over the lack of progress in this area since the last review and over inadequate awareness raising and institutional structures to ensure access to birth registration. The Committee is concerned that the high rate of children without birth registration is the basis of discrimination and leads to poverty.

39. **The Committee reiterates its concern from the previous periodic review and urges the State party to strengthen and further develop measures, in particular in relation to awareness raising, to ensure that all children born within the national territory are registered. Furthermore, the Committee urges the State party to create institutional structures at all levels that are compulsory, accessible and free in order to implement effective birth registration, e.g. by introducing mobile units, especially in rural and remote areas and IDP and refugee camps. The Committee recommends that the State party seek technical assistance from UNICEF for the implementation of these recommendations.**

Corporal punishment

40. The Committee is concerned that the Penal Code provides for the imposition of corporal punishment, including whipping and amputation of children. The Committee notes that corporal punishment is forbidden in schools by Ministerial order, however is concerned that it is still widely practised in schools and in the family.

41. **The Committee recommends that the State party revise its Penal Code in order to explicitly prohibit corporal punishment by law and enforce the prohibition in all settings, including in the family, the schools and alternative childcare. It also recommends that the State party conduct awareness-raising campaigns to ensure that alternative forms of discipline are used, in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28, paragraph 2, while taking due account of the General Comment no. 8 of the Committee on the Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (2006). The Committee also recommends the State party to seek technical assistance from UNICEF in order to implement relevant programmes in the school environment.**

5. Family environment and alternative care

(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

42. The Committee is concerned over the high number of vulnerable families due to poverty and that family support programmes are inadequate.

43. **The Committee recommends that the State party take measures to ensure the allocation of appropriate financial and other support to programmes that support parents in the exercise of their responsibilities. In particular the**

Committee recommends the State party to provide effective support programmes for children in vulnerable families.

Parental responsibilities

44. The Committee is concerned that repudiation and polygamy remain common practices with adverse effects on the rights of the child.

45. **The Committee urges the State party to review its legislation, programmes and policies so as to promote equal sharing of parental responsibility. The Committee also calls upon the State party to abolish repudiation and to discourage polygamy by applying legal and administrative measures and conducting awareness-raising campaigns on its adverse effects on children., as well as to promote polygamy as an option to couples.**

Children without parental care

46. The Committee notes information that surveys have been conducted on the situation of street children, however is concerned over the lack of accurate data on the number of children without parental care and over the limited availability of alternative care.

47. **The Committee recommends that the State party, while taking into account the recommendations of the Day of General Discussion on Children without parental care (CRC/C/153, 2006), undertake the necessary measures to protect the rights of children without parental care and address their needs with a focus on, inter alia;**

- a. Improved assistance to extended families who care for children inter alia of parents who have died of AIDS and for child-headed households;**
- b. Further promotion of and support for family-type and community based forms of alternative care for children deprived of parental care, in order to reduce the dependence on institutional care;**
- c. Providing training for staff in alternative care settings and access to complaints mechanisms for the children;**
- d. Adequate periodic monitoring of alternative care facilities on the basis of established regulations;**
- e. Data compilation in order to conduct evaluations of alternative care policies.**

Kafalah

48. The Committee notes that the State party applies kafalah of Islamic law, which is provided for in art. 20 (3) of the Convention as a form of alternative care. The

Committee however regrets the lack of information about the regulations which apply to this form of alternative care.

49. **The Committee recommends that the State party continue to develop and implement legislative and other measures, policies and procedures to ensure that children receive, when necessary, adequate alternative care, preferably in their own immediate families or extended families or in kafalah, in a manner which fully respects provisions of CRC, in particular articles 20 and 21. It emphasizes that the *kafalah* system should never compromise the rights of the child, including non-discrimination.**

Child abuse and neglect

50. The Committee notes the inclusion of provisions on abuse of children in the Criminal Code, however regrets that adequate information on child abuse is lacking in the State party report.

51. **The Committee recommends that the State party;**
- a. **Take all necessary measures to prevent child abuse and neglect;**
 - b. **Establish effective mechanisms to receive, monitor through collection of data and investigate reports of cases of child abuse and, when required, initiate prosecutions of perpetrators in a manner that is child sensitive and ensures the privacy of the victims;**
 - c. **Provide child victims of sexual or other forms of abuse with the necessary psychological and other support for their full recovery and social reintegration,**
 - d. **Carry out preventive public education campaigns about the consequences of the abuse and ill-treatment of children;**
 - e. **Finalise and adopt the national plan of action on violence and abuse against children;**
 - f. **Seek technical assistance from *inter alia* UNICEF.**

Follow-up to the UN Study on Violence against Children

52. **With reference to the United Nations Secretary-General's study on violence against children, the Committee recommends that the State party:**

- a. **Take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299) taking into account the outcome and recommendations of the Regional Consultation for West Africa held in Mali from 24 and 25 May 2005. In particular, the**

Committee recommends that the State party pay particular attention to the following recommendations;

- i. Prohibit all forms of violence against children;**
 - ii. Strengthen national and local commitment and action;**
 - iii. Promote non-violent values and awareness-raising;**
 - iv. Enhance the capacity of all who work with and for children;**
 - v. Ensure accountability and end impunity; and**
- b. Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse; and**
- c. Seek technical cooperation in this respect from the UN Special Representative of the Secretary General on Violence against Children, UNICEF, OHCHR, and WHO, and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.**

5. Basic health and welfare

(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

53. The Committee notes as positive that the State party has formulated a national policy for persons with disabilities. The Committee however is concerned that measures are insufficient in order to extend the coverage of assistance and rehabilitation to all children with disabilities, particularly in rural and remote areas.

54. **The Committee recommends that the State party, while taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations of the Committee's Day of General Discussion on children with disabilities (1997), take all necessary measures to;**

- a. Continue raising awareness about children with disabilities, including their rights, special needs and potential, in order to change prevailing prejudices against children;**
- b. Collect adequate disaggregated statistical data on children with disabilities and use such data in developing policies and programmes to promote**

their equal opportunities in society, paying particular attention to children living in remote areas of the country and to gender differentiation;

c. Provide children with disabilities with access to adequate social and health services, as well as, to quality education;

d. Ensure that professionals working with and for children with disabilities, such as medical, paramedical and related personnel, teachers and social workers are adequately trained.

e. Consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

Health and health services

55. The Committee recognises that infant, under-five and maternal mortality rates have been reduced, however is deeply concerned that these remain very high and that chronic malnutrition affects approximately 35 percent of Mauritanian children. The Committee acknowledges improvements regarding increased vaccination coverage for preventable diseases. The Committee however regrets that the budget allocations for the health sector fluctuate and notes that this impedes progressive realisation of the right to enjoy the highest attainable standard of health. The Committee remains concerned that medical facilities are still primarily concentrated in the urban areas, resulting in exclusion of access to health facilities for parts of the rural population.

56. **The Committee recommends that the State party increase its budget allocations for health care by supporting programmes with adequate and clearly allocated resources, while paying particular and urgent attention to mortality rates, vaccination coverage, nutrition status and the management of communicable diseases and malaria. Specifically, the Committee recommends that the State party pay specific attention to the urban/rural divide and target financial allocations in order to address the disparities in access to services. Furthermore, Committee notes with appreciation the tradition in the State party of an overall high level of breastfeeding rates and to maintain this high rate, the Committee recommends State party to adopt the International code for marketing of breast-milk substitutes.**

HIV/AIDS

57. The Committee welcomes the information by the State party that the fight against HIV/AIDS is one of the health priorities and that collaboration is ongoing with UNICEF in this regard. However, despite low infection rates the Committee is concerned over its increase and notes that children, and in particular adolescent girls, in urban areas are highly vulnerable to contracting HIV/AIDS. The Committee is concerned that the access to anti-retroviral-treatment (ARV) and prevention of parent to child transmission (PPTCT) services are inadequate, that testing and counselling services are insufficient and that there is an overall lack of funds for prevention measures.

58. The Committee recommends, with reference to the Committee's General Comment No. 3 (2003) on HIV/AIDS and the rights of the child and also the International Guidelines on HIV/AIDS and Human Rights, the State party to;

- a. Ensure the full and effective implementation of a comprehensive policy to prevent HIV/AIDS with adequate targeting of areas and groups that are the most vulnerable;**
- b. Strengthen its efforts to combat HIV/AIDS, including through awareness-raising campaigns;**
- c. Ensure access to child-sensitive and confidential testing and counselling, without the need for parental consent;**
- d. Strengthen and expand its efforts and services to prevent mother-to-child transmission of HIV; provide all HIV-infected mothers with counselling, which includes provision of general information about the risks and benefits of various infant feeding options, and specific guidance in selecting the option most likely to be suitable for their situation, including breastfeeding;**
- e. Develop a legal framework and strategy in order to protect children and prevent discrimination against children infected with and affected by HIV/AIDS;**
- f. Seek further international assistance from, among others, UNAIDS and UNICEF, to that effect.**

Adolescent health

59. The Committee, while noting information in the State party's replies to the List of issues, is concerned that insufficient attention has been paid to reproductive health concerns. The Committee is concerned over the lack of awareness among adolescents, especially among girls, of prevention against sexually transmittable infections (STIs) and of the risks of early pregnancies.

60. The Committee recommends that the State party, taking into account the Committee's General Comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child;

- a. Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the participation of adolescents, use it as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of early pregnancies and sexually transmitted infections (STIs);**
- b. Ensure improved sex and reproductive health education in schools;**
- c. Strengthen reproductive health services and make them known and accessible to adolescents.**

Harmful traditional practices

61. While noting that female genital mutilation (FGM) is criminalised by Act No. 2005-015 of 5 December 2005 on the judicial protection of minors, the Committee is concerned that in practice the prohibition is not enforced. The Committee is seriously concerned over the continued high incidence of FGM, affecting some 70 percent of Mauritanian girls. The Committee is furthermore concerned that early marriage remains a common practice and that girls continue to be subjected to forced feeding, *gavage*.

62. The Committee recommends that the State party strengthen its efforts to enforce the criminalisation of FGM and ensure that it applies in all circumstances. Furthermore, the Committee recommends that an effective preventive strategy against harmful traditional practices, including FGM, early marriage and forced feeding (*gavage*), be developed in a comprehensive manner in consultation with civil society. Awareness-raising campaigns on the negative effects on the health and self-esteem of children, especially the girl child and her future family, should systematically and consistently be mainstreamed targeting all segments of the society including the different socio-cultural groups, as well as community, traditional and religious leaders. Incentives and support should be provided to families who refuse FGM of their girls. The Committee further recommends the State party to provide retraining, where appropriate, for practitioners of female genital mutilation and support them to find alternative sources of income. Adequate resources be allocated for the above measures, in particular in rural areas. The Committee recommends the State party to seek technical assistance from UNICEF in order to address these concerns.

Standard of living

63. The Committee recognises that Mauritania is a least developed country. The Committee is concerned over the widespread poverty in the State party, and the large numbers of children who do not enjoy the right to an adequate standard of living, including access to food, clean drinking water, adequate housing, sanitation and education.

64. The Committee recommends that, in accordance with articles 4 and 27 of the Convention, the State party strengthen its coordination and reinforce its efforts to allocate adequate human and financial resources to provide support and material assistance, with a particular focus on the most marginalized and disadvantaged families, and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party give particular priority to the rights and needs of children when drafting and implementing national development plans and that the Poverty Reduction Strategy Paper (PRSP) include a strong child rights perspective, specifically in the areas of health and education. The Committee recommends the State party to implement a child centred policy targeting the elimination of child poverty.

6. Education, leisure and cultural activities
(arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

65. The Committee welcomes the Act No. 2001-054 on six years of obligatory primary education and recognises the increased budgetary allocations by the State party for the education sector as well as the National Policy for the Development for Young Children and efforts to improve literacy rates among girls. The Committee however remains concerned that primary education is still not guaranteed to be free for all children and over the high illiteracy rates, especially among girls, and over the regional disparities in access to education. The Committee is furthermore concerned over the low transition rates to secondary school and over the large number of school dropouts, overcrowding in classrooms, the limited provisions for vocational training, the insufficient number of trained teachers and available school facilities and the poor quality of education. Finally, the Committee is concerned that monitoring of schools, especially Koranic schools, is insufficient.

66. The Committee recommends that the State party, taking into account its General Comment No. 1 (2001) on the aims of education;

a. Ensure that primary education is free (without hidden costs) and accessible and take the necessary measures to ensure that all children are enrolled in primary education;

b. Continue to increase public expenditure for education, in particular primary education with specific attention to improving access and addressing gender, socio-economic, ethnic and regional disparities in the enjoyment of the right to education;

c. Train more teachers, especially female and improve school facilities, notably water and sanitation, including separate facilities for boys and girls, in particular in rural areas;

d. Strengthen efforts to improve the retention rates of children in education by strengthening efforts to improve and monitor the quality of education;

e. Undertake additional efforts to ensure access to adaptable informal education of high quality to vulnerable groups; including children living in poverty, street children, child domestic labourers, orphans, children of slave descent, children with disabilities, children affected by and/or infected with HIV/AIDS and refugee and migrant children as well as children in remote and rural areas, *inter alia* by addressing indirect and hidden costs of school education;

f. Further expand pre-school facilities supplied with qualified teachers, and make special attempts to include children from vulnerable and school distant groups at early ages;

- g. Strengthen vocational training, including for children who have left school before completion;**
- h. Ensure that Koranic schools include a curriculum comparable and compatible to that in force in formal education and ensure complementarity and mutual support between regular primary schools and Koranic schools. Establish mechanisms to improve access of children attending Koranic schools to basic social services (health, primary education, access to drinking water, hygiene and protection).**
- i. Include human rights education as part of the curriculum;**
- j. Seek technical assistance from UNESCO and UNICEF, in particular to improve access to education for girls.**

**7. Special protection measures
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

Refugee children

67. The Committee notes as positive the efforts by the State party to resolve the situation of those who were exiled two decades ago and to facilitate the return of refugees and their families. The Committee is however concerned that a comprehensive returns strategy has not been adopted or implemented. The Committee notes that particular challenges remain in providing access to education for these children.

68. **The Committee urges the State party to;**

- a. Strengthen its efforts to facilitate return of refugees and their families by adopting a comprehensive and long-term reintegration strategy for returnees which *inter alia* ensures the inclusion of children, including non-Arabic speakers, into the Mauritanian education system;**
- b. Consider ratifying the Convention relating to the Status of Stateless Persons of 1954.**

69. The Committee is concerned over reports indicating the ill-treatment of children of refugees and migrants seeking to transit through Mauritania.

70. **The Committee urges the State party to take all measures to guarantee protection of refugee children in line with international human rights and refugee law, while taking into account the Committee's General Comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin. Specifically, the Committee urges the State party to ensure that unaccompanied children receive protection, access to health care and education.**

Children in armed conflict

71. The State party notes as positive that the minimum age for recruitment is 18 years by law, however regrets that the Ministry of Defense can lower the age of recruitment to 16 years at its discretion.

72. **The Committee recommends that the State party;**

a. Raise the minimum age of military recruitment to 18 years in all circumstances, in accordance with the African Charter on the Rights and Welfare of the Child;

b. Ratify the Optional Protocol on the involvement of children in armed conflict and the Rome Statute of the International Criminal Court.

Street children

73. The Committee regrets the lack of documentation on the situation of children living and or working in the street. The Committee is concerned over the lack of information on the measures adopted by the State party to identify and protect such children. In particular, the Committee is concerned over the lack of protection for children *talibes*, who are forced by *marabouts* to beg in slavery-like conditions.

74. **The Committee recommends that the State party;**

a. Undertake a systematic assessment of the situation of street children, including in particular *talibe*, in order to obtain a good understanding of root causes, magnitude, links with other factors inter alia as poverty, the situation of *marabouts*, corporal punishment, exploitation, lack of parental responsibility, lack of access to schools and health facilities;

b. Develop and implement with the active involvement of street children themselves a comprehensive strategy which should address the root causes, as well as define preventive and protective measures, which establish annual targets for the reduction of their numbers and allocation of appropriate resources;

c. With the active involvement of children themselves, support family reunification programmes or other alternative care, provided they are in the best interests of the child;

d. Ensure that street children attend and stay in school and are provided with adequate health-care services, shelter and food, bearing in mind the specific needs of girls and boys;

e. Immediately address the situation of children *talibes*, with a view to eliminating the practice of street begging totally, and take into account the International Agreement arrived at by 10 West African States to address migration of *talibes* children;

- f. Seek support from NGOs and other organisations, establishing clear guidelines for action in this area.**

Economic exploitation, including child labour

75. The Committee is concerned over information indicating widespread child labour, in particular in the agricultural sector. The Committee is furthermore particularly concerned over the situation of girls who work as domestic servants in exploitative slavery-like conditions and over the lack of comprehensive documentation of the incidence of child labour and effective measures to ensure that children are protected from economic exploitation and the worst forms of child labour and that they can exercise their right to education. The Committee regrets the lack of clarity regarding the minimum age of employment in the State party, despite information during the previous periodic review indicating that it was 16 years.

76. **The Committee urges the State party to:**

- a. Develop and implement, with the support of the ILO, UNICEF, and NGOs, a comprehensive assessment and a plan of action to prevent and combat child labour, and in particular to eradicate its worst forms, such as slavery;**
- b. Ensure that national legislation is in full compliance with ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which the State party has ratified;**
- c. Initiate a nation-wide awareness-raising programme to eliminate child labour, ensuring families are supported to protect and promote the rights of all children, especially to receive free basic education and to be free from economic exploitation and from performing any work that is likely to be harmful to the child's physical, mental, spiritual, moral or social development. The Committee recommends that particular attention and protection are offered to domestic servants, the majority of whom are girls.**
- d. Furthermore, the Committee reiterates its recommendation of 2001 (CRC/C/15/Add.159, para. 22) that the State party should harmonise the minimum age for the end of compulsory education so that it corresponds to the age of admission to employment and set these at 16 years.**

Trafficking and sale of children

77. The Committee, while noting the adoption of legislation of 2003 to combat trafficking is concerned over the lack of documentation of trafficking and sale of children. The Committee is concerned over reports indicating the sale of children for use as jockeys and young girls as brides to the Middle East. Furthermore, the

Committee is concerned at the lack of information in the State party report on the extent of trafficking and the measures taken to prevent such crimes.

78. The Committee recommends that the State party;

a. Undertake a systematic assessment of children victims of trafficking and sale, in order to obtain a good understanding of root causes, magnitude, links with other factors inter alia such as poverty, exploitation, lack of parental responsibility, lack of access to schools and health facilities;

b. Implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the first, second and third World Congresses against Commercial Sexual Exploitation of Children in 1996, 2001 and 2008;

c. Train law-enforcement officials, judges and prosecutors on how to receive, monitor and investigate complaints in a child-sensitive manner that respects confidentiality;

d. Strengthen resources available to investigate cases of trafficking of children in order to bring perpetrators to justice;

e. Prioritise the recovery and reintegration of child victims of trafficking and ensure that education and training, as well as gender sensitive psychological assistance and counselling, are provided to them;

f. Negotiate bilateral and multilateral agreements with countries concerned, including neighbouring countries, to prevent the sale, trafficking and abduction of children, and develop joint plans of action between and among the countries involved.

Sexual exploitation and sexual abuse

79. The Committee is concerned over of the lack of information by the State party on the incidence of sexual exploitation and sexual abuse of children. The Committee is concerned that the crime of rape has not been clearly defined in domestic legislation and that girls, who have been victims of sexual abuse, are criminalised according to sharia law (including on charges of zina).

80. The Committee recommends that the State party;

a. Undertake a comprehensive study to document the number of children victims of sexual exploitation and abuse and to identify the root causes of the problem;

b. Carry out awareness-raising educational measures to prevent and eliminate sexual exploitation and sexual abuse;

- c. Ensure that sexual crimes, including rape, are clearly defined in legislation, including sharia;**
- d. Train professionals, in particular those working with the administration of justice, in order to receive and investigate reported violations in a child-sensitive manner that avoids stigmatizing the victim. Child victims should never be criminalised;**
- e. Ensure adequate resources in order to investigate cases of sexual abuse and exploitation in order to prosecute and impose adequate sentences for such crimes;**
- f. Implement a comprehensive policy, with the participation of NGOs, for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996, 2001 and 2008 World Congresses against Commercial Sexual Exploitation of Children.**

Juvenile justice

81. The Committee welcomes that the State party has adopted a Juvenile Justice Code in 2005 (Order No. 2005-015) and that certain training activities for professionals have been carried out as well as the construction of new detention facilities, however is concerned that the age of criminal responsibility is too low (7 years). The Committee notes the current construction of a detention facility for juvenile offenders, however is concerned over the lack of adequate facilities for the detention of juveniles and that children are detained together with adults.

82. **The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules). The State party is encouraged to take into account the Committee's general comment No. 10 on Children's Rights in Juvenile Justice. In particular, the Committee recommends that the State party;**

- a. Apply a juvenile justice system, with specialised juvenile courts, which ensures that all children are tried as such;**
- b. Raise the age of criminal responsibility to a minimum of 12 years, with a view to raising the age further in accordance with the Committee's general comment no. 10;**
- c. Improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice such as judges, police officers, defence lawyers and prosecutors;**

d. Provide children, both victims and accused, with adequate legal assistance throughout the legal proceedings;

e. Ensure that detention and institutionalisation of child offenders is only resorted to as a last resort and that children remain separated from adults;

f. Seek technical assistance and other cooperation from the UN Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.

Protection of witnesses and victims of crimes

83. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

Children belonging to a minority group

84. The Committee notes the lack of information on children belonging to minority groups in the State Party's report.

85. The Committee urges the State party to provide information on the fulfilment of the rights of children belonging to minority groups in its next periodic report.

8. Ratification of Core Human Rights Instruments

86. The Committee, while recognising as positive the recent ratification of or accession to several human rights instruments, notes that Mauritania is not a State party to all core international human rights instruments which, in the view of the Committee, would strengthen the efforts of the State party to meet its obligations in guaranteeing the full realisation of rights of all children under its jurisdiction.

87. The Committee recommends the ratification or accession of the State party to all core international human rights instruments, including the Optional Protocol on the involvement of children in armed conflict, the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

9. Follow-up and dissemination

Follow-up

88. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Council of Ministers, the Senate (Majlis al-Shuyukh) and the National Assembly (Majlis al-Watani), and to regional and sub-regional authorities, when applicable, for appropriate consideration and further action.

Dissemination

89. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organisations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

10. Next report

90. The Committee invites the State party to submit its combined 3rd, 4th and 5th report, by 14 June 2013. This report should not exceed 120 pages (see CRC/C/118).

91. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the “Harmonised guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents”, approved at the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 and contained in document HRI/GEN/2/Rev.5.
