



# Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General  
11 June 2007

Original: English

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## Committee on the Elimination of Discrimination against Women

Thirty-eighth session

14 May-1 June 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Mauritania

1. The Committee considered the initial report of Mauritania (CEDAW/C/MRT/1) at its 789th and 790th meetings, on 25 May 2007 (CEDAW/C/SR.789 and 790). The Committee's list of issues and questions is contained in CEDAW/C/MRT/Q/1, and the responses of Mauritania are contained in CEDAW/C/MRT/Q/1/Add.1.

#### Introduction

2. The Committee commends the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women. It expresses its appreciation to the State party for its initial report, which in general followed the Committee's guidelines for the preparation of reports, was very informative and provided a candid picture of the situation of women in Mauritania, but which was overdue. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

3. The Committee commends the State party for having sent a high-level delegation headed by the Minister for the Promotion of Women, the Child and the Family, and which included a balanced number of women and men representatives from ministries with responsibility for implementation of measures in the areas covered by the Convention. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

#### Positive aspects

4. The Committee commends the State party for its expressed commitment and political will to eliminate discrimination against women and adopt measures to ensure the implementation of the Convention.



5. The Committee notes the stated intention of the State party to withdraw its general reservation made upon ratification of the Convention.

6. The Committee welcomes the introduction of a 20 per cent quota for women on lists of candidates for municipal and parliamentary elections which, together with financial incentives for political parties, resulted in the election of 33 per cent women at the municipal level and 17.9 and 17.0 per cent women, respectively, to the Senate and the National Assembly.

7. The Committee welcomes the adoption of the Personal Status Code. It also commends the State party on making basic education compulsory for all children between the ages of 6 and 14.

#### **Principal areas of concern and recommendations**

8. **While recalling the State party's obligation to implement systematically and continuously all provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between the present time and the time of submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on the action taken and the results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

9. While welcoming the State party's stated intention to withdraw its general reservation made upon ratification of the Convention, the Committee expresses its concern that this reservation is drawn so widely that it is contrary to the object and purpose of the Convention.

10. **The Committee urges the State party to complete as soon as possible the process of withdrawal of its general reservation, which is contrary to the object and purpose of the Convention.**

11. While the Committee notes with satisfaction that article 80 of the Constitution provides that any treaty to which Mauritania is a party has precedence over national legislation from the moment that the treaty in question is published, it is concerned about the status of the Convention and its actual implementation in the legal system. In that connection, the Committee notes with concern that the State party was not able to provide information on cases where the provisions of the Convention had been directly invoked in Court.

12. **The Committee calls upon the State party to intensify its efforts to raise awareness about the Convention among the general public and, especially, among public officials, the judiciary and the legal profession. The Committee also calls upon the State party to ensure that the Convention becomes an integral part of the legal education and training of judicial officers, including judges, lawyers and prosecutors, so that a legal culture supportive of women's equality with men and non-discrimination on the basis of sex will be firmly established in the country.**

13. The Committee is concerned that, although article 1, paragraph 2, of the State party's Constitution guarantees equality before the law to all citizens without

distinction as to origin, race, sex or social condition, there is no explicit definition of discrimination against women, in line with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation.

**14. The Committee recommends that the State party incorporate in its Constitution or in other appropriate legislation a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of the Convention. It further recommends that the State party ensure that the understanding of indirect discrimination encompasses sex-based discrimination as well as other, multiple forms of discrimination that women may face.**

15. The Committee is concerned that, while women's access to justice is provided for by law, their ability in practice to exercise that right and to bring cases of discrimination before the courts is limited by such factors as illiteracy, legal costs, lack of information about their rights and lack of assistance in pursuing their rights.

**16. The Committee requests the State party to remove impediments women may face in gaining access to justice, and to ensure that the judiciary is familiar with the Convention and the State party's obligations. The Committee urges the State party to provide legal aid services, implement legal literacy programmes and disseminate knowledge of ways to utilize available legal remedies against discrimination, as well as to monitor the results of such efforts. The Committee encourages the State party to seek assistance from the international community in order to implement measures that in practice will strengthen women's access to justice.**

17. While welcoming the upgrading of the national machinery for the advancement of women into a Ministry for the Promotion of Women, the Child and the Family, the Committee is concerned that the national machinery does not have enough authority, visibility or human and financial resources to effectively carry out its mandate to promote the advancement of women and gender equality. The Committee is also concerned that the Ombudsman and the Commission on Human Rights, Poverty Reduction and Integration lack gender sensitivity in carrying out their activities. It is further concerned about the insufficient coordination and cooperation among the Ministry, the Ombudsman and the Commission on Human Rights in regard to the promotion of gender equality and prevention and elimination of discrimination against women.

**18. The Committee recommends that the State party strengthen its national machinery for the advancement of women by clearly defining the mandates and responsibilities and the means for cooperation between the different mechanisms with responsibility for gender equality, and by allocating sufficient human and budgetary resources so as to ensure that they can fully and adequately perform all their functions. Those measures should in particular include providing capacity for better and more effective coordination among the various mechanisms on gender equality and for enhanced cooperation with civil society.**

19. The Committee notes the State party's insufficient understanding of the purpose of, and need for temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee is concerned about the absence of

women in the judiciary and the limited participation of women in public administration, especially at decision-making levels.

**20. The Committee recommends that the State party use temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, as part of a necessary strategy towards the accelerated achievement of substantive equality for women, especially in the judiciary and the civil service, including the foreign service. It requests that the Government include information on the use of such temporary special measures, in relation to the various provisions of the Convention, and the impact of such measures, in its next periodic report. The Committee recommends that the commitment made by the candidates to the Presidency, in the charter for the promotion of women, to establish a minimum quota of 20 per cent of women in decision-making posts in the public administration be fully implemented by the State party.**

21. The Committee is concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes and the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, polygamy, the practice of female genital mutilation and forced feeding, that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights.

**22. The Committee urges the State party to view culture as a dynamic dimension of the country's life and social fabric, subject to many influences over time and therefore to change. It urges the State party to be more proactive and to put into place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women and promote women's full enjoyment of their human rights, in conformity with articles 2 (f) and 5 (a) of the Convention. It further urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community and religious leaders. It also urges the State party to assess regularly progress made towards the achievement of established goals and requests the State party to report thereon in its next periodic report.**

23. While noting the 2005-2008 National Strategy for the Advancement of Women, the Committee is concerned about the implementation of the proposed monitoring system and the present lack of effective monitoring at all levels and sectors of Government.

**24. The Committee recommends that the State party assess the status of implementation of its strategy for the advancement of women and for gender mainstreaming. It encourages the State party to utilize fully the momentum and partnerships generated during the process of the preparation of its report under article 18 of the Convention and the Committee's present concluding comments to review the current strategy and further elaborate a comprehensive operational plan for the promotion of gender equality and advancement of women, encompassing all levels and sectors of Government. Such a strategy should cover legal, policy and programme measures and contain clear goals, benchmarks and timetables. It should also include mechanisms for regular and systematic monitoring and evaluation of progress in its implementation, including the development of indicators for assessing compliance with all the**

**provisions of the Convention. It encourages the State party to seek the technical support of United Nations entities in the collection of data and the training of the national team responsible for the elaboration and implementation of such a plan.**

25. The Committee regrets that the report did not provide sufficient statistical data, disaggregated by sex and ethnicity, on the practical realization of the principle of equality between women and men in all areas covered by the Convention. It also regrets that the report did not provide sufficient information on the impact and results achieved of legal and policy measures taken. It further regrets the absence of sufficient information and data on women with disabilities.

**26. The Committee requests the State party to include adequate statistical data and analysis, disaggregated by sex and ethnicity, and information on women with disabilities, in its next report so as to provide a full picture of the implementation of all the provisions of the Convention, in regard to all women. It also recommends that the State party regularly conduct impact assessments of its legislative reforms, policies and programmes to ensure that the measures taken lead to the desired goals, and that it inform the Committee about the results of these assessments in its next report.**

27. While welcoming the prohibition, in the Code of Criminal Procedure, of female genital mutilation for minors, the Committee is deeply concerned about the persistence and very high incidence of that harmful practice, which is a grave violation of girls' and women's human rights and of the State party's obligations under the Convention. The Committee notes the serious health complications for girls and women arising out of the practice of female genital mutilation and which, in some cases, may lead to death.

**28. The Committee urges the State party to raise awareness about the provision in the Code of Criminal Procedure that prohibits female genital mutilation for minors and to ensure its enforcement, including the prosecution and adequate punishment of offenders. It also urges the State party speedily to adopt the draft law that will specifically address female genital mutilation, mentioned by the State party's representative during the constructive dialogue. It urges the State party to strengthen its awareness-raising and education efforts, targeted at both men and women, with the support of civil society and religious leaders, to eliminate the practice of female genital mutilation and its underlying cultural justifications. It also encourages the State party to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood. It calls upon the State party to address the health consequences of female genital mutilation and provide medical support to those affected by it. In this context, it also encourages the State party to seek technical assistance from the United Nations Population Fund and the World Health Organization.**

29. The Committee expresses concern about the lack of implementation of the legislation, as well as the lack of policies and programmes, to address violence against women. The Committee is particularly concerned about occurrences of domestic violence, rape, including marital rape, and all forms of sexual abuse of women, and about the persistence of patriarchal attitudes that consider the physical chastisement of family members, including women, acceptable. While noting the State party's assurance that the occurrence of forced feeding of young girls is

declining, the Committee remains concerned about this practice. The Committee further expresses concern about the lack of information and data in the report on the prevalence of different forms of violence against women.

**30. The Committee urges the State party to place the highest priority on implementing a comprehensive approach to address all forms of violence against women. It encourages the State party to make full use of the Committee's general recommendation 19 in such efforts and of the Secretary-General's in-depth study on all forms of violence against women. It urges the State party to raise public awareness through media and education programmes that all forms of violence against women, including domestic violence and forced feeding of girls, are unacceptable. The Committee calls upon the State party to train the judiciary, law enforcement officials, legal professionals, social workers and health providers with respect to violence against women so as to ensure that the perpetrators of violence against women are effectively prosecuted and punished with the required seriousness and speed and that effective and gender-sensitive support is provided to victims. It calls on the State party to enhance victims' access to legal redress and to establish support measures for victims of violence against women, including shelters and legal, medical and psychological support. The Committee requests the State party to provide information in its next report on the laws, policies and programmes in place to deal with all forms of violence against women and on the impact of such measures, as well as statistical data and trends concerning the prevalence of various forms of such violence.**

31. While appreciating the State party's efforts to combat the trafficking of women and girls and the exploitation of girls in domestic service, including the accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the adoption of Act No. 025-2003 of 17 July 2003 on the suppression of trafficking in persons and the amended Labour Code which prohibits forced labour, the Committee remains concerned about the persistence of trafficking and the exploitation of women and girls in the country, in particular with respect to the economic exploitation and ill-treatment of young girls employed as domestic servants. The Committee is also concerned about remnants of slavery in parts of the country.

**32. The Committee requests the State party to accelerate its efforts aimed at the effective implementation and full enforcement of its legislation on the suppression of trafficking and on the prohibition of forced labour. Such efforts should, in particular, include the effective prosecution and punishment of traffickers. It also recommends that the State party increase the provision of assistance and support to women victims, as well as prevention efforts, by addressing the root causes of trafficking and by improving the economic situation of women so as to eliminate their vulnerability to exploitation and traffickers. It requests the State party to place priority on enhancing practical measures for the protection of girls employed as domestic servants from all forms of exploitation and abuse and to ensure that they can exercise their right to education. The Committee calls upon the State party to take steps to completely eliminate remnants of slavery.**

33. The Committee notes that certain provisions of the Mauritanian Nationality Code, especially article 13 of Act No. 61-112 of 12 June 1961, contradict article 9 of the Convention and continue to discriminate against Mauritanian women.

**34. The Committee requests the State party to amend the Mauritanian Nationality Code so as to bring it in conformity with article 9 of the Convention.**

35. While acknowledging some progress in the area of education, the Committee is especially concerned about the high rate of illiteracy among women, which clearly demonstrates patterns of indirect discrimination under article 10. It is also concerned about the high dropout rate of girls from schools, including for such reasons as pregnancy and early and forced marriage.

**36. The Committee urges the State party to raise awareness of the importance of education as a human right and as a basis for the empowerment of women, and to take steps to overcome traditional attitudes that perpetuate discrimination and lack of compliance with the provisions of article 10 of the Convention. It recommends that the State party implement measures to ensure equal access for girls and women to all levels of education and to ensure the retention of girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee calls on the State party to make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes of formal and non-formal education, and through adult education and training. It requests the State party to implement specific measures to enable girls to complete their schooling after childbirth and to combat early and forced marriage as obstacles to their education. It encourages the State party to strengthen collaboration with civil society and to seek enhanced support from the international community and donor organizations to accelerate compliance with article 10 of the Convention.**

37. The Committee notes with concern that, while the State party's legislation guarantees gender equality in the area of employment and work, there are no specific measures and enforcement mechanisms to prevent and eliminate de facto discrimination against women in those areas. It is also concerned about women's unequal access to employment opportunities, resulting in the overrepresentation of women in the informal sector, which does not provide social protection.

**38. The Committee calls upon the State party to introduce without delay specific measures, including an enforcement mechanism, to ensure equal rights for women in the area of employment and work and their full and equal participation in the labour market. This should include a guarantee of equal pay for equal work and for work of equal value. The Committee also calls upon the State party to enact legislation prohibiting sexual harassment.**

39. While noting the efforts made by the State party to improve women's health, including the establishment of a National Reproductive Health Programme 2003-2007, the Committee expresses concern about the lack of access by women and girls to adequate health-care services, including prenatal and post-natal care and family planning information, particularly in rural areas. The Committee is also concerned about the alarming rate of teenage pregnancy, which presents a significant obstacle to girls' educational opportunities and economic empowerment and also leads to

increased rates of vesico-vaginal fistula. The Committee is especially concerned at the high maternal and infant mortality rates, the low rates of contraceptive use and the lack of sex education for young people, especially in rural areas. It is further concerned about the incidence of substance abuse among young people.

**40. The Committee recommends that the State party undertake all necessary measures to improve women's access to health care and to health-related services and information, including for women in rural areas. It calls upon the State party to improve the availability of sexual and reproductive health services, including family planning services and obstetric care. It recommends that programmes and policies be adopted to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children. The Committee also recommends the implementation of a comprehensive maternal and infant mortality reduction programme, with time bound targets, including measures to increase access to obstetric services. It further calls upon the State party to address teenage pregnancies with a view to preventing vesico-vaginal fistula and to provide medical support to those affected by it. It also recommends that appropriate sex education and youth-friendly reproductive health services be provided, inter alia, to prevent sexually transmitted diseases, including HIV/AIDS. It also encourages the State party to address drug and substance abuse among young people, with a specific focus on young women.**

41. The Committee is concerned about the widespread poverty among women, especially in female-headed households. The Committee is especially concerned about the situation of rural women, about their lack of information and of participation in decision-making processes and about their lack of access to health care, social security services, education, justice, clean water, electricity, land and credit facilities. The Committee is also concerned about discrimination against women on the basis of ethnicity. The Committee is further concerned about the lack of data on the de facto situation of rural women.

**42. The Committee urges the State party to pay special attention to the needs of rural women and of those belonging to various ethnic groups. The Committee also urges the State party to ensure that rural women have access to health care, education, justice, clean water, electricity, land and income-generating projects. The Committee recommends that the State party carefully monitor the implementation of the Strategic Framework for Poverty Reduction of Mauritania so as to ensure that the gender perspectives contained in the strategy are explicitly addressed in the implementation process. The Committee also recommends that the State party collect data on the situation of rural women and include such data and analysis in its next periodic report. It also requests the State party to provide a clear picture of the situation of women belonging to various ethnic groups in that report.**

43. The Committee expresses concern that the Personal Status Code contains some provisions that can discriminate against married women, in particular in regard to the management of property and the continuing legality of polygamy and repudiation.

**44. The Committee urges the State party to accelerate its reform of marriage and family law and to eliminate all discriminatory provisions so that women**

enjoy the same legal rights and obligations, in accordance with articles 15 and 16 of the Convention and the Committee's general recommendation 21.

45. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

46. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State Party to include information thereon in its next periodic report.

47. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

48. The Committee notes that States' adherence to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Mauritania to consider ratifying the treaty to which it is not yet a party, namely the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families.

49. The Committee requests the wide dissemination in Mauritania of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

50. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its second periodic report, which was due in June 2006, and its third periodic report, which is due in June 2010, in a combined report in 2010.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.