

## Women's rights protection instruments ratified by Mauritania:

- **CEDAW**: ratified in 2001 with a general reservation
- **CEDAW Protocol**: not signed, not ratified
- **Maputo Protocol**: ratified in 2005

**Ratify!** Although Mauritania has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), it entered a general reservation whereby only those articles which comply with Sharia Law and the Mauritanian Constitution would be applied. The Coalition of the Campaign emphasises that this restriction violates international law in that it goes against the object and purpose of the Convention. Mauritania has also ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), but has still not ratified the Optional Protocol to CEDAW.

**Respect!** The Coalition of the Campaign is particularly concerned about the following continued violations of women's rights in Mauritania: the persistence of discriminatory laws; harmful traditional practices, including early and forced marriages and female genital mutilation; violence against women; slavery; limited access to education, employment and healthcare.

## / Some positive developments...

The Coalition of the campaign acknowledges several developments in recent years aimed at improving respect for women's rights, including:

- The adoption of a law in 2007 criminalising slavery.
- The adoption of a decree in 2006 establishing a quota of 20% of women on the list of candidates for municipal and parliamentary elections. As a result of this reform, women represent 33% of those elected at the municipal level, 17.9% in the Senate and 17% in the National Assembly.
- The adoption of a legislative provision making access to basic education mandatory for children between the ages of 6 and 14.

## / But discrimination and violence persist

### IN LAW

Mauritanian law remains deeply discriminatory, especially in the area of the family. Discriminatory legal provisions include the following:

According to the **Family Code** (*Code du Statut personnel*), adopted in 2001, women remain perpetual minors:

The minimum legal age of marriage is 18 years (art.6). However, a minor can be married with the consent of his/her legal guardian (*weli*) provided the latter perceives "an evident interest" in the marriage. Although article 5 states that consent is a condition for the validity of marriage, according to article 9, "the silence of the young

girl equates consent". A married woman does not have the legal right to manage her property, nor that of her children, without the consent of her husband. Polygamy is authorised provided the woman does not oppose it in her marriage contract (art. 28). This is the case in the majority of marriages due to women's lack of knowledge of their rights. With respect to divorce, the woman owes compensation if she is in the wrong (art. 102). A woman loses custody of her children if she remarries. In the case of death of the working woman, whatever position she occupied, her family is not entitled to a pension.

According to the **Nationality Code 1961**, the woman does not enjoy the same rights as the man with respect to transferring her nationality to her children (art. 13).

The **Criminal Code** prohibits all forms of abortion, punishable by a fine and imprisonment (art. 293).

### **IN PRACTICE**

As a result of lack of access to information, a large number of women enter into religious marriages, without any legal protection, since religious marriage is not recognised under law. The practice of marriage of girls under the age of 18 persists.

#### • **Discrimination in the family**

The Association des Femmes Chefs de Famille has recorded numerous cases of minor girls forced into marriage. Oumoulkheiry Mint Sidi Mohamed was forced into marriage at age 4, and then divorced at age 6; Maya Mint Mohamed whose father died when she was 11, was married to a 49-year old man; 10-year old El Mounna Mint Sidi Boya was married to a 65-year old man.

**Source: AFCF**

Moreover, the practices of levirate and sororate (mandatory custom for a widow to marry the brother of her deceased husband or a sister to marry the husband of her deceased sister) remain particularly widespread.

Miss Houraye DEMBA is a 14-year orphan who was forced to marry the husband of her older deceased sister. Brought to the attention of the justice system, charges were dropped on the grounds that the marriage had been consummated although the young girl declared that she had been kidnapped and raped.

**Source: Association Mauritanienne des Droits de l'Homme**

#### • **Violence**

There is no specific law prohibiting violence against women, and the state has not put into place the necessary policies to combat this scourge. Domestic violence, rape and other forms of sexual abuse remain highly prevalent. While rape is an offence under the Criminal Code (arts. 309 and 310) perpetrators are rarely prosecuted. Furthermore, women victims of rape can be prosecuted for the crime of Zina (adultery punishable by a prison sentence of 2 to 5 years under Sharia Law and the Criminal Code). Marital rape is not criminalised.

Excision is still practised in Mauritania. Regulation 2005-015, which provides legal protection for the child, punishes excision only when it “causes harm” (art. 12). In addition, adult women are not protected by this law.

The practice of force-feeding which consists of fattening young girls by feeding them large quantities of food remains widespread and there is no law prohibiting this practice. Young girls are force-fed by using coercive measures which can be very violent. Thus, a 2001 demographic survey revealed that 62% of women who have been force-fed have been beaten and one third of women have been subjected to the use of zayar. In 2008, AFCF documented 148 cases of young girls and women victims of forcefeeding, of whom 12 died following the administration of bird pills.

### • Slavery

Despite the adoption of a law in 2007 criminalising slavery and slavery-like practices in 2007, as well as amendments to the Labour Code to prohibit forced labour, slavery persists in Mauritania, particularly in the form of exploitation of domestic workers. These women are particularly vulnerable to abuse, including sexual abuse. In 2008, AFCF documented 202 cases of girl domestic workers victims of sexual abuse.

## The Coalition of the Campaign calls on the authorities of Mauritania to:

- **Reform or abolish all discriminatory laws**, in conformity with CEDAW and the Maputo Protocol, in particular within the *Code du Statut personnel*, the Nationality Code and the Criminal Code.
- **Strengthen laws and policies to combat violence against women**, in particular by adopting a specific law criminalising all forms of violence against women; ensuring the prosecution of perpetrators; putting an end to charging victims of rape with the crime of zina; extending the prohibition on FGM to adult women; and establishing shelters for women victims of violence.
- **Take all necessary measures to ensure access to education for girls and women**, including by establishing a strict mechanism to monitor girls’ education and ensure that they remain in school.
- **Take all necessary measures to ensure women’s access to health**, including family planning; establish sex education for girls and boys; and decriminalise abortion.
- **Raise awareness on women’s human rights**, by implementing training for all those involved in the application of laws, including government officials, judges, lawyers, police and religious and traditional community leaders; put in place legal assistance services for women victims (emergency numbers, counselling and legal aid); and integrate civic education and human rights, including women’s rights, into the school curriculum.
- **Ratify the Optional Protocol to CEDAW.**
- **Withdraw the general reservation to CEDAW and implement all recommendations issued by the CEDAW Committee** in May 2007.

## • Obstacles to access to education

Despite laws making access to basic education mandatory for all children in Mauritania up to 14 years, and sanctioning the refusal to send a child to school, girls continue to suffer from a lack of access to education. The rate of illiteracy among women remains very high. The number of girls in school falls sharply from the age of 12 years, when they can work and become potential wives.

## • Obstacles to access to employment

Although Mauritanian legislation provides for equal rights with respect to employment, no specific measures have been taken to eliminate discrimination against women, for example guaranteeing equal pay for equal work. Furthermore, no law prohibits sexual harassment. Women are overrepresented in the informal sector which does not provide for any social protection and do not have access to certain jobs: for example within the judiciary and high-level positions within the civil service.

## • Obstacles to access to health

Women and girls, particularly in rural areas, do not have access to adequate health care services, especially with respect to prenatal and postnatal care and family planning. Thus, the rate of teenage pregnancies remains very high, as do the infant and maternal mortality rates. Finally, the absolute prohibition on abortion results in grave harm to women and encourages recourse to non-medical abortions.

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### PRINCIPAL SOURCES

- Focal Points: AMDH, AFCF
- Association mauritanienne des pratiques ayant effet sur la santé des femmes et des enfants (AMPSFE)
- Recommendations of the CEDAW Committee, June 2007
- AFCF, Analysis of the Code du Statut personnel

**For more information on women's rights and the actions of the campaign in Mauritania, see: [www.africa4womensrights.org](http://www.africa4womensrights.org)**

### THE CAMPAIGN FOCAL POINTS IN MAURITANIA

#### Association Mauritanienne des Droits de l'Homme (AMDH)



MDH was established in 1991. Its mission is to promote and protect human rights in Mauritania and the sub-region through monitoring, education, awareness raising and simplification of human rights and legal texts. Activities on women's rights focus on providing legal representation, training and conducting advocacy.

<http://www.amdhrim.com/>

#### Association des Femmes Chefs de Famille (AFCF)

AFCF is a women's rights NGO, which campaigns for the eradication of violence against women, trafficking, the mistreatment of minor domestic girls and force-feeding. AFCF trains women leaders and works to promote political participation of women, improvement of national justice, ratification and respect of international conventions, withdrawal of reservations to CEDAW and the implementation of laws protecting women's rights.