



CRC Secretariat
Office of the (United Nations) High Commissioner for Human Rights (OHCHR)
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva 10
Switzerland

July 2018

Re: Information on Mauritania for Consideration by the Committee on the Rights of the Child at its 79th Session (17 September – 5 October 2018)

Distinguished Committee Members,

We respectfully submit this letter in advance of the Committee on the Rights of the Child (the Committee's) discussion of Mauritania at its Seventy Ninth Session (17 September - 5 October 2018). Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our membership network comprised of individuals and organizations in over 190 countries.

This is a joint submission between Equality Now and its partner the Association Mauritanienne des Droits de l'Homme (AMDH) based in Mauritania, and will focus on the continued violations against women and girls, including female genital mutilation (FGM). It also focuses on discriminatory nationality laws in Mauritania, including Article 2 of (legislation required to abolish discrimination based on sex), Article 24 (3) of Act (effective measures to abolish traditional practices), Article 7 (birth registration) and Article 8 (right to identity, including nationality) of the Convention on the Rights of the Child ("the Convention").

In addition, the Mauritanian Constitution under Article 13 guarantees the right to be free from physical harm to all Mauritians.

Female Genital Mutilation (FGM)

Over 66% of Mauritanian women and girls, some as young as one month old, have undergone FGM. The forms of FGM practiced in Mauritania are Type I or clitoridectomy – the partial or total removal of the clitoris; and Type II – where the clitoris and labia minora (smaller lips) are removed leaving the labia majora (larger lips) intact. FGM poses serious physical and mental health risks for women and girls. A 2006 World Health Organization multi-country study found that complications during delivery are more likely to occur among women who have undergone FGM and the rate of prenatal deaths is 1-2 percent higher for the babies of such women.

In 2005, the government issued an Ordonnance 2005-015 on the child protection penal code, which in article 12 states that harming genital organs of any child is illegal. However, this article does not specify that FGM is an explicitly illegal practice. It only criminalizes harm to genital organs of minors and only when it has resulted in harm to the child. The article is limited and misadvised as it can only be applied in cases of minors where damage has been legally established.

It should be further noted that the Article 12 is not holistic, as it does not provide for victim protection especially where families wish to depart from this egregious cultural practice and are at risk of backlash from the community. It fails to offer any type of protection for girls or women at risk of undergoing FGM.

Since the adoption of the 2005 Ordonnance, no cases of arrest or judicial proceedings concerning FGM have been reported. Mauritania as a state has failed to enforce article 12 of the 2005 Ordonnance and does not have a law specifically banning FGM. We are gravely concerned that as the government delays in putting in place legislation, hundreds of girls continue to be subjected to FGM in Mauritania

Equality Now and AMDH have been campaigning for a law that will explicitly and clearly criminalize FGM and provide protection for girls and women at risk of undergoing FGM.

We welcome the Committee's List of Issues, which asked Mauritania to provide updated information on the effective implementation of the article 12 of the 2005-015 Ordonnance and the number of prosecuted circumcisers. (CRC/C/MRT/Q/3-5, ¶9, 16), and in its reply Mauritania indicates that no prosecuted cases of FGM are available (CRC/C/MRT/Q/3-5/Add.1, ¶16). We urge the Committee to encourage the State to criminalise FGM by taking strong, comprehensive legislative action without delay to combat this severe form of sexual, physical, and gendered violence.

Discriminatory Nationality Law

With respect to Articles 2, 7 and 8 of the Convention, Mauritania is under an obligation to grant equal nationality rights to women. Equality Now's report, *The State We're In – Ending Sexism in Nationality Laws*¹, notes that particular provisions of Mauritania's nationality law² discriminate against women insofar as Mauritanian women with foreign spouses cannot transmit nationality to their spouses or children and married and unmarried Mauritanian women cannot transmit nationality to children born outside Mauritania. Additionally, according to Article 34 of the nationality law, if a father's nationality changes, his children may cease to be citizens without consideration of the mother's nationality. This also has implications in the event where a naturalised man loses his nationality because his children and naturalised wife may cease to be citizens (subject to certain conditions). A new application must be submitted which may be rejected. As highlighted by the Committee on the Elimination of Discrimination against Women in its Concluding Observations in 2014, it called upon Mauritania to "amend the Nationality Code to bring it into line with article 9 of the Convention and to enable Mauritanian women to transmit their nationality to their children and their foreign spouse on an equal basis with Mauritanian men."³

Discriminatory nationality laws gravely affect children's enjoyment of their human, economic, social and cultural rights, and expose children to statelessness, which severely restrict their access to fundamental rights. Such rights include access to public healthcare, education, social welfare, employment, and other. As a result, it is imperative that Mauritania's nationality law is amended in order to guarantee the right of every child to preserve his or her identity, as per the provisions of Article 8(1) of the Convention, and acquire a nationality in a non-discriminatory manner.

We respectfully urge the Committee to reiterate the recommendations of the Human Rights Council during the Universal Periodic Review of Mauritania in 2015, namely that the State should "reform its nationality law, provide women the capacity to acquire, retain and transfer citizenship on an equal basis with men, and bring the law into compliance with international human rights standards".⁴ Such a revision of the nationality law in a manner, which would promote comprehensive equality, would ensure that children are not prevented from accessing and enjoying their human rights under the Convention nor possibly rendered stateless.

¹ Available at www.equalitynow.org in English, French, Spanish and Arabic.

² Loi No. 1961-112, Loi portant code de la nationalité mauritanienne, Loi no 1962-157 and Loi no 1976-207. Loi No. 2010-023 du 11 février 2010 abrogeant et remplaçant certaines dispositions de la loi 61-112 du 12 juin 1961 portant code de la Nationalité Mauritanienne

³ CEDAW Concluding Observations 2014, CEDAW/C/MRT/CO/2-3, paragraph 33:
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMRT%2fCO%2f2-3&Lang=en

⁴ Report of the Working Group on the Universal Periodic Review of Mauritania, 23 December 2015:
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/289/95/PDF/G1528995.pdf?OpenElement>

Suggested Questions for Mauritania

We respectfully urge the Committee to raise the following questions with the Mauritanian government regarding violations of the Convention addressed in this letter:

- What are the government's plans and within which timeframe for strengthening article 12 of the 2005 Ordonnance by enacting and enforcing a comprehensive law specifically prohibiting FGM, guaranteeing the protection of women and girls at risk of undergoing FGM?
- What policies are in place that will support awareness-raising and educational outreach to practicing communities, in particular, on the harms of FGM and as a violation of human rights?
- What are the government's plans for ensuring that all women and girls who are mutilated receive justice and protection?
- What are the government's plans to comprehensively amend the nationality law to allow Mauritanian women to transfer their nationality to their children and spouses on an equal basis with men and allow children to remain citizens in the event their father's nationality changes?

Suggested Recommendations

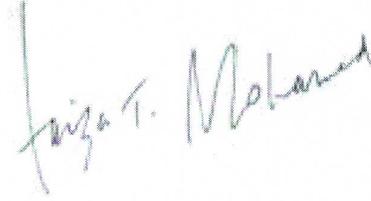
We also respectfully urge the Committee to make the following proposed recommendation to the Mauritanian government regarding violations of the Convention addressed in this letter:

- Enact and enforce a comprehensive law prohibiting FGM as soon as possible, guarantee the protection of women and girls at risk of undergoing FGM
- Develop policies supporting awareness raising and educational outreach to practicing communities, in particular, on the harms of FGM and as a violation of human rights

- Ensure that all women and girls who are mutilated receive justice and protection
- Comprehensively amend the nationality law as soon as possible to allow Mauritanian women to transfer their nationality to their children and spouses on an equal basis with men and enable children to remain citizens in the event their father's nationality changes.

Thank you very much for your kind attention, and please do not hesitate to contact us if we can provide further information.

Sincerely,



Faiza Jama Mohamed

Fatimata Mbaye

Director, AMDH

Director, Equality Now Africa Office

