

## UN Working Group on discrimination against women and girls

### Gender equality in Mauritania: commendable steps forward and major deadlocks

NOUAKCHOTT (6 October 2023)- The UN Working Group on discrimination against women and girls represented by its Vice-Chair, Meskerem Geset Techane, conducted a 12-day mission to Mauritania holding meetings with a diverse range of stakeholders in Nouakchott, Mamghar and Bassikounou, including Mbera refugee camp. The independent expert shared the preliminary findings in the following statement:

“We would like to express our deep appreciation to the Government of the Islamic Republic of Mauritania for the invitation to undertake this official visit and for its outstanding support in preparation and during the mission. We would also like to sincerely thank all our interlocutors for the fruitful exchanges: public officials, parliamentarians, judges, magistrates, lawyers, police officers, health and school personnel, women deprived of liberty, migrant and refugee women, representatives of civil society organisations, religious leaders, girls and women from different communities, victims/survivors of gender-based violence and UN representatives. We would also like to thank those who travelled from Nouadhibou and Selibabi to meet with us.

#### Context

Mauritania’s geographic position as a bridge between North and Sub-Saharan Africa has made it a melting pot of diverse civilizations. This vast multicultural and multi-ethnic country with a rich sociocultural heritage has a population estimated at 4.5 million, with women representing about half of it. It is one of the least densely populated countries in the world and 56% of its inhabitants live in urban areas where living conditions are in sharp contrast with those in rural areas. Mauritania faces considerable challenges with growing environmental threats (desertification and drought), limited arable land, as well as security concerns in an increasingly unstable regional context leading to a massive influx of refugees from a neighbouring country.

Although poverty has been steadily declining in the past decades, it still affects 58.4% of the population, women and girls being the most severely impacted. The country’s socio-economic development is hampered not only by environmental but also by structural challenges. After its independence in 1960, the country’s contemporary history was marked by political instability. In the past years, Mauritania has made considerable progress in its path towards democratisation. Its engagement with international human rights mechanisms (four this year) is a positive sign for further advancement. We note with satisfaction that, in the context of all these interactions and in the elaboration of its national policies, the country’s leadership has reiterated its commitment towards the fulfilment of women’s and girls’ human rights.

Unfortunately, despite increased participation of women in political and public life, indicators show that the country still lags behind in terms of gender equality.<sup>1</sup> Most of our interlocutors stressed that socio-cultural constraints hinder further progress in this area. They also indicated that the realities lived by women and girls greatly vary depending on their ethnic background and geographic location, with those living in rural areas facing greater obstacles in accessing their rights. We fear that Mauritania will not be able to achieve its sustainable development goals without ensuring genuine and equal participation of women and girls, in all spheres of their lives, starting within the family and culture.

#### Legal, policy and institutional framework

Mauritania has made commendable efforts to strengthen its legal framework for the promotion and protection of women’s and girls’ rights. It has ratified all core UN and African Union human rights instruments as well as several ILO Conventions. Furthermore, the Government has demonstrated a strong commitment to cooperate with UN human rights mechanisms as shown by its engagement with Treaty Bodies and its invitations to Special Procedures mandates. We also welcome the important role played by the Commissioner of Human Rights, Humanitarian Action and relations with civil society which coordinates the engagement with international human rights mechanisms and follow-up efforts.

While Mauritania ratified CEDAW in 2001, it has not yet ratified its Optional Protocol. Such ratification would demonstrate the Government’s commitment to implementing CEDAW principles. Furthermore, we note with concern

<sup>1</sup> 146<sup>th</sup> out of 156 countries, [WEF 2021 Global Gender Gap Index](#). At the regional level, Mauritania ranks 14th (out of 19th countries).

Mauritania's reservations to Article 13(a) and 16 of CEDAW, on the grounds of incompatibility with Sharia. We emphasize that under international human rights law, religious principles may not be used as a justification to perpetuate discrimination against women and girls.

The Mauritanian Constitution prohibits discrimination including on the basis of sex.<sup>2</sup> In recent years, the Government has adopted several laws promoting women's rights, most notably Act No. 2018-023 which prohibits gender-based discrimination as well as other laws detailed in the sections below. The Government has also adopted numerous relevant policies, including the National Strategy for Gender Institutionalization (2015-2025). We welcome the establishment of gender units in various ministries. We emphasize the importance of allocating sufficient resources, in particular highly skilled human resources, to these units, as well as increased training and capacity development opportunities for their staff.

We commend Mauritania for establishing the National Observatory on the Rights of Women and Girls by Decree No. 2020/140, which is mandated to monitor and promote women's and girls' rights in collaboration with the Government, Parliament and civil society actors. However, as an institution housed under the Office of the Prime Minister, and not an autonomous body established by law, the Observatory has not been guaranteed full independence nor given the necessary budget to fulfil its mandate. We believe that the Observatory and its committed members have a lot of potential and should be provided with the necessary human and financial resources for the execution of its important mandate.

Finally, we recognize the commendable work of the National Human Rights Commission<sup>3</sup> mandated to conduct broad monitoring and consultations with Mauritanian women from all levels of society and welcome its initiatives to issue reports documenting gender-based violence. We hope that the Commission will deepen its analysis of the root-causes of gender-based discrimination in the country and will continue receiving the necessary support to fulfil its mandate, in compliance with the Paris Principles.

While relevant legal, policy and institutional framework on women's and girl's rights are in place, several gaps remain in terms of implementation, coordination, monitoring and adequate resources attributed to key entities.

### **Family and cultural life**

During the visit, we heard contrasted perceptions of women's and girls' lived realities in the country. While many acknowledged the deeply rooted gender-based discrimination into the fabric of society and culture, others denied the existence of such discrimination. Certain interlocutors regretted that, in general, women are instrumentalised to perpetuate this culture of denial and misperceptions around a so-called "matriarchal society where the woman is cherished". Regrettably, due to cultural misconceptions about the complementarity of women and men, instead of substantive equality, women are left behind. Discriminatory expectations of the appropriate role of women and girls, unequal distribution of domestic tasks and care considerably hamper women from participating equally in all aspects of society.

We were told that men do not want to put into question the established representation of masculinity<sup>4</sup>. Many, women and men, denounced the patriarchal norms and attitudes which continue to legitimate male domination and oppression. Some interlocutors, including State officials, stressed the urgency of addressing these harmful social norms. In that regard, the Government of Mauritania is bound to lead a positive societal transformation as provided by CEDAW article 5 which requires the State to take all appropriate measures to modify the social and cultural patterns of conduct of men and women. We commend the Government's endeavours to support and promote women's and girls' cultural and artistic expression through increased financing and hope to receive data on the amount of budgeting of these initiatives and of other gender-responsive strategies.

### *Birth registration*

We welcome current initiatives to address the major issue of birth registration which has considerable life-long repercussions in various areas (civil status, education, health). Only 45% of children under 5 years old are currently registered, and this rate greatly varies depending on the region (from 16% to 81%). The vicious cycle of parents and children left without an identity must cease. We recommend stepping-up current efforts through sustained information strategies and regular mobile registration campaigns, including to the most remote places.

### *Nationality*

We regret that the Nationality Code (1961) still contains discriminatory provisions. In that regard, as already recommended by our Expert Group<sup>5</sup> and other human rights mechanisms, we urge the Government to amend articles 8, 13, 16 and 18 of the Code to ensure that Mauritanian women have equal rights in transferring their nationality, including to their children born abroad and to a foreign spouse. Some interlocutors also deplored that the wounds of the regrettable

---

<sup>2</sup> Art. 1: "The Republic ensures that all citizens are equal before the law, regardless of their origin, race, sex or social status."

<sup>3</sup> The CNDH obtained its A-Status in 2020.

<sup>4</sup> In that regard, please see the [WGDAW position paper on Men's Accountability in Gender Equality](#)

<sup>5</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=17525>

and painful events of 1989 are still not healed and duly addressed. Children and families of expelled Mauritians continue living in precarious situations, sometimes deprived of an identity and in a condition of statelessness. We hope that, to sustain the stability and unity of the country, the Government will pursue its efforts towards genuine national reconciliation and reparations as per human rights standards.

### *Harmful practices*

We note with appreciation the efforts made by the Government in seeking to address child marriage and female genital mutilation (see below). Nonetheless, the country's plural legal system comprises numerous discriminatory laws which are contrary to Mauritania's international human rights obligations and impede genuine advancement in terms of gender equality.

### *Repudiation, child custody, inheritance rights, polygamy*

The main source of law in Mauritania is the Sharia which has primacy over any legislation. The Personal Status Code (2001) provides for a marital framework under the authority of the husband, based on the "complementarity" of rights, instead of equal rights between the two spouses. This set of rights is based on the concept of male guardianship over women and children. Article 1 of the Code defines the purpose of marriage as procreation. Article 56 of the Code states that a husband constitutes the head of household while a wife's role is to assist him in managing the family.

The Code contains a series of discriminatory provisions on, inter alia, repudiation (can only be enacted by men), child custody (the father has priority over the son's custody from the age of 7), inheritance rights (the woman is not entitled to an equal share of the heritage), polygamy (allowed with the consent of the first wife, though a woman can ask her husband to sign a monogamy clause). The rate of women in polygamous unions varies between 20% and 1% depending on the age, level of education and geographic location. We are pleased to note the decrease in this harmful practice which has grave consequences on the health, well-being and socio-economic opportunities of women and children and communities as a whole<sup>6</sup>

### *Child marriage*

Despite provisions in the Personal Status Code which set the minimum age of marriage at 18 with certain exceptions, 39% of girls in Mauritania are married before the age of 18 and 17% are married before the age of 15. In contrast, only 2% of boys are married before the age of 18. Child marriage is most prevalent in rural areas.

The damage caused by child marriage is irreparable, with stunting of emotional and economic potential, injury to physical or psychological health, teenage pregnancies with heightened risk of morbidity or death. It inflicts a heavy economic cost for the victims, their children and the society at large. There should be no justifications to child and forced marriage, not even poverty. Child marriage, with disproportionate impact on girls, is mainly the result of gender-based discrimination and a harmful practice that must be eradicated<sup>7</sup>. Eliminating child marriage mainly depends on sustained political will and the due implementation of the existing legal framework. In order to prevent human rights violations resulting from this harmful practice, the State must impose criminal sanctions against perpetrators and challenge the cultural discourse and norms that discriminate against women and girls, perpetuating structural inequality.

### *Discriminatory criminal provisions*

Article 307 of the Penal Code punishes extramarital relationships (*Zina*) with public flogging, fines, one year of imprisonment or a death sentence for the married person. During our visit, we were informed that a significant number of women are arrested, prosecuted and sentenced for *Zina*, including in cases of rape. As already stressed by our Working Group<sup>8</sup>, criminal law definitions of adultery seem gender-neutral, prohibiting adultery by both men and women. However, in practice, the criminal sanctions on adultery are overwhelmingly directed against women (as pregnancy is used as a proof against them) and grants impunity to men in cases of sexual violence. Such provisions must be repealed so that women are not deterred from reporting rape due to fears that their claims will be weaponized against them as the crime of *Zina* (see below). The Penal Code also contains crimes such as heresy and apostasy, as well as punishments such as lapidation, amputation and flagellation which are contrary to the country's human rights obligations. While we acknowledge Mauritania's moratorium on the death penalty, we reiterate the recommendations from several human rights mechanisms to abolish the death penalty.

Our Expert Group recommends that the Government prioritizes family law and penal reform in its current efforts towards gender equality. In view of the State's legally binding obligations contained in international human rights instruments, we recommend a thorough and comprehensive revision of the Personal Status and Penal Codes as well any other legislation which may, directly or indirectly, discriminate against women and girls. In that regard, we welcome the

<sup>6</sup> See [CEDAW and CRC joint General Recommendation on harmful practices](#)

<sup>7</sup> See [CEDAW and CRC joint General Recommendation on harmful practices](#)

<sup>8</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23447>

involvement of religious leaders in eliminating harmful practices such as female genital mutilation and hope that similar strategies can be developed to revise the legal framework in light of international standards.

### *Rising religious fundamentalism*

Some expressed concerns at the rise of religious fundamentalism in the country, especially in the most marginalised areas. They were alarmed at a new phenomenon of acculturation from those espousing fundamentalist interpretations of religion which are not inherent to Mauritanian tradition and shared that they have the feeling of losing their national identity. We urge the State, civil society actors, media and international partners to promote the positive values of Mauritanian culture and traditions and deploy all possible joint efforts to vehemently combat discriminatory interpretations of religion. In that regard, solidarity within the women's human rights movement should be strengthened and nurtured, including through exchanges with international organisations<sup>9</sup> working in the area of law reform. While our Expert Group is committed to upholding the principle of freedom of religion or belief, it regrets the increasing challenges to gender equality in the name of religion. We join other international human rights expert mechanisms in reiterating that freedom of religion or belief should never be misused to justify discrimination against women and girls.<sup>10</sup> Without substantive equality in the family and cultural life, women will never be able to be fully empowered, economically and politically.

### **Public and political life**

#### *Elected and appointed positions*

We note with appreciation the adoption in 2006 of an electoral decree introducing gender quotas, setting aside 20 out of 88 seats for women at the National Assembly and 20% of seats for women at municipal councils, among other measures.<sup>11</sup> Since then, there has been an increase in women's representation in Parliament, which was 17% in 2006 and reached 23.3% at the May 2023 elections. We welcome the fact that the latest elections yielded the highest percentage of women elected to Parliament but note with concern that women's representation in regional and municipal-level offices have decreased. There is 1 woman President of Regional Council out of 13 (7.6%) and 2 women out of 238 mayors (0.84%).<sup>12</sup> There is only 1 woman governor (*Wali*) out of 15 (6.6%), and 8 women deputy prefects (*Hakem mouçaid*) out of 54 (14.8%). Some interlocutors regretted that women often do not have sufficient financial means to run campaigns for electoral offices, despite being leaders and vocal advocates in their communities.

We express further concern that the electoral quota law, which requires political parties to alternate between men and women on their candidate lists, can be applied in a way that results in women always being down on the list, limiting their chances of election.<sup>13</sup> Furthermore, there is no gender quota imposed on parties for heads of their candidate lists, which would be an important measure to promote women's political representation. In this regard, we call on the Government and the National Independent Election Commission to ensure that the electoral quota law is amended and duly implemented, and adequate resources, including financial support and capacity-building, are provided to women seeking electoral office.

At the Cabinet level, only 7 out of the 28 Ministries (25%) are led by women, and only 3 out of 44 ambassadors are women (6.8%). Overall, 34.6% of public servants working in the Mauritanian Government are women, and they are largely concentrated in lower-level positions. We welcome the Government's affirmative action program for women in the competency exams for public service, and regret that women are still not uniformly represented across various ministries and are largely underrepresented in decision-making positions. As per international standards,<sup>14</sup> we encourage Mauritania to continue implementing special measures to increase representation of women at the highest levels of public life, recalling that gender parity (50:50) is a key indicator of gender equality.

#### *Justice sector*

Mauritanian women are severely underrepresented in the judiciary, law enforcement, and legal sectors. According to information received, there are very few women lawyers in the country, and only 1 out of 314 magistrate judges are women. The situation is similar in the law enforcement sector, with only 18 women working as police officers and/or police inspectors, though there is one woman high rank police commissioner and four women commissioners who head police stations specializing in child justice matters.

We were informed that, until recently, prevailing negative social and cultural norms about women's roles in society have frequently been employed to undermine women's participation in the legal and law enforcement sectors, with stereotypes that women are unfit or hesitant to pursue these fields due to the high workload and intensity. Nonetheless, we were

<sup>9</sup> <https://www.musawah.org/>

<sup>10</sup> See [A/HRC/38/46](#) and [A/HRC/29/40](#)

<sup>11</sup> Order No. 2006-029.

<sup>12</sup> Additionally, 1,435 out of 4,142 municipal councillors are women (34.65%).

<sup>13</sup> Interlocutors informed the Working Group that under a different interpretation of the law, the alternation can be implemented in pairs, where instead of altering one man for one woman on the list, two candidates may be alternated for another pair, resulting in women always being the alternate and decreasing their chances of winning office.

<sup>14</sup> CEDAW art. 4, CEDAW [General Recommendations No. 25](#)

encouraged to meet with committed women (in particular, women police commissioners and lawyers) who overcame negative stereotypes and occupied positions of leadership, exhibiting a strong desire to pave the way for other women and girls. Mauritania should take proactive measures to encourage and support women to join the justice sector, which are directly relevant to women and girl's access to justice, at both the national and local levels.

### *Women and girl human rights defenders*

Women's associations and organisations in Mauritania play a key role in the gender equality struggle, complementing, and often taking on tasks of the Government. Most of our interlocutors regretted the lack of coordination among civil society actors who tend to focus on the same areas of work at the detriment of others. They systematically called for an urgent need of networking and solidarity building within the movement, including with international and regional women's rights organisations. They also stressed the importance of ensuring an intergenerational dialogue to mutually reinforce current efforts.

We note with concern the current climate of self-censorship due to fears of stigmatisation and reprisals particularly in discussions concerning the current bill on violence against women and gender equality issues in general. Activists shared the concern that "being labelled as a feminist is to have the whole society against you." Any harassment, intimidation, or threats against an activist, must be duly addressed. We recommend the adoption of a gender-responsive law ensuring the protection of human rights defenders in compliance with international standards<sup>15</sup>. Furthermore, in light of the key role that women's and girls' organisations and networks play in strengthening a democratic society, they should be granted sufficient resources and be given adequate opportunities to participate in policy and law making.

### **Economic and social life**

Poverty experienced by women and girls often emanates from blatant systemic failures rooted in gender-based discrimination and exclusion, manifesting in the lack of decent work, lack of quality and accessible education, unequal rights to land and housing, and chronic food insecurity.<sup>16</sup> The vicious cycle of poverty and exploitation particularly afflict women who experience multiple and intersecting forms of discrimination, including rural women, migrant and refugee women and girls, women with disabilities and women from certain ethnic groups.

### *Women's participation in labour force and entrepreneurship*

We commend the Government for the ongoing revision of the national labour code to better meet international standards as well as the practical needs of women, including equal rights to social security and provisions for maternity leave. However, we note with concern that certain discriminatory legal provisions persist, such as limitations on women from working in occupations deemed dangerous (e.g. jobs in mining and construction).<sup>17</sup>

We also recognize Mauritania's efforts to provide vocational training to women by establishing centres where they can be trained for jobs in female-dominated sectors in the country, such as sewing, hairdressing, soap production, secretarial services and medical equipment maintenance. Nevertheless, we urge the Government to diversify trainings to include those oriented towards jobs in traditionally male-dominated sectors.

The gender gap in Mauritania concerning labour force participation remains stark, with only 26.4% of women participating, compared to 56.6% for men. Informal and precarious employment, in which workers lack formal arrangements, social protections, and safety nets, remains high among women in Mauritania at 76.5%, compared to 42.9% among men. Women's disproportionately low participation in the labour force and concentration in the informal sector reflect structural discrimination, including the persistence of gender stereotypes and gendered expectations, norms and attitudes.

Furthermore, women and girls in Mauritania often carry the majority, if not all, of the burden of unpaid care and household work, which many interlocutors described as the "woman's job". The absence of childcare options offered by the State also significantly hinders women from working outside the home and achieving economic empowerment. This burden is especially pronounced for women who are heads of households, which is the case in 39% of households, often due to being widowed or abandoned by their spouses without receiving any alimony or social protection. Investment into State-sponsored childcare and other targeted initiatives to alleviate women's burden of domestic work, especially for women who are the sole breadwinners in their families, should be prioritized in public budgeting.

Women continue to be severely underrepresented in entrepreneurship and business ownership as well. As of 2018, the proportion of women business owners was 11% compared to 89% among men. As of 2014, only 5% of Mauritanian business firms include women in top management. Though the Government has facilitated microfinancing programs targeting women, particularly rural women, access to credit remains a significant challenge for many women. We were

---

<sup>15</sup> CEDAW art. 7, ICCPR art. 19, UN Declaration on Human Rights Defenders, [UN General Assembly Resolution 68/181](#), Human Rights Council Resolutions [31/32](#) and [13/13](#), WGDW reports [A/HRC/23/50](#) and [A/HRC/50/25](#)

<sup>16</sup> See [A/HRC/53/39](#)

<sup>17</sup> Mauritania Labour Code (Code du Travail), Arts. 166 and 247.

told that “banks tend to provide credit only to men,” even in cases where women are able to provide collaterals, which is a discriminatory practice that severely curtails women’s entrepreneurship and ability to improve their livelihoods.

#### *Access to land and property*

Land and house ownership among Mauritanian women remain at extremely low levels, significantly hindering women’s right to an adequate standard of living, their food security and access to credit. According to data from the Government’s 2019-2021 Demographic and Health Survey (DHS), less than 14% of women own a house, and only 6% of them own land. In contrast, 34% of Mauritanian men own a house and 20% of them own land.

The lack of land ownership among rural women is especially troubling, of whom 6 out of 10 work in the agricultural sector. Only 4.2% of rural women own land, rendering the vast majority of them highly vulnerable to shocks to their livelihood and negative effects of climate change. As such, adopting legislation guaranteeing women’s equal right to land and property and implementing initiatives to facilitate women’s asset ownership will be a key steppingstone for Mauritania in uplifting families out of poverty and achieving sustainable development.<sup>18</sup>

#### *Education*

Mauritania has made notable strides in enhancing access to education for women and girls, though much remains to be achieved. We were informed that the Government provides free education at all levels and has undertaken revision of textbooks to eliminate gender stereotyped contents. We were also informed that the Government seeks to prioritize girls in the allocation of scholarships, with a 30% quota for girls in various programmes, and that the rate of girls enrolled in public universities has increased from 37% in 2019 to 48% in 2023. We encourage the Government to intensify current efforts to improve the quality of education, ensuring that human rights education, including gender-responsive courses, is incorporated into school curricula from the lower grades.

While gross school enrolment in primary education has seen significant progress, with 98% of girls enrolled in 2020, the enrolment rate for secondary education remains low at 38%, and only 45% of girls complete lower secondary education. Girls, particularly in rural areas where poverty is even more acute, face significant barriers in accessing education, as schools are located within long distances from their homes. Pregnancies due to child marriage lead to significant school dropouts. We were concerned to hear that tertiary and sometimes even secondary education is a luxury only available for girls from families who can afford to send their children to larger cities. We also heard that most primary schools remain highly under-resourced, where in some cases teachers have multiple grades simultaneously in the same classroom and not enough textbooks available to individually distribute to students. Considering this reality, we encourage the State to improve school facilities, increase the number of teachers per school, and enhance teachers’ capacities through training, including on human rights education. Furthermore, incentives to keep girls at school by providing, for instance, free meals should be developed.

Sexual harassment and gender-based violence from teachers were also reported as a concern likely contributing to girls’ dropout rates from schools. We were shocked to hear of serious cases of sexual violence against girls, including in religious schools (*mahadra*). It is unacceptable that schools, which should be safe and secure spaces for girls to learn and grow, can, on the contrary, lead to violations of their human rights and dignity. We urge the Ministry of Education to spearhead child-friendly and gender-sensitive reporting mechanisms within schools. The Ministry should also issue relevant directives in this regard with clear reporting obligations and deterring sanctions, while duly cooperating with the justice system to ensure that perpetrators are prosecuted and punished.

We were encouraged to hear from interlocutors that girls are often outperforming their male peers at school. We urge the Government to continue investing in girls’ education to allow them to reach their full potential, including through targeted initiatives for girls in rural areas and girls pursuing secondary and tertiary education.

### **Health care**

#### *General access to health care*

The country’s general health situation, afflicted by communicable diseases of infectious and parasitic origin as well as increasing non-communicable diseases, remains extremely precarious and marked by high morbidity and mortality, particularly among women and children. Mauritania’s healthcare system is significantly hampered by meagre resources leading to a flagrant scarcity of healthcare professionals, both in terms of quality and geographic coverage. We noted with regret that some hospitals do not even have a single gynaecologist. Despite these major constraints, we could observe the admirable commitment and passion of certain healthcare workers who operate, around-the-clock, in extremely challenging conditions (e.g., inadequate infrastructure, limited equipment and medicines).

There is no universal health coverage in the country even though it is one of the objectives set in the National Health Development Plan 2022-2030. The State informed us that the available public health scheme only covers 10% of the poorest. According to the DHS, only 9% of women are covered by a medical insurance, and 56% of women cited cost as

---

<sup>18</sup> In that regard, please see the WGDRAW position paper on insecure land rights for [women](#)

their main obstacle to obtaining healthcare, with 41% indicating the distance to facilities and 34% referring to issues with obtaining permission from a male relative. We also learned that hardly any women received preventative healthcare, with, for instance, only 1% of women benefitting from a uterine cancer screening.

Data shows that obesity disproportionately affects women in Mauritania (more than 20% against 10% for men). Although the harmful practice of forced feeding (*gavage*) seems to have almost disappeared in urban areas, it persists in some rural areas. Moreover, we were informed that the use of medicines by women and girls for weight gain is widespread. We also learned that women have been increasingly using skin whitening products which pose major risks to their health. We encourage the State to develop sustained education campaigns at school and at the community level to alert women about the health risks of these practices and deconstruct discriminatory beauty standards.

### *Sexual and reproductive health*

We welcome the steps taken by the State to improve access to sexual and reproductive health services and to combat maternal mortality, particularly the adoption of Act No. 2017-025 on reproductive health and the national strategy on reproductive health. Despite some progress made, maternal mortality rates remain among the highest in the world (454/100 000 birth in 2019 against 745/100 000 birth in 2011). The main causes for maternal mortality are teenage pregnancies, lack of birth spacing, female genital mutilation and the lack of ante-natal care, in particular in rural areas. Fertility rates in the country are 5.2 children per woman (6.4 in rural areas against 4.1 in urban areas). Data shows that 18% of teenage girls give birth by the age of 18. We were informed that contraceptives, including the emergency pill are distributed for free in hospitals and health centers but only 13% of women use a modern contraceptive method and 31% of women have unmet contraceptive needs. Some interlocutors regretted that some health centers require the husband's consent to provide contraceptives to a woman, although there is no formal requirement in this regard. We welcome the efforts by the Ministry of Health towards involving religious leaders in raising awareness on the importance of spacing births, increasing the number of mobile units providing ante-natal care as well as training community midwives. We encourage the Government to step up efforts in this regard and hope that the current "obstetrical package" offered by the State for 450 MRU could soon be enhanced and provided for free. Some women we met at the community level regretted that this package does not include essential medicines prescribed during the pregnancy, except for iron.

We are dismayed by the high rates of teenage pregnancies which have irremediable consequences on the lives of girls. We therefore strongly recommend to systematically integrate comprehensive sexual and reproductive health education into the mandatory school curriculum<sup>19</sup> for adolescent girls and boys, with special attention devoted to preventing child marriage and teenage pregnancy as well as gender-based violence. While HIV prevalence rate at the national level is estimated at 0.3%, the rate is higher among women who engage in prostitution (4% according to some studies).

In view of the alarming numbers of rapes, in particular rapes against girls, which most often result in a forced pregnancy (in over 32% of rape cases), we share the concerns expressed by various human rights bodies<sup>20</sup> concerning article 293 of the Criminal Code, which criminalizes abortion except in limited circumstances. We are concerned that such restrictions compel women to turn to unsafe clandestine abortions, putting their lives and health in danger. In that regard, legislation should be amended in accordance with international standards ensuring that women and girls who terminate a pregnancy as well as the health professionals assisting them, are not subject to criminal penalties and clear protocols should be developed to guide health institutions. [World Health Organization](#) data has demonstrated that criminalizing the termination of pregnancy does not reduce the number of abortions. Countries where women have access to termination of pregnancy, reproductive health information, and all methods of contraception have the lowest rates of termination of pregnancy.

Issues related to women's and girls' sexual and reproductive health rights deserve increased attention by concerned authorities and international partners who should not shy away from addressing sensitive areas of concern made invisible by societal taboos.

### **Gender-based violence against women and girls**

#### *General prevalence and manifestations of gender-based violence*

During the visit, the issue of widespread gender-based violence against women and girls was repeatedly raised by most of our interlocutors as a major issue of concern. In particular, we heard that sexual violence is pervasive, including in the family and the community as well as on the way to and in schools. According to official data received, rapes against girls represent the majority of the rape cases. We also received alarming reports of girls in street situations who are particularly exposed to sexual violence, including by police officers.

We were told that the concept of marital rape is not accepted due to a dominant belief that "when a husband needs his wife, she has to be available". Our interlocutors also raised grave concerns about increased cases of extreme domestic violence resulting in severe injuries, as well as alarming cases of feminicides. We also heard that women are at times

<sup>19</sup> <https://www.ohchr.org/en/documents/tools-and-resources/compendium-comprehensive-sexuality-education>

<sup>20</sup> See [CEDAW/C/MRT/CO/4](#), [CCPR/C/MRT/CO/2](#)

severely harassed at work and are compelled to leave their jobs. Sexual harassment on the street has also been described as omnipresent, affecting women and girls both in urban and rural areas.

The DHS provides recent data on gender-based violence in Mauritania and indicates that 10% of women aged 15-49 have experienced physical violence and 6% sexual violence, among which 65% have never sought help or told anyone. We fear that, given the stigma and taboo around gender-based violence against women and girls, the real prevalence is not reflected in these surveys. Most interlocutors explained that domestic violence victims are silenced, their suffering often kept within the family and that, in certain socio-cultural spheres, it is even accepted as normal.

We commend the prohibition under the law of female genital mutilation (FGM)<sup>21</sup>, as well as several preventive actions led by the Government including through the socio-economic rehabilitation of traditional cutters. The general prevalence of FGM in the country remains very high (67%). Despite a decrease in FGM rates (45% for girls under 14), we are appalled that the practice persists, particularly in rural areas (77% against 55% in urban areas). 35% of women and 44% of men still believe that FGM is required by religion, while 44% of women and 26% of men think that FGM should be discontinued. In that regard, we welcome the Government's efforts in working with religious leaders to deconstruct cultural misconceptions and raise awareness against the devastating effects of FGM. It is crucial to take radical measures and deploy every possible means to eradicate this atrocious form of violence and torture<sup>22</sup> with serious and irreversible psychological and physical consequences for girls and women, including death following the act itself or during childbirth. It is essential to encourage the reporting of the practice and to severely sanction those responsible, in particular the perpetrator of the mutilation. We were informed that, since the adoption of the law, no cases were reported. No belief or custom should be used or distorted for the purpose of violating the rights of women and girls, torturing and oppressing them.

#### *State response to gender-based violence and access to justice*

We note with satisfaction the increased attention from the Government to the issue of gender-based violence and the adoption of its National Strategy to End Violence Against Women and Girls in 2019. We welcome the recent consultations held in the context of the current bill on violence against women which involved civil society organisations, religious leaders, parliamentarians and other concerned stakeholders. We hope that such consultations with women's rights organisations will be sustained in an inclusive manner in the future. The adoption of this bill has been pending since 2016 due to considerable resistance from various sectors of society and misconceptions about its scope and objective. While the current draft could be improved to comply with international standards<sup>23</sup>, the vast majority of stakeholders we met, including some religious leaders, support the adoption of this bill which is considered essential in tackling the current impunity for gender-based violence.

In the absence of a comprehensive State protection system for victims/survivors of gender-based violence, committed civil society organisations have worked relentlessly to fill systemic and institutional gaps. These organisations handle a helpline, offer medical, psycho-social and legal support as well as educational and vocational trainings, but there are no medium/long-term shelters for survivors. Such initiatives should be institutionalised and further supported in a sustained manner. The five Special Units for Victims of Gender-Based Violence (*Unité Spéciale de Prise En Charge (USPEC) des victimes de violences basée sur le genre*) operating in the country within public hospitals offer valuable space to provide victims with medical support. We hope that such units could be further developed throughout the country and strengthened as one-stop centres integrating all the necessary services. In view of the alarming number of rapes against girls, we welcome the appointment of women police commissioners and inspectors leading specialised police stations (*Brigades de Protection des Mineurs*). They perform their functions, often beyond the call of duty, and with very limited resources. We recommend increasing the number of skilled women police officers and ensure that all law enforcement personnel are duly trained to handle cases of gender-based violence in accordance with international standards. Any abuse from police forces should be duly investigated and punished as well.

Most interlocutors explained that access to justice for women and girls' victims of gender-based violence is considerably obstructed by major systemic shortcomings and socio-cultural barriers leading to a culture of total impunity. Despite the law on legal aid<sup>24</sup>, which was supposed to increase women's access to legal assistance, and the development of a Strategy 2020-2024 for judicial assistance, all concerned stakeholders we met asserted that, regrettably, there is no such institutionalised legal assistance, but civil society organisations do their best to provide them within their very limited capacities. The vast majority of cases of gender-based violence, including domestic violence and sexual violence remain unreported as families and communities prefer reconciliation. Convictions for rape are rare in part due to a lack of clarity in the Penal Code concerning sexual violence, but mainly due to the high burden of proof which makes it practically impossible for a victim to receive justice. We were informed about several instances where victims are deterred, even by their lawyers, from reporting sexual violence due to fears of being accused of the crime of Zina. It is unacceptable that

---

<sup>21</sup> Act No. 2017-025 on reproductive health and General Child Protection Code (2018)

<sup>22</sup> [A/HRC/31/57](#)

<sup>23</sup> See CEDAW General Recommendation 35 the [Istanbul Convention](#), open to universal ratification, as the most solid roadmap to address gender-based violence against women and girls

<sup>24</sup> No. 2015-030 of 10 September 2015 on Legal Aid and Order No. 171-2017

women in Mauritania are dissuaded from denouncing an act of torture<sup>25</sup> out of fear of being prosecuted themselves. Furthermore, we were informed that, even when a victim decides to lodge a complaint, she is often stigmatised and blamed by all those involved in the complaint procedure, from police officers to prosecutors and judges. Victims are subject to derogatory and gender-discriminatory questions and comments about their attire at the time of rape and the reason for their presence at the place in question, insinuating that they are themselves responsible for what happened. In this regard, we urge all actors in the justice system to implement a victim centered approach. Furthermore, we welcome the current efforts by the Office of the General Prosecutor to document and duly address cases of sexual violence and we encourage such undertakings to be sustained. We also hope that sentences for rape are not mitigated during the appeal process.

We urge the Government to spearhead a positive transformation within the judiciary in order to break this vicious circle of violence and impunity. We regret that among the highest judicial authorities, there is a total denial of the existence of gender-based discrimination in the justice system. We were informed that judges only receive sporadic trainings on a gender-responsive justice system. We hope that the results of the audit conducted by the Ministry of Justice will allow for a frank and constructive public debate which would allow for much needed progress in the area of access of justice. Without first acknowledging the numerous barriers women face in accessing justice, the country will not be in a position to mark sustained progress towards gender equality, a central precondition to sustained development.

### **Women and girls facing multiple and intersecting forms of discrimination**

All women are affected by gender-based discrimination with differing levels of intensity and disparate consequences - some women and girls are disproportionately affected and face multiple barriers<sup>26</sup>. Throughout our analysis, we have demonstrated how rural women are marginalized in every sphere of life, experiencing higher rates of poverty, lower access to quality education, and greater exposure to gender-based violence, including FGM. Other groups of women also experience all the challenges analysed above more acutely:

#### *Refugee women and girls*

We commend the Government for its continued determination in welcoming refugees, alongside endeavours to combat trafficking including by establishing a new national body to monitor, review, and refer trafficking cases for prosecution.<sup>27</sup> Despite colossal efforts deployed by the authorities and its humanitarian partners, dire protection needs for refugee women and girls persist, as they continue to be disproportionately affected by poverty, lack of educational and economic opportunities, exploitation and gender-based violence. We urge all concerned stakeholders to duly address all human rights violations suffered by refugee women and girls and call on the international community to remain engaged and to provide the necessary support to the refugee population in the country.

#### *Women deprived of liberty*

We thank the authorities for having facilitated with total transparency our access to the women's prison in Nouakchott. Currently, 34 women are detained, among which 22 (65%) are on pre-trial detention. The vast majority of the women were charged with nonviolent offenses, such as adultery, drug abuse, and theft. We regret that the poor quality or absence of legal assistance represented a major obstacle to a fair trial and to their access to justice. We are appalled at the number of women incarcerated on charges of *zina* while no charges were brought against the concerned men. We welcome the recent inclusion of female prison personnel and hope that the prison guards at the gate can soon be replaced by female guards.

During the visit, we could observe the unsuitability of the facility, the unhealthy living and sanitary conditions, overcrowding, with up to 14 women sleeping in a small cell with mattresses on the floor, inadequate access to the open air and unbearable heat which leads to women feeling often unwell with headaches. We also noted the absence of schooling, vocational training and income generating activities. Women detained in the prison did not complain about any kind of mistreatment, on the contrary, they praised the prison staff, but we heard about some restrictions on family visits (while not all faced such issues) and poor quality of the food. Women with children are not always separated from other inmates and many women have children outside the prison. In this regard, we would like to recall that according to international standards<sup>28</sup>, the State should consider system-wide alternatives to detention for women, in particular for those who have dependent children.

#### *Women and girls victims/survivors of slavery*

We join the Special Rapporteur on contemporary forms of slavery in welcoming the strides made, particularly in the legal framework, to combat slavery and deeply lament the dreadful realities of victims of this crime against humanity which continues to shackle women and girls from Afro-Mauritanian communities and those descended from groups historically

<sup>25</sup> See [A/HRC/31/57](#)

<sup>26</sup> <https://www.ohchr.org/en/special-procedures/wg-women-and-girls/annual-thematic-reports>

<sup>27</sup> The National Instance to Combat Human Trafficking and Migrant Smuggling (INCHTMS).

<sup>28</sup> [2010/16 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \(the Bangkok Rules\)](#)

subjected to slavery.<sup>29</sup> We heard outrageous accounts of “masters” raping women and girl slavery victims with impunity and using gender-based violence as a way of exerting reproductive control over their slaves and generating more labour through childbirth. We recommend a continuous and systematised engagement with anti-slavery organisations in order to duly address their demands. We stress with utmost urgency the need for Mauritania to robustly implement its anti-slavery legislation, identifying perpetrators and providing meaningful reparations to victims in a gender-responsive manner, given that women reportedly make up the vast majority slavery victims. Targeted efforts to support women and girl victims/survivors of slavery, including through psycho-social support, socioeconomic empowerment, education, and awareness-raising to end discrimination against them, are integral for facilitating their successful integration into society.

## Conclusions

Mauritania has taken commendable steps towards gender equality by strengthening its institutional, political and legal framework. However, gaps at the implementation level coupled with major systemic shortages and socio-cultural barriers represent significant obstacles to further progress. The country has a lot of potential with part of its political leadership eager to see positive transformation which should now be accelerated. There is a crucial need to break the taboos and engage into a frank, inclusive and sustained national dialogue on the main barriers to sustainable progress in all areas of women and girls’ human rights. The lack of access to justice and the general culture of impunity around gender-based violence should cease immediately. Women and girls should no longer be mutilated, married off at young age, have their education and health sacrificed, and risk a death sentence for giving birth.

The Government and the international community in the country have a responsibility to duly prioritise the gender equality agenda, from a human rights-based approach, placing at the centre the interrelatedness and interdependence of women’s human rights. Some rights cannot be prioritised at the detriment of others, and transformative change can only be achieved if the root causes of discrimination are duly addressed. Without substantive equality in the family and cultural life, women will never be able to enjoy their right to the highest standard of health and to be fully empowered, economically and politically. It is necessary to shift away from a project-based approach and adopt a sustained gender-responsive strategy - including adequate gender budgeting - developed in consultation with all concerned stakeholders, in particular women’s human rights organisations.

Simultaneously, efforts deployed at the local level should be sustained and intensified, ensuring that communities take ownership of positive change. Free and independent media should be supported to fulfil their key role as catalysts of a healthy democratic debate, clarifying concepts and amplifying a positive narrative around gender equality. Women’s rights organisations should be further empowered. Their networking capacity and solidarity within the movement should be strengthened, including through a mutually reinforcing intergenerational dialogue, which would allow better coordination and strategizing. The potentials of male allies as well as positive values in Mauritanian culture should also be maximized.

The unjust status quo should not be accepted anymore. Some women we met shared powerful reflections and concluded: “We need an alternative to the dominant paternalistic discourse that shackles women and won’t let them escape from feudalism and obscurantism”.

END

*The [UN Working Group on discrimination against women and girls](#) was created by the Human Rights Council in 2010 to intensify efforts to eliminate all forms of discrimination against women and girls throughout the world in collaboration with all concerned stakeholders. The Working Group is composed of five independent experts: Dorothy Estrada-Tanck (Mexico; Chairperson), Meskerem Geset Techane (Ethiopia, Vice-Chairperson), Elizabeth Broderick (Australia), Ivana Radačić (Croatia); and Melissa Upreti (Nepal).*

---

<sup>29</sup> See A/HRC/54/30/Add.2