



Global Initiative to
**End All Corporal Punishment
of Children**

MAURITANIA – COUNTRY REPORT

Child population: 1,514,000 (UNICEF, 2009)

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, schools, penal system, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

??? – We have been unable to establish whether or not written legislation confirms a “right” of parents and others to physically punish a child, but corporal punishment is widely tolerated and legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing. Explicit prohibition should be enacted of all forms of corporal punishment, including by parents.

Other legislative measures necessary

Schools – Explicit prohibition should be enacted in relation to all education settings, public and private.

Penal system – All judicial corporal punishment should be prohibited by law, including under Islamic law. Explicit prohibition should also be enacted of corporal punishment as a disciplinary measure in all institutions accommodating children in conflict with the law.

Alternative care settings – Explicit prohibition should be enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc, including in the *kafalah* system.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is lawful in the home. Provisions against violence and abuse in the Criminal Code, the law “sur la traite des personnes” (2003), the Personal Status Code (2001) and the Constitution (1991) are not interpreted as prohibiting all corporal punishment of children. In June 2009, a Fatwa was issued against corporal punishment of children, but we have yet to establish whether it applies to all degrees of corporal punishment or is limited to “excessive” corporal punishment.

Schools

The Ministry of Education has stated that corporal punishment should not be used (Decision No. 701 MEN/PR of 4 November 1968, article 17), but there is no explicit prohibition in law.

Penal system

Corporal punishment is lawful as a **sentence for crime** under the Criminal Code, which allows for whipping and amputation. The Code on the Judicial Protection of Minors (2005) states that the penalties imposed on children aged 15 to 18 convicted of an offence may not exceed half of the adult sentences, but it does not prohibit corporal punishment.

There is no explicit prohibition of corporal punishment as a **disciplinary measure** in penal institutions. Decree No. 2003-1524 (2003) on the structural regulations of rehabilitation centres for children in conflict with the law contains provisions on the rights of the child but we have no further details.

Alternative care

Presumably, the Fatwa against corporal punishment (see above) would apply to alternative care settings, including in the *kafalah* system, but there is no explicit prohibition of corporal punishment in law.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(17 June 2009, CRC/C//MRT/CO/2 Concluding observations on second report, paras. 40 and 41)

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

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

Committee on the Rights of the Child

(6 November 2001, CRC/C/15/Add.159, Concluding observations on initial report, paras. 29 and 30)

“The Committee is concerned that corporal punishment of children is widely practised in the family. It further notes that it is not expressly banned in schools and institutions.

“In light of articles 3, 19, and 28 (2) of the Convention, the Committee encourages the State party to:

- a) develop measures to raise awareness on the harmful effects of corporal punishment and engage in the promotion of alternative forms of discipline in families to be administered in a manner consistent with the child’s dignity and in conformity with the Convention; and
- b) explicitly prohibit corporal punishment in the family, in schools and in other institutions.”

Committee on the Elimination of Discrimination Against Women

(11 June 2007, CEDAW/C/MRT/CO/1, Concluding observations on initial report, paras. 29 and 30)

“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.

“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.”

Universal Periodic Review

Mauritania was examined in the first cycle of the Universal Periodic Review in 2010. The Government did not respond to recommendations to prohibit corporal punishment of children (4 January 2011, A/HRC/16/17, Report of the Working Group on the Universal Periodic Review: Mauritania, paras. 92(30), 92(39), 92(40), 92(42) and 92(45)). Examination in the second cycle is scheduled for 2015.

Report prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
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