MAURITANIA

Gender equality is enshrined in Article 1 of the Mauritanian constitution, although the Mauritanian legislation does not contain a precise definition of discrimination.¹ Mauritania ratified the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 2001, and ratified the Optional Protocol on violence against women in 2008.² The country ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa in 2005.³ In 1992 a State Secretariat for the Status of Women was established, and in 2005 saw the start of a National Strategy for the Advancement of Women.⁴

1. Discriminatory family code

The 2001 Personal Status Code requires the free consent of both parties in marriage; the minimum legal age of marriage is 18 years for both men and women,⁵ while there is no minimum age for customary marriages and most rural marriages take place under customary law.⁶ According to the Personal Status Code, a judge may grant authorization for marriages below the age of 18 and data suggests that early and forced marriage is relatively common.⁷ For example, results from the 2007 Multiple Indicator Cluster Survey (MICS3) show that 24.7% of girls aged 15-19 were married. The survey also reports that 19% of women aged 15 to 49 were married before the age of 15 and 43.4% of women aged 20-49 were married before the age of 18.⁸ Although article 5 of the Personal Status Code states that consent is a condition for the validity of marriage, according to article 9, “the silence of a young girl equates consent.”⁹

The husband is considered to be the head of the household and holds parental authority under the 2001 Personal Status Code (art.56), although the same Article calls upon wives to support the husband in managing the family.¹⁰ In the event of divorce, however, women can lose custody of her children if she remarries.¹¹

Under the Personal Status Code, women and men have different rights in regard to inheritance. Women have the legal right to inherit property, but as with Sharia law their share is usually half of that to which men are

---

¹ CEDAW (2012) p.11
³ African Commission on Human and Peoples' Rights (2013)
⁴ CEDAW (2007) p.5
⁵ CEDAW (2012) p.43
⁶ The Guardian/The Observer (2009)
⁷ Idem
⁹ Code du Statut Personnel (2001)
¹⁰ World Bank (2013)
¹¹ US State Department (2012)
entitled (art. 253-259). Daughters, similarly inherit only half of the shares acquired by sons (art. 255). In addition, widows do not have the same inheritance rights as widowers under the Personal Status Code.

More

Under the personal status code, and Sharia law, polygamy is legal in Mauritania: a man can marry up to four women, but must obtain the consent of his existing wife/wives first. Polygamy is common within the Afro-Mauritanian and Berber Moorish population, occurring less frequently among the Arab Moorish population (although there are indications that the practice is becoming more popular in this community as well). The 2007 MICS3 reports that 10.7% of women aged 15-49 are in a polygamous union.

Both men and women may initiate divorce in Mauritania. A wife may request a divorce on the grounds of damages or injuries (préjudice) of various natures, but owes compensation if she is wrong (art. 102). A husband, however, has the right of repudiation (unilateral divorce by the husband), allowing him to divorce his wife at any time without being obliged to claim a reason or to provide any compensation.

Recent information is not available, but survey data from 2003-2004 reports that the adolescent fertility rate for women aged 15-19 was 88 per 1000 women.

With regard to decision-making (again more recent data is not available), survey data from 2003 reports that it is primarily women themselves (79.2%) who make decisions concerning how to spend their earnings. Data on decisions concerning household purchases is not available.

The government has introduced measures to raise awareness about the Personal status law through « caravanes de droit » and « boutiques de droit » as well as television and radio programmes in national languages, especially targeting rural and sensitive zones.

2. Restricted physical integrity

There is no specific law criminalizing domestic violence, nor any definition of the latter in other legislation. Women who are abused by their husbands are more likely to seek assistance from their families, NGOs, or community leaders rather than calling the police or other authorities who rarely intervene even when their help is sought. There are no accurate statistics available as to the prevalence of domestic violence, nor on attitudes towards the latter, but a number of sources cite the latter as a serious problem.
Similarly, there are no specific laws addressing sexual harassment, although women’s NGOs and the Mauritanian government both report that latter as a common problem in the workplace.  

Unlike sexual harassment and domestic violence, rape is illegal under Mauritanian law (Criminal Code arts. 309 and 310), but the legislation contains no definition of the latter (marital rape is thus not criminalized), making sanctions of perpetrators difficult. Convictions are rare, and largely depend on the judge’s personal point of view. Many judges may, in fact, find rape victims themselves guilty of “zina” (sinful sexual relations outside of marriage), resulting a prison sentence of 2 to 5 years under Sharia Law and the Criminal Code. Fear of the latter and of stigmatisation often lead to cases of rape being dealt with directly between the families involved. Support services are provided by women’s rights NGOs, supported by the government.  

Given that in Mauritania, female genital mutilation (FGM) is usually performed on babies before they are six months old, the practice is effectively banned by the country’s child protection penal code (art. 309 and 310), which imposes imprisonment and fines for any act or attempt to damage a female child’s sexual organs. The practice, however, remains relatively prevalent in Mauritania, despite efforts by the government and local and international NGOs at eradication by running campaigns and making it illegal for public hospitals to perform the procedure. According to data in a 2008 statement released by the World Health Organisation (WHO), an estimated 71.3% of women in Mauritania have undergone some form of FGM, while data from the 2007 MICS3 shows that 66% of women had at least one daughter who had experienced FGM and 53.4% of women age 15-49 approved of the practice. The 2012 report to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee notes that FGM/C is practiced less in urban (60%) than in rural areas (84%). The government is currently implementing a national FGM/C action plan for 2011-2013 and a law is being drafted on criminalizing FGM/C. In addition, a regional fatwa against FGM/C was issued in 2011 and various religious leaders and imams have participated in sensitization efforts against FGM/C.  

More  

In keeping with deep-rooted traditions that prize excess weight as an image of female beauty, families in the White Moor community are known to force-feed their daughters. There is no specific legislation banning this practice, but the government frequently runs media campaigns against it. The US Department of State reports that these may be having some success, noting a decline in the encouragement of the practice. The 2012 report to the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) Committee
reports that approximately one in four (24%) women aged 15-49 was being or had been force fed in rural areas and 19% in urban areas.\textsuperscript{38}

\textbf{Abortion} is only legal to save the pregnant woman’s life. \textsuperscript{39}

The government of Mauritania recognises the right of individuals to make informed and free choices about their reproductive health. Data from the 2007 MICS3 show that 8% of married women age 15-49 use a modern form of \textit{contraception}, while 24.6% have an unmet need for family planning.\textsuperscript{40} Provision and access to contraception and other reproductive services can be difficult, particularly for poorer and rural woman. The US State Department reports that government health centres do not provide access to contraception to unmarried women, while married women required the consent of their husbands.\textsuperscript{41} Average age at first birth, according to the most recent data available is 21.1 years of age for women age 15-49.\textsuperscript{42}

\section*{3. Son bias}

The male/female sex ratio for the total population in 2012 is 0.93 while the sex ratio at birth is 1.03.\textsuperscript{43}

There is no evidence to suggest that Mauritania is a country of concern in relation to \textit{missing women}.

\section*{More}

Information regarding infant and early childhood nutrition and mortality indicates that malnutrition rates were slightly higher for boys than for girls, as were mortality rates.\textsuperscript{44} Since 2001, primary level education is free and obligatory for children age 6 to 14.\textsuperscript{45} Data from the United Nations Statistics Division shows a slight favouring of female enrolment in primary school (1.06 the reported ratio of girls to boys in 2011), while second enrolment shows a greater number of boys (the same ratio was .84 in 2011).\textsuperscript{46}

Provided these figures relating to infant and childhood health and education have remained fairly consistent, this would indicate some degree of son preference in regard to access to education, but not in regard to early childhood care.

\section*{4. Restricted resources and assets}

Information relative to women’s \textit{access to land} and \textit{non-land assets} is relatively limited.

The Constitution (art. 15) guarantees equal property ownership rights to unmarried men and women. According to Article 58 of the Personal Status Code, married women also have equal rights to manage their own property; the same Article, however, provides that her husband may intervene should she decide to give away more than a third of her assets.\textsuperscript{47} The 2012 report to CEDAW mentions that one of the greatest obstacles to women’s

\begin{footnotesize}
\textsuperscript{38} CEDAW (2012) p.18
\textsuperscript{39} UNDP (2010)
\textsuperscript{40} MICS3 (2008) pp.72-75
\textsuperscript{41} US State Department (2012)
\textsuperscript{42} Enquête sur la mortalité infantile et le paludisme (EMIP) (2003-2004) p.25
\textsuperscript{43} Central Intelligence Agency (2013)
\textsuperscript{44} MICS3 (2008)
\textsuperscript{45} CEDAW (2012) p.9
\textsuperscript{46} United Nations Statistics Division (2013b)
\textsuperscript{47} World Bank (2013)
\end{footnotesize}
greater participation in agriculture is their relatively low access to land: only 18.7% of women own property in their name. An Action Plan for the development and promotion of rural women (2009-2012) is mentioned in the same report, but data on measures to increase women’s access to land is not available. As mentioned above (discriminatory family code section), while women have the legal right to inherit property, under Sharia law their share is generally less (daughters inherit half that provided to sons).

In terms of women’s access to financial services, the Government adopted a national strategy to promote micro-finance in small and medium enterprises and these sectors have developed rapidly since the 1990s. Married and unmarried women may sign contracts, register businesses and open bank accounts in the same way as a man. Micro-credit facilities have also made it easier for women to borrow money, particularly in rural areas. That said social stigma towards women entrepreneurs makes obtaining bank loans more difficult.

5. Restricted civil liberties

In terms of women’s access to public space, women may apply for a passport and national ID card in the same way as a man, independent of marital status. While foreign women who marry Mauritanian men are granted citizenship upon marriage, Mauritanian women do not have the same right to pass their nationality on to their foreign husbands. Further data on male permission to leave the house or decisions about domicile are not available.

Freedom of association and assembly are also protected under Mauritanian law, although peaceful demonstrations have, on occasion, been forcibly broken up or prevented. The law requires that NGO organizers apply for permission to hold large meetings or assemblies and while these are generally granted, and these are, on occasion, denied for political reasons. NGOs must similarly register with the Ministry of Interior although the Government generally does not prevent unrecognized NGOs from operating. There is no specific data available with regard to discriminatory practices that may affect women’s free access to public space.

The constitution protects freedom of speech and the government generally respects this right. In 2009, however, several journalists were questioned and detained. This included the director of the Taqadoumy website, who was convicted of creating a space where individuals could express un-Islamic and indecent views, because a woman had posted comments calling for increased sexual freedom on the site.

---

48 CEDAW (2012) p.22
49 Idem
50 CEDAW (2012) p.43; World Bank (2013)
51 CEDAW (2012) pp.23 and 35
52 World Bank (2013)
55 World Bank (2013)
57 US State Department (2012)
58 US State Department (2012)
59 US State Department (2010)
60 Idem
Women in Mauritania have equal rights with men to vote and stand for election.\textsuperscript{61} In terms of quotas, since 2006, electoral law has decreed that women must make up at least 20% of municipal council seats. The law also provides a minimum number of women to be represented on candidate lists for parliamentary elections.\textsuperscript{62} In the last legislative and municipal elections, women filled more than 30% of seats on local councils, and 21% of the seats in the Upper House and National Assembly.\textsuperscript{63} The United Nations Statistics Division reports that in 2012, women made up 22.1% of the seats in the National Parliament.\textsuperscript{64}

Women’s rights groups are very active and vocal on a range of issues, including slavery, and harmful practices such as forced feeding and FGM, and in providing support and services to victims of rape and domestic violence.\textsuperscript{65} There is also a strong movement of women’s cooperatives at the local level. On 8 March 2012, International Women’s Day, for the first time hundreds of women peaceful marched in support of women’s rights.\textsuperscript{66} Data on women’s representation and participation in the media are not available, although the 2012 report to the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) Committee states that the presence of women in the television industry is limited, especially in terms of decisional positions.\textsuperscript{67} An early government survey, from 2004, reports that 60.1% of women (compared to 41.3% of men) had no exposure at all to media.\textsuperscript{68}

There are no restrictions on women’s right to work in Mauritania, and the Personal Status Code explicitly states that a married woman has the right to choose her own profession.\textsuperscript{69} However, there is no legislation in place to protect women against discrimination in hiring or against sexual harassment in the workplace.\textsuperscript{70} Women in Mauritania do have the right to 14 weeks’ paid maternity leave, financed by social security. Government programmes have encouraged women to enter professions traditionally dominated by men, such as health care, communications, and the police, although discriminatory practices persist.\textsuperscript{71} Women have benefited from the development of Information and Communication Technologies, an emerging sector in Mauritania. The sub-secretariat in charge of new technologies has been directed successively by two women and in the private sector women are increasingly managing cyber-cafés and computer related firms.\textsuperscript{72}

\textsuperscript{61} CEDAW (2012) p.22
\textsuperscript{62} Idem
\textsuperscript{63} Idem
\textsuperscript{64} UN data (2013)
\textsuperscript{65} US State Department (2012)
\textsuperscript{66} Idem
\textsuperscript{67} CEDAW (2012) p.25
\textsuperscript{68} Enquête sur la mortalité infantile et le paludisme (EMIP) (2003-2004)
\textsuperscript{69} World Bank (2013)
\textsuperscript{70} CEDAW (2012) p.31
\textsuperscript{71} CEDAW (2012) p.4
\textsuperscript{72} Idem, p.16
Sources


Committee on the Elimination of Discrimination Against Women (CEDAW) (2011a) Responses to the list of issues and questions with regard to the consideration of the combined sixth and seventh periodic reports, Mauritius CEDAW/C/MUS/Q/6-7/Add.1, Geneva.


