



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

## **MAURITANIA**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 9<sup>th</sup> session, 2010**

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*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.*

### **Summary**

**This briefing describes the legality of corporal punishment of children in Mauritania despite the repeated concerns and recommendations of the Committee on the Rights of the Child and other treaty monitoring bodies. We hope the Review will highlight the importance of prohibition of corporal punishment of children, including within the family home and in the justice system, and strongly recommend that the government enact and implement legislation to ensure complete prohibition.**

## **1 Legality of corporal punishment in Mauritania**

1.1 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.<sup>1</sup>

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

1.3 In the **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.

1.4 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.

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 The **Committee on the Rights of the Child** has twice recommended that the Government of Mauritania explicitly prohibit all corporal punishment of children, including in the family – in 2001, in its concluding observations on the state party’s initial report (CRC/C/15/Add.159, para. 30), and in 2009 on the second report (CRC/C/MRT/CO/2, para. 41).

2.2 Following examination of the state party’s initial report in 2007, the **Committee on the Elimination of Discrimination Against Women** expressed concern about “the persistence of patriarchal attitudes that consider the physical chastisement of family members, including women, acceptable” (CEDAW/C/MRT/CO/1, para. 29).

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<sup>1</sup> “On the Prohibition of Excessive Child Beating in Islamic *Shariah* (Law): Abstract of a comprehensive social, educational and legal study of the negative impact of child bearing, and the rules governing it in Islamic *Shariah* (law)”, prepared by Professor Imam Hadd Amin Ould Al-Salek, Imam of the Old Mosque, Nouakchott, and President of the Imams and Ulema Coalition for the Rights of Women and Children in Mauritania, June 2009