**BRIEFING ON MAURITANIA FOR THE
COMMITTEE AGAINST TORTURE – 64th session July/August 2018**

*From the Global Initiative to End All Corporal Punishment of Children, June 2018*

**This briefing provides an update on the legality of corporal punishment of children in Mauritania. In light of the recent legal developments, we hope the Committee Against Torture will:**

* **recommend to Mauritania, following examination of the state party’s second report, that explicit prohibition of all corporal punishment of children, however light, in all settings is enacted and implemented as a matter of priority.**

**1 Mauritania’s Child Protection Code**

* 1. Mauritania’s reply to the List of Issues states that the Code has been adopted and promulgated, and prohibits all corporal punishment.[[1]](#footnote-1) We have been unable to confirm whether the Code has been gazetted.
	2. The Code does not explicitly prohibit all forms of corporal punishment of children in all settings. Article 15 states that children “cannot in any instance be submitted to cruel, inhuman or degrading treatment or punishment *which endangers their physical or mental wellbeing*” (emphasis added, unofficial translation). Mauritania must prohibit all forms of corporal punishment, however light, and this prohibition cannot be qualified by the potential harm caused. Children have the right to be protected from all forms of violence, just as adults are.
	3. Article 136 states (unofficial translation) “(…) It is prohibited even for disciplinary reasons to inflict to a minor detainee cruel, inhuman or degrading treatment such as: corporal punishment, ... and any punishment which can be harmful to the mental or physical health of the minor.” **It is unclear whether this would apply to all children involved in penal proceedings, in particular those sentenced to the institutions for juvenile offenders provided for in articles 130 and 131 of the 2005 Order on the judicial protection of children.**

*Updated briefing prepared by the Global Initiative to End All Corporal Punishment of Children*

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1. 13 June 2018, CAT/C/MRT/Q/2/Add.1, Reply to list of issues, para. 164 [↑](#footnote-ref-1)