



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined third to fifth periodic reports of Mauritania\*

#### I. Introduction

1. The Committee considered the combined third to fifth periodic reports of Mauritania (CRC/C/MRT/3-5) at its 2312nd and 2313rd meetings (see CRC/C/SR.2312 and 2313), held on 17 and 18 September 2018, and adopted the present concluding observations at its 2340th meeting, held on 5 October 2018.

2. The Committee welcomes the submission of the combined third to fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/MRT/Q/3-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the International Convention for the Protection of All Persons from Enforced Disappearance and the Arab Charter on Human Rights. The Committee notes with appreciation the legislative, institutional and policy measures taken to implement the Convention, in particular the adoption of the General Child Protection Code and the re-establishment of the National Council for Children under the Office of the Prime Minister.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: definition of the child (para. 16), non-discrimination (para. 18), birth registration (para. 22), education, including vocational training and guidance (para. 36), economic exploitation, including child labour (para. 41) and administration of juvenile justice (para. 45).

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\* Adopted by the Committee at its seventy-ninth session (17 September–5 October 2018).



## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Reservation**

5. The Committee reiterates its previous recommendations (CRC/C/MRT/CO/2, para. 10) and encourages the State party to withdraw its general reservation to the Convention.

### **Legislation**

6. While noting the adoption of the General Child Protection Code, the Committee regrets that the Code does not encompass all the provisions and principles of the Convention. The Committee recommends that the State party:

(a) Ensure that all the principles and provisions of the Convention are fully incorporated into the domestic legal system, in line with the Committee's previous recommendations (CRC/C/MRT/CO/2, para. 8);

(b) Expedite legislative reforms aimed at prohibiting child marriage without exception, all forms of female genital mutilation and other harmful practices, including forced feeding (gavage), including by conducting a study of the socioeconomic and sociocultural factors that may impede such reforms.

### **Comprehensive policy and strategy**

7. Noting that a strategy has not been adopted to replace the National Child Protection Strategy 2009–2013, the Committee recommends that the State party:

(a) Adopt a comprehensive policy that encompasses all areas covered by the Convention, based on an assessment of the effectiveness of the National Child Protection Strategy and with the participation of civil society;

(b) Develop a corresponding implementation strategy, with specific, time-bound and measurable goals and targets, that is supported by sufficient human, technical and financial resources;

(c) Systematically evaluate the implementation of the policy in order to assess progress, identify gaps and formulate future policies.

### **Coordination**

8. The Committee recommends that the State party ensure that the Children's Affairs Directorate of the Ministry of Social Affairs, Children and the Family has a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the cross-sectoral, regional, national and local levels. It also recommends that the State party allocate sufficient human, technical and financial resources for the effective operation of the Children's Affairs Directorate.

### **Allocation of resources**

9. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee reiterates its previous recommendations (CRC/C/MRT/CO/2, para. 19) and recommends that the State party:

(a) Allocate adequate human, financial and technical resources at all levels of government for the implementation of all policies, plans, programmes and legislative measures directed at children;

(b) Establish appropriate mechanisms and inclusive processes through which civil society, the public and children can participate in all stages of the budget process, including the formulation, implementation and evaluation stages;

(c) Conduct regular assessments of the impact of the budgetary allocations on children to ensure that they are effective, efficient, sustainable and consistent with the principle of non-discrimination;

(d) Strengthen its efforts to mobilize domestic financial resources to ensure that budgetary allocations to sectors supporting the realization of children's rights are not affected by the decline in official development assistance or adverse economic conditions.

#### Data collection

10. The Committee recommends that the State party:

(a) Strengthen its database for data collection and ensure that it covers all areas of the Convention, including those relating to children in disadvantaged or vulnerable situations, and especially those relating to violence against children, children with disabilities, children in street situations and migrant children;

(b) Disaggregate data by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background;

(c) Ensure that data and indicators are shared among relevant ministries and used for the formulation, monitoring and evaluation of policies and programmes for the effective implementation of the Convention;

(d) Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information.

#### Independent monitoring

11. The Committee recommends that the State party ensure the independence of the National Human Rights Commission in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including with regard to its funding, mandate and professional staff, and strengthen its capacities to monitor children's rights and to effectively receive, examine and address complaints by children in a child-sensitive manner.

#### Dissemination, awareness-raising and training

12. While appreciating the efforts of the State party to provide training on the Convention, the Committee recalls its previous recommendations (CRC/C/MRT/CO/2, paras. 23 and 24) and recommends that the State party strengthen its awareness-raising and education programmes, including its campaigns relating to the Convention, in cooperation with civil society and the media, ensuring that they are developed and delivered in a child-friendly manner and in all four national languages, paying particular attention to girls and to children in remote and rural areas.

#### Cooperation with civil society

13. The Committee is concerned that the draft bill on civil society associations is restrictive. The Committee recommends that the State party:

(a) Revise the draft bill on civil society associations to remove restrictions on their registration and functioning, especially in the case of those working on children's rights;

(b) Further strengthen its collaboration with civil society associations, including by providing the support necessary to carry out their activities in all areas related to the promotion and protection of the rights of children and allocating sufficient resources to the Children's Directorate to enable it to effectively coordinate its work.

### **Children's rights and the business sector**

14. With reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, and to the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, the Committee recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environmental and other standards, particularly as they relate to children's rights. In particular, it recommends that the State party:

(a) Establish a clear regulatory framework for the industries operating in the State party, in particular the fishing, agriculture and extractive industries, to ensure that their activities do not negatively affect children's rights or contravene environmental and other standards;

(b) Examine and adapt its legislative framework, including its civil, criminal and administrative aspects, to ensure the legal accountability of companies and their subsidiaries operating in or managed from the State party's territory, especially in the mining industry;

(c) Require companies to undertake assessments of and consultations on the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts and to fully and publicly disclose those assessments, consultations and plans.

## **B. Definition of the child (art. 1)**

15. While taking note with appreciation of the National Action Plan for the Promotion of Abandonment of Child Marriage 2014–2016 and related activities, the Committee remains seriously concerned about the continued high prevalence of child marriages.

16. The Committee urges the State party to amend its legislation, including its Personal Status Code, in order to prohibit marriage under the age of 18 years, without exception, and to take all necessary measures to eliminate child marriages under any circumstances.

## **C. General principles (arts. 2, 3, 6 and 12)**

### **Non-discrimination**

17. The Committee is deeply concerned about the prevalence of discrimination against girls and against children from disadvantaged or vulnerable groups and regrets that the State party does not recognize this problem.

18. The Committee urges the State party to:

(a) Prioritize the adoption of a comprehensive strategy to eliminate all forms of discrimination against girls and against children from disadvantaged or vulnerable groups, including children living in slavery or in slavery-like conditions, children from minority groups, children with disabilities and children in street situations;

(b) Intensify its efforts to eliminate discrimination against girls and against children from disadvantaged or vulnerable groups, in close cooperation with civil society, the media and community and religious leaders, through awareness-raising programmes aimed at creating an enabling environment that promotes equality among children.

### **Best interests of the child**

19. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee

welcomes the inclusion of the principle of the best interests of the child in the General Child Protection Code and recommends that the State party:

(a) Strengthen its efforts to ensure that this right is appropriately integrated into, and consistently interpreted and applied in, all legislative, administrative and judicial proceedings and decisions, and all policies, programmes and projects that are relevant to and have an impact on children;

(b) Develop procedures and criteria that provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving the best interests of the child due weight as a primary consideration;

(c) Provide training to all relevant persons in authority for determining the best interests of the child on the proper understanding and application of this right, on the basis of the procedures and criteria described above;

(d) Evaluate, on the basis of the procedures and criteria described above, practices, policies and services that may not be in the best interests of the child, such as child marriages.

#### **Respect for the views of the child**

20. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Strengthen bodies and mechanisms such as the Children's Parliament and the Children's Municipal Councils to ensure that children's views are heard and given due consideration in national and local decision-making processes for adopting laws, policies and programmes concerning children, and develop procedures for the participation of children in judicial and administrative proceedings concerning or affecting them;

(b) Conduct awareness-raising and education programmes to promote the meaningful and empowered participation of all children at all levels of society at the community level, in the family and in schools, paying particular attention to girls and children in disadvantaged or vulnerable situations.

### **D. Civil rights and freedoms (arts. 7, 8, and 13–17)**

#### **Birth registration**

21. The Committee welcomes the measures taken to promote birth registration, including reforms made to the civil registration system, the introduction of biometric registration and the expansion of registration centres. However, it remains concerned about the persistently low rate of registration of children, including among asylum-seeking and refugee children, and the limited awareness among the population of the importance of birth registration.

22. Taking note of target 16.9 of the Sustainable Development Goals, on providing legal identity for all, including birth registration, the Committee recommends that the State party adopt a comprehensive national strategy to accelerate birth registration and:

(a) Take all measures necessary to ensure that free birth registration is available to all children, including by abolishing fees for the late registration of births, implementing mobile registration units in rural areas and refugee camps, integrating registration units into health facilities and conducting birth registration campaigns;

(b) Provide the human, technical and financial resources necessary for the effective functioning of civil registration centres, including training for registration officials;

(c) Simplify birth registration procedures and make them available in all national languages;

(d) Intensify its efforts to raise awareness among the population of the importance of birth registration and encourage parents to register their children.

#### Nationality

23. Noting with concern that the procedures for conferring citizenship on children born to Mauritanian mothers and non-Mauritanian fathers are different from those for children born to Mauritanian fathers, the Committee recommends that the State party review its legislation on nationality in order to ensure equality in the procedures for transmitting nationality to children through both the maternal and paternal line, in particular for those children who would otherwise be stateless. The Committee also recommends that the State party consider ratifying the Convention Relating to the Status of the Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

#### Slavery and slavery-like practices

24. The Committee welcomes the modification in 2015 of Act No. 2007-042, on the criminalization of slavery, by which slavery was declared to be a crime against humanity, and the establishment of special tribunals in each region to address cases of slavery and related issues, but remains concerned over reports of the existence of caste-based slavery, which has a particular impact on girls in domestic service, as well as the absence of concrete measures to integrate former slaves and their children into society and to educate the public about traditional slavery practices. Recalling its previous recommendations (CRC/C/MRT/CO/2, para. 37), the Committee urges the State party to:

(a) Ensure that allegations concerning children living in slavery are effectively investigated and, if proven, that the children concerned are freed, receive adequate reparation and support to return to their families and that the perpetrators are prosecuted and punished with sanctions commensurate with the gravity of their crimes;

(b) Ensure the social integration of children who were formerly slaves and facilitate their access to education and to health and social services;

(c) Conduct awareness-raising programmes, including campaigns, to change public perceptions about the use of children as domestic or agricultural workers or as brides in forced child marriages, so that members of the public understand that such practices are illegal and that they constitute forms of child slavery;

(d) Collect and analyse disaggregated data on the number and profile of children living in slavery or slavery-like conditions, with a view to understanding the magnitude of the problem, and adopt targeted policies and programmes to address it.

### E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

#### Corporal punishment

25. In view of the fact that corporal punishment is not prohibited in all settings and is still widely accepted as a means of disciplining children, the Committee reiterates its previous recommendations (CRC/C/MRT/CO/2, para. 41) and urges the State party to:

(a) Revise its legislation, including the Criminal Code and Order No. 2005-015 on the judicial protection of children, to prohibit the imposition of corporal punishment, including whipping and amputation, as a sentence for any offence committed while the offender was under 18 years of age;

(b) Explicitly prohibit by law the use of corporal punishment in all settings;

(c) Promote positive, non-violent and participatory forms of child-rearing and discipline, and raise the awareness of parents, professionals working with children and the public in general about the harm caused by corporal punishment;

(d) Ensure that offenders are expeditiously prosecuted and appropriately sanctioned by the relevant administrative and judicial authorities.

#### Sexual exploitation and abuse

26. The Committee notes with deep concern the high prevalence of sexual exploitation and abuse in the State party. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals, on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:

(a) Expeditiously adopt legislation, including the draft law on gender-based violence, to criminalize all forms of sexual exploitation and abuse of children and ensure that perpetrators are duly prosecuted and punished;

(b) Ensure accessible, confidential, child-friendly and effective channels for reporting cases of sexual exploitation and abuse of children, as well as the effective referral of victims, in particular children in disadvantaged and vulnerable situations, to care and support services;

(c) Strengthen awareness-raising and education programmes, including campaigns, aimed at preventing and responding to the sexual exploitation and abuse of children and the stigmatization of victims;

(d) Address and respond to the health, legal and psychosocial needs of child victims of sexual exploitation and abuse, including by providing them with shelters and adequate recovery and social reintegration services.

#### Harmful practices

27. While noting the national strategy for the promotion of the abandonment of female genital mutilation/cutting 2016–2019, and in the light of its general comment No. 18 (2014) on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee urges the State party to eliminate all forms of female genital mutilation and forced feeding (gavage) of children and:

(a) Explicitly criminalize all types of female genital mutilation and ensure that the legislation in that regard is strictly enforced, including by allocating sufficient resources for the implementation of the National Action Plan on Gender-Based Violence and bringing to justice those who carry out such harmful practices;

(b) Enforce the obligation to report cases of genital mutilation performed on girls;

(c) Establish protective mechanisms and services to safeguard children at risk of being subjected to female genital mutilation and forced feeding (gavage), and ensure that all victims of such practices have access to social, medical, psychological and rehabilitative services and legal redress;

(d) Further strengthen awareness-raising and education programmes, including campaigns, on the harmful impact of such practices on the physical and psychological health of children, especially girls, with the full participation of civil society, and ensure that such campaigns and programmes are systematically and consistently mainstreamed and target all segments of society, including government officials, families and all religious and community leaders;

(e) Carry out a comprehensive study to assess the scope, nature and root causes of the practice of forced feeding (gavage) of children, especially girls, with a view to developing a national prevention strategy.

**Helplines**

28. The Committee encourages the State party to establish, in cooperation with relevant United Nations agencies and civil society, a three-digit, toll-free 24-hour helpline, available to all children at the national level, to receive and address all reports of violence and abuse, and to provide the necessary human, financial and technical resources for its effective functioning.

**F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))****Parental responsibilities**

29. The Committee, recalling its previous recommendations (CRC/C/MRT/CO/2, para. 45), urges the State party to repeal all legal provisions that discriminate against women and have a negative impact on their children, such as those relating to polygamy and repudiation, and to take all necessary legal, administrative and educational measures to discourage polygamy, which can have adverse effects on children.

**Children deprived of a family environment**

30. While noting that the General Child Protection Code provides conditions for applying *kafalah*, the Committee draws the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex) and emphasizes that financial and material poverty — or conditions directly and uniquely attributable to such poverty — should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. In this regard, the Committee recalls its previous recommendations (CRC/C/MRT/CO/2, para. 47) and recommends that the State party:

(a) Ensure adequate safeguards and clear criteria, based on the needs and best interests of the child, for determining whether a child should be placed in alternative care;

(b) Establish a system of foster care, with appropriate mechanisms for monitoring the quality of care therein, for children who cannot stay with their families, with a view to supporting and facilitating family-based care for children wherever possible;

(c) Ensure that adequate human, technical and financial resources are allocated to child protection services, including the Centre for the Protection and Social Integration of Children, to facilitate the rehabilitation and social reintegration of children deprived of a family environment;

(d) Adopt the draft legislation on *kafalah*, ensure that the law protects children's right to have their views heard and given due consideration in *kafalah* proceedings, and provide standard guidelines for the screening of potential guardians.

**G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)****Children with disabilities**

31. While welcoming the various legislative measures to ensure the rights of persons with disabilities and the establishment of the Directorate for Persons with Disability, the Committee urges the State party to adopt a human rights-based approach to disability and:

(a) Ensure that all children with disabilities, including those in rural and remote communities, have access to adequate health-care and mental health services, including early detection and intervention programmes;

(b) Guarantee all children with disabilities the right to inclusive education in mainstream schools, ensure that inclusive education is given priority over the placement of children in specialized educational institutions and classes, and train and assign specialized teachers and professionals working in integrated classes to support children with learning difficulties;

(c) Undertake awareness-raising campaigns aimed at government officials, the general public and families in order to combat the stigmatization of and prejudice against children with disabilities, especially children with psychosocial and intellectual disabilities, and promote a positive image of such children.

#### Health and health services

32. While noting with appreciation the increased budgetary allocations for health care, the Committee remains concerned about the extremely high rates of infant, under-5 and maternal mortality and acute malnutrition, as well as the low number of births attended by skilled health personnel, in particular among girls in rural areas, the lack of availability of mental health services and the high rates of mother-to-child transmission of HIV. With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:

(a) Prioritize measures to decrease infant and under-5 mortality rates by, inter alia, improving ante- and postnatal care, enhancing the capacity of health-care providers, increasing the availability and accessibility of emergency obstetric care and skilled birth attendants in rural areas, and applying the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

(b) Incorporate into its legislation the provisions of the International Code of Marketing of Breastmilk Substitutes and increase the number of child-friendly hospitals;

(c) Ensure that health-care and nutrition services, including any national nutrition plans, are extended to the more vulnerable families and to rural and remote communities;

(d) Implement comprehensive policies and strategies at the national level, with the full participation of families and communities, to promote mental health, prevent mental health disorders and provide adequate mental health services for the recognition, diagnosis and treatment of mental health issues among children, as well as the necessary facilities and qualified personnel and support to families with children at risk;

(e) Strengthen its efforts to combat the spread and effects of HIV/AIDS, including by scaling up efforts to prevent mother-to-child transmission and intensifying awareness-raising campaigns, in line with the Committee's previous recommendations on the subject (CRC/C/MRT/CO/2, paras. 58).

#### Adolescent health

33. Being deeply concerned about the high rate of teenage pregnancies, the Committee reiterates its previous recommendations on adolescent health (CRC/C/MRT/CO/2, para. 60) and recommends that the State party:

(a) Integrate sexual and reproductive health education into the mandatory school curriculum for adolescent girls and boys, with special attention paid to preventing early pregnancy;

(b) Provide free, confidential and non-discriminatory sexual and reproductive health services to adolescents, in particular access to modern contraception methods;

(c) Continue its efforts to make health professionals more aware of the right to health of adolescents and build their capacity to deliver adolescent-responsive and non-discriminatory health services;

(d) Decriminalize abortion to ensure that girls have access to safe abortion and post-abortion services and that their views are always heard and given due consideration in making abortion-related decisions.

#### Standard of living

34. Concerned about the high number of children living in poverty, the Committee draws the attention of the State party to target 1.3 of the Sustainable Development Goals, on implementing nationally appropriate social protection systems and measures for all, and recommends that the State party intensify its efforts to improve the standard of living of children as a matter of priority, paying particular attention to housing, nutrition, water and sanitation. In this context, the State party is urged to allocate sufficient funds for the expansion of its national cash transfer programme and the implementation of its multisectoral strategic plan on nutrition, focusing on families with several children, refugee families and families living in rural and remote areas.

### H. Education, leisure and cultural activities (arts. 28–31)

#### Education, including vocational training and guidance

35. The Committee welcomes the National Programme for the Development of the Education Sector 2011–2020 and the integration of human rights education into the school curriculum, but reiterates its previous concerns regarding the poor quality of education, low transition rates to secondary school and insufficient monitoring of private and Qur'anic schools (CRC/C/MRT/CO/2, para. 66). It is also deeply concerned about the recent closure, with no apparent replacement, of six public schools in Nouakchott, the high illiteracy rates, the limited availability of preschool education and primary schools, and the proliferation of private schools, which makes quality education prohibitively expensive for children living in disadvantaged or vulnerable situations.

36. Taking note of targets 4.1 and 4.2 of the Sustainable Development Goals, on ensuring that, by 2030, all girls and boys complete free, equitable and quality primary and secondary education, and have access to quality early childhood development, care and pre-primary education, the Committee recalls its previous recommendations (CRC/C/MRT/CO/2, para. 66) and recommends that the State party:

(a) Enhance efforts to increase the quality of education throughout the State party, including by providing continuous training to teachers, constructing and improving educational facilities and schools, including in rural areas, and strengthening vocational education programmes;

(b) Eliminate all hidden costs of education and increase access to secondary education;

(c) Adopt and implement national standards and technical regulations on water, sanitation, hygiene and nutrition for all educational institutions, including Qur'anic schools, and establish monitoring mechanisms and tools for their enforcement;

(d) Develop a policy aimed at monitoring the quality of Qur'anic schools, particularly in terms of their structure, management and curricula;

(e) Reduce the discriminatory effects of privatization and private education on children from financially disadvantaged families and establish mechanisms to

monitor private schools' compliance with minimum educational standards, curriculum requirements and teacher qualifications.

#### Rest, leisure, recreation and cultural and artistic activities

37. With appreciation for the measures taken to promote the participation of children in culture, youth and sports, the Committee draws the attention of the State party to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, and recommends that the State party strengthen its efforts to guarantee the right of the child to play and recreation by allocating sufficient and sustainable resources for the implementation of policies and programmes that provide for time and spaces for children to engage in play and recreational activities, as appropriate to their age.

### I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

#### Asylum-seeking, refugee and migrant children

38. While welcoming the ongoing cooperation with OHCHR and other United Nations agencies to provide assistance to refugee and migrant children residing in the Mbera camp, the Committee notes with concern that refugee and migrant children living outside of the Mbera camp are not receiving the necessary protection and services and are being subjected to various forms of exploitation, and also notes with concern the detention of asylum-seeking, refugee and migrant children for immigration-related purposes, as well as the reports of Malian refugee children being allegedly recruited by non-State armed groups to participate in the armed conflict in Mali. The Committee recommends, in line with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, that the State party:

(a) Expedite the adoption of the draft National Asylum Law that has been pending since 2014, and ensure that it is fully in line with the Convention, in order to facilitate the access of asylum-seeking children to fair, efficient and child-sensitive asylum procedures and to local integration, including for such children in need of international protection;

(b) Ensure that all asylum-seeking, refugee and migrant children, regardless of their status, can obtain individual identity documentation and have access to formal education and medical care;

(c) Prohibit the detention of asylum-seeking, refugee and migrant children and provide alternatives that allow children to remain with their family members and/or guardians in non-custodial, community-based contexts;

(d) Take all necessary measures to prevent the recruitment of Malian refugee children by non-State armed groups.

#### Children in armed conflict

39. The Committee recalls its previous recommendations (CRC/C/MRT/CO/2, para. 72) and recommends that the State party enforce the minimum age of military recruitment to 18 years of age without exception. It also encourages the State party to consider ratifying the Optional Protocol to the Convention on the involvement of children in armed conflict and the Rome Statute of the International Criminal Court and establishing the recruitment of children under 15 years of age as a war crime in its national legislation.

### **Economic exploitation, including child labour**

40. While welcoming the adoption of the National Action Plan for the Elimination of Child Labour 2015–2020, the Committee remains seriously concerned about the high prevalence of child labour in the informal, agricultural, fishery and mining sectors, including unregulated and forced work, and the lack of resources allocated for the implementation of the National Action Plan. It also notes with concern that more than half of all domestic workers in the State party are children, with the majority of them being girls, that such children are not only separated from their families but are also exposed to economic exploitation, violence, discrimination and abuse, including sexual abuse, and that boys in Qur'anic schools are forced to beg on the street for the economic gain of their teachers (marabouts).

41. **The Committee reiterates its previous recommendations (CRC/C/MRT/CO/2, para. 76) and urges the State party to:**

(a) **Expediently adopt the draft legislation aimed at prohibiting the worst forms of child labour, ensuring that it is in line with the Convention, and allocate sufficient human, technical and financial resources for the implementation of laws and policies on child labour, including the National Action Plan for the Elimination of Child Labour 2015–2020;**

(b) **Intensify its efforts to eliminate child labour, in particular in domestic work and agricultural and mining activities, and enforce the prohibition of employment of children under 16 years of age in both the formal and informal sectors by expanding and strengthening labour inspection services and prosecuting perpetrators of violations related to child labour;**

(c) **Establish protective mechanisms and services to safeguard children at risk of being subject to child labour, including children who are sent abroad for domestic work and girls subjected to the practice of confiage, and ensure that child victims of exploitation have access to social, medical, psychological and rehabilitative services and legal remedies;**

(d) **Take all measures necessary to remove talibé children from the control of marabouts who exploit and mistreat them, and fully implement legislation prohibiting the exploitation of children for begging, including by promptly investigating, prosecuting and punishing perpetrators accordingly;**

(e) **Consider ratifying the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization, concerning decent work for domestic workers.**

### **Children in street situations**

42. **With reference to its general comment No. 21 (2017) on children in street situations, the Committee expresses its concern about the high number of children in street situations and recommends that the State party adopt a child rights-based approach in addressing their rights and needs and:**

(a) **Develop and implement, with the active involvement of the children themselves, a comprehensive policy that identifies the number of children living in street situations and the root causes of the phenomenon, in order to prevent and reduce its prevalence;**

(b) **Provide adequate care, food, clothing, health care and educational opportunities to children in street situations, including to those coming from neighbouring countries;**

(c) **Ensure that children in street situations are not subjected to discrimination, abuse or harassment by members of the public or law enforcement officials, or to arbitrary arrest or illegal detention.**

**Sale, trafficking and abduction**

43. While welcoming the repatriation of children who have been used as jockeys in the Middle East, the Committee reiterates its previous recommendations (CRC/C/MRT/CO/2, para. 78) and further recommends that the State party:

(a) Ensure the effective implementation of the Trafficking in Persons Act, including by promoting the reporting of child trafficking incidents, including among groups in vulnerable situations, and ensuring that protection measures for victims extend to children of all nationalities;

(b) Integrate a comprehensive child rights perspective into the next action plan on combating trafficking in persons with a view to developing further prevention, protection and prosecution measures to combat the sexual and labour exploitation, sale, abduction of, and trafficking in, children and, in doing so, seek technical assistance from relevant United Nations agencies and civil society;

(c) Fulfil its reporting obligations under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, including the report that was due in May 2009.

**Administration of juvenile justice**

44. While welcoming the various measures to reform the juvenile justice system, the Committee is seriously concerned that children between 8 and 14 years of age in conflict with the law are subject to protective measures, including detention in a semi-open institution, and, as a last resort, can be sentenced to imprisonment by a judge. It is also concerned about the limited availability of juvenile courts and separate detention facilities for children, as well as about reports of children facing long periods of pretrial detention.

45. The Committee, recalling its previous recommendations (CRC/C/MRT/CO/2, para. 82), urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards and, in particular, recommends that the State party:

(a) Strictly enforce the age of criminal responsibility at 15 years of age and ensure that children between 8 and 14 years of age are not subject to any administrative or court procedures and decisions;

(b) Ensure that all persons under the age of 18 are tried exclusively by specialist juvenile courts, without exception, and establish such courts with specially trained juvenile judges at locations outside of Nouakchott and Nouadhibou;

(c) Expedite trials involving children, with a view to reducing the period of pretrial detention, prohibit the detention of children together with adults and ensure that detention conditions are compliant with international standards, including with regard to providing a safe, child-sensitive environment, the ability to maintain regular contact with family members, and access to health services and education, including vocational training;

(d) Ensure that the juvenile justice system is equipped with adequate human, technical and financial resources, and that children in conflict with the law receive free, qualified and independent legal counsel, in appropriate languages, at an early stage of the procedure and throughout legal proceedings.

**J. Ratification of the Optional Protocols to the Convention**

46. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the Optional Protocols to the Convention on the involvement of children in armed conflict and on a communications procedure.

## **K. Ratification of international human rights instruments**

47. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the following core human rights instruments to which it is not yet a party: the Optional Protocol to the International Covenant on Civil and Political Rights; and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

## **L. Cooperation with regional bodies**

48. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the African Union, including by complying with African Committee of Experts Decision No. 003/2017.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

49. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to fifth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. National mechanism for reporting and follow-up**

50. The Committee recommends that the State party strengthen the interministerial technical committee (*Comité Technique Interministériel Permanent*) mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms, as well as to coordinate and track national follow-up to and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that the interministerial technical committee should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution and civil society.

### **C. Next report**

51. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 14 June 2023 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

52. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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