

# MAURITANIA

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## 1 Population indicators

### 1.1 What is the total population of Mauritania?

According to the 2017 World Population Prospect report,<sup>1</sup> Mauritania has a total population of 4 420 000 people.

### 1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in Mauritania. What criteria are used to determine who falls within the class of persons with disabilities in Mauritania?

A general census is used to obtain data on the prevalence of disability in Mauritania. The census questionnaire consists of a set of questions meant to solicit information about the household, including questions about disability, its causes and nature.<sup>2</sup> In the 2013 census the following criteria were used in determining the class of persons with disabilities: motor disability; visual; deaf or mute; poly-handicap; physical; mental; and other disabilities.<sup>3</sup>

### 1.3 What is the total number and percentage of persons with disabilities in Mauritania?

According to the Initial Report, based on the International Convention on the Rights of Persons with Disabilities (CRPD), submitted by Mauritania in 2017, approximately 33 920 of its inhabitants (that is, 0.96 per cent of the population)

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1 UN Population Division *World population prospects: 2017 revision population database* [https://esa.un.org/unpd/wpp/publications/Files/WPP2017\\_DataBooklet.pdf](https://esa.un.org/unpd/wpp/publications/Files/WPP2017_DataBooklet.pdf) (accessed 3 March 2018).

2 Mauritania Office National de la Statistique (ONS) 'Recensement general de la population et de l'habitat, 2013' [http://www.ons.mr/images/RGPH2013/Chapitre13\\_Femmes\\_fr.pdf](http://www.ons.mr/images/RGPH2013/Chapitre13_Femmes_fr.pdf) (accessed 3 March 2018) (translated version).

3 As above.

were reported to have one or the other form of disability.<sup>4</sup> However, this calculation is based on the 2013 population figures of 3 537 368 inhabitants.

#### **1.4 What is the total number and percentage of women with disabilities in Mauritania?**

According to the 2017 Initial Report, there are 15 450 women with disabilities in Mauritania (which is about 3,5 per cent of its population based on the 2013 population figures of 3 537 368 inhabitants).

#### **1.5 What is the total number and percentage of children with disabilities in Mauritania?**

Children specifically below the age of 15 years represent 18,4 per cent of the total number of persons living with a disability (based on the 2013 population figures) in Mauritania.<sup>5</sup>

#### **1.6 What are the most prevalent forms of disability and/or peculiarities to disability in Mauritania?**

According to the 2013 General Census, the most prevalent form of disability is 'motor disability' with one in three people having this type of disability.<sup>6</sup> The number of persons with disabilities disaggregated by types of disability and gender as per the 2013 Census include:

- motor disability – 5 093 (33 per cent female); 6 343 (34,3 per cent male);
- deaf/mute impairment – 2 234 (14,5 per cent female); 2 558 (13,8 per cent male);
- visual impairment – 3 149 (20,4 per cent female); 3 704 (20,1 per cent male);
- mental impairment – 1 845 (11,9 per cent female); 2 613 (14,1 per cent male);
- poly-handicap – 1 226 (7,9 per cent female); 1 331 (7,2 per cent male);
- others – 1 903 (12,3 per cent female); 1 921 (10,4 per cent male).

## **2 Mauritania's international obligations**

### **2.1 What is the status of the United Nation's Convention on the Rights of People with Disabilities (CRPD) in Mauritania? Did Mauritania sign and ratify the CRPD? Provide the date(s).**

Mauritania only acceded to the CRPD on 3 April 2012.<sup>7</sup>

4 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMRT%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMRT%2f1&Lang=en) (accessed 1 March 2018) (translated version).

5 Mauritania Office National de la Statistique (n 2).

6 As above.

7 United Nations Treaty Collection 'Ratification status for CRPD' [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV15&chapter=4&clang=\\_n](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV15&chapter=4&clang=_n) (accessed 28 December 2017).

**2.2 If Mauritania has signed and ratified the CRPD, when was its country report due? Which government department is responsible for submission of the report? Did Mauritania submit its report? If so, and if the report has been considered, indicate if there was a domestic effect of this reporting process. If not, what reasons does the relevant government department give for the delay?**

Mauritania's country report was due in May 2014. However, the report was only submitted in January 2017.<sup>8</sup> The *Un Comité interministériel technique* (a technical interministerial committee) is tasked with drafting reports and conducting follow-up of the implementation of the recommendations of the treaty bodies and the Universal Periodic Review (UPR).

Although Mauritania has already submitted its state report to the UN Committee, the report is yet to be considered.<sup>9</sup>

**2.3 While reporting under various other United Nation's instruments, or under the African Charter on Human and Peoples' Rights, or the African Charter on the Rights and Welfare of the Child, did Mauritania also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant 'concluding observations' adopted? If relevant, were these observations given effect to? Was mention made of disability rights in your state's UN Universal Periodic Review (UPR)? If so, what was the effect of these observations/recommendations?**

**UN instruments<sup>10</sup>**

Below is a summary of Mauritania's reporting under UN instruments:

**(a) *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)***

Prior to the submission of the 2017 periodic report, Mauritania submitted its initial report,<sup>11</sup> and the February 2012 combined second and third periodic report to the Committee on the Elimination of Discrimination against Women (CEDAW Committee).<sup>12</sup> In these reports Mauritania reported on the issues of social security

8 Office of the High Commissioner for Human Rights 'Reporting status for Mauritania' [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/countries.aspx?CountryCode=MRT&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=MRT&Lang=EN) (accessed 12 February 2018).

9 Office of the High Commissioner for Human Rights 'CRPD future sessions' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1204&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1204&Lang=en) (accessed 18 February 2018). See also [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=22](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=22) (accessed 18 February 2018).

10 Office of the High Commissioner for Human Rights 'Ratification, Reporting and Documentation for Mauritania' [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx) (accessed 18 February 2018).

11 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CEDAW/C/MRT/1' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMRT%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMRT%2f1&Lang=en) (accessed 22 February 2018).

12 Office of the High Commissioner for Human Rights 'Mauritania: Combined second and third periodic reports, CEDAW/C/MRT/2-3' <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/413/87/PDF/G1341387.pdf?OpenElement> (accessed 22 February 2018).

funds,<sup>13</sup> and legislative measures undertaken for purposes of persons with disabilities.<sup>14</sup>

In October 2017 a follow-up report was submitted that contains an update on the measures taken by the government of Mauritania to implement recommendations of the Concluding Observations of the CEDAW Committee and provisions of CEDAW.<sup>15</sup> In terms of this report the following actions have been taken by Mauritania:

- promotion and protection of the rights of the child and persons with disabilities;
- cash transfer services for children with multiple disabilities, and financing of income-generating activities for hundreds of persons with disabilities; and
- improvement of functional independence of persons with disabilities through the free distribution of technical aids.

The report is yet to be considered.

**(b) *International Convention on the Elimination of all Forms of Racial Discrimination (CRPD)***

Mauritania submitted two reports prior to the 2017 report. The reports are the initial state report and the second, third, fourth and fifth periodic reports,<sup>16</sup> and the seventh periodic report submitted to the Committee on the Elimination of Racial Discrimination (CERD Committee). Mauritania reported on the issue of the National Social Security Fund and the Civil Servants' Pension Fund schemes. No recommendations were made pertaining to disability in the Concluding Observations of the Committee.

In February 2017 Mauritania submitted its eighth to fourteenth periodic reports to the CERD Committee.<sup>17</sup> In this report Mauritania highlighted national mechanisms adopted by the Ministry of Social Affairs, Children and the Family, the dissemination of the CRPD and measures taken to promote the rights of women, children, and persons with disabilities.

The CERD Committee has not yet considered the eighth to fourteenth periodic reports and, as such, there are no actioned recommendations during this reporting period.

13 Office of the High Commissioner for Human Rights 'Concluding Observations of the Committee on the Elimination of Discrimination against Women on the Initial Report of the Islamic Republic of Mauritania adopted at its thirty-eighth session from 14 May-1 June 2007' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMRT%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMRT%2fCO%2f1&Lang=en) (accessed 22 February 2018).

14 Office of the High Commissioner for Human Rights 'Mauritania: Combined second and third periodic reports, CEDAW/C/MRT/2-3' <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/413/87/PDF/G1341387.pdf?OpenElement> (accessed 22 February 2018).

15 Office of the High Commissioner for Human Rights 'Mauritania: Addendum of follow-up report to the Concluding Observations on the combined second and third periodic reports, CEDAW/C/MRT/CO/2-3/Add.1' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMRT%2fCO%2f2-3%2fAdd.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMRT%2fCO%2f2-3%2fAdd.1&Lang=en) (accessed 22 February 2018).

16 Office of the High Commissioner for Human Rights 'Mauritania: Initial report and the second, third, fourth and fifth periodic reports, CERD/C/330/Add.1' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2f330%2fAdd.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2f330%2fAdd.1&Lang=en) (accessed 22 February 2018).

17 Office of the High Commissioner for Human Rights 'Mauritania: Eighth to fourteenth periodic reports, CERD/C/MRT/8-14' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fMRT%2f8-14&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fMRT%2f8-14&Lang=en) (accessed 22 February 2018).

**(c) *International Covenant on Economic, Social and Cultural Rights (ICESCR)***

In August 2009 Mauritania submitted its initial state report to the ESCR Committee.<sup>18</sup> In the report Mauritania addressed issues of pension funds and highlighted the following:

- Blindness is considered one of the most common disabilities, particularly among the disadvantaged groups of the population. The two principal causes of blindness are cataracts and trachoma. Half of the cataracts are treated by traditional means. Trachoma is rife, especially in the central and northern parts of the country.
- Victims of work-related accidents who suffer a permanent partial disability are entitled to an incapacity pension if they are at least 15 per cent incapacitated. Depending on the degree of incapacity, the amount of the permanent partial incapacity pension is proportional to the pension to which the claimants would have been entitled in case of permanent total incapacity. The incapacity pension is paid in a lump sum if the degree of incapacity is less than 15 per cent. The sum is calculated by tripling the total amount of the pension, which must correspond to the victim's degree of incapacity.
- Where social protection is concerned, the national health and social policy must cover the funding of health care for the majority of the impoverished and marginalised. Social measures must improve the targeting, guidance and inclusion of vulnerable children and the care and inclusion of persons with disabilities.

In the Concluding Observations, no recommendations were made pertaining to the initial state report in relation to disability issues.

**(d) *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families***

In October 2015 Mauritania submitted its initial state report to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>19</sup> In this report Mauritania was requested to submit its response on the role and responsibilities of recruiters and their possible joint responsibility with the employer for claims and liabilities that may arise in connection with the implementation of the employment contract, including salaries and disability, death and repatriation allowances. However, Mauritania has not responded to this question, as evidenced by the initial report.

**(e) *Convention on the Rights of the Child (CRC)***

Mauritania submitted two reports prior to submitting the January 2017 report. The reports were the initial state report of January 2000 and the November 2007 second periodic report submitted to the CRC Committee. In these reports Mauritania discussed measures adopted to address issues of disability pertaining to children based on legislative, policy measures and programmes initiatives. The Mauritanian government also highlighted shortcomings in terms of education.

In its Concluding Observations to Mauritania on both reports, the CRC Committee made the following recommendations:

- to develop a system of data collection and indicators consistent with the CRC;

18 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, E/C.12/MRT/1' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMRT%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMRT%2f1&Lang=en) (accessed 22 February 2018).

19 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CMW/C/MRT/1' <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/271/03/PDF/G1527103.pdf?OpenElement> (accessed 22 February 2018).

- to ensure that the situation of children with disabilities is adequately monitored in order to effectively assess their situation and needs; and;
- to allocate resources for programmes dealing with issues of disability.

The Committee was also concerned about the occurrence of discrimination against children with disabilities, among other factors, and that measures adopted were insufficient in order to extend the coverage of assistance and rehabilitation of all children with disabilities, particularly in rural and remote areas.

In January 2017 Mauritania submitted its combined third to fifth periodic reports to the CRC Committee.<sup>20</sup> These reports outline the country's implementation of the Convention and highlights the progress made and the problems that still hamper the effective fulfilment of some obligations under the Convention. These include:

- The responsibilities of the Ministry of Social Affairs, Children and the Family include the advancement of women and their integration in the development process, and the promotion and protection of the rights of the child, persons with disabilities and older persons.
- There is the establishment of several organisations of persons with disabilities.
- The Centre for the Protection and Social Integration of Children, the Centre for Early Childhood Training and the Centre for Training and Inclusion of Children with Disabilities have been receiving increased allocations to their budgets.
- With a view to promoting and protecting the rights of women, children and persons with disabilities, Mauritania has strengthened its commitment by ratifying the relevant international conventions; adopting the regulations to implement the Order on Protection and Promotion of Persons with Disabilities.
- There is a penalty of 15 years' imprisonment for torture repeatedly committed against the child, or in cases where such abuse leads to
- mutilation or permanent disability.

The Concluding Observations are yet to be finalised.<sup>21</sup>

#### *(f) UN Universal Periodic Review*

Mauritania was last reviewed by the Human Rights Council Universal Periodic Review on 3 November 2015. The state reported that since the 2010 review, in 2012 it acceded to the CRPD and its Optional Protocol and provided training on these instruments to organisations dealing with disabilities. Furthermore, it reported that the government had established regional councils to deal with child protection issues that affect children with disabilities. In the recommendations formulated under the interactive dialogue and later adopted by the Human Rights Council, Mauritania's accession to the CRPD was welcomed.<sup>22</sup>

#### **Regional Instruments**

##### **• African Charter on Human and Peoples' Rights**

In its October 2001 report under the African Charter on Human and Peoples' Rights (African Charter), Mauritania reports that it has taken legislative measures

20 Office of the High Commissioner for Human Rights 'Mauritania: third to fifth periodic reports, CRC/C/MRT/3-5' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMRT%2f3-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMRT%2f3-5&Lang=en) (accessed 24 February 2018).

21 Office of the High Commissioner for Human Rights 'Reporting status for Mauritania' (n 8).

22 Office of the High Commissioner for Human Rights 'Human Rights Council – Universal Periodic Review' <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/069/27/PDF/G1606927.pdf?OpenElement> (accessed 24 February 2018).

towards protecting the rights of persons with disabilities.<sup>23</sup> In its Concluding Observations to Mauritania, the African Commission on Human and Peoples' Rights (African Commission) remained concerned that there are inadequate measures in place to address the special needs of vulnerable and minority groups such as the nomadic tribes, the elderly and persons with disabilities. However, the African Commission's recommendations on disability are not substantive.<sup>24</sup>

In March 2017 Mauritania submitted its tenth to fourteenth report to the African Commission.<sup>25</sup> The reports outline measures taken to implement the provisions of the African Charter. These are the following:

- Public authorities have adopted a multi-sectoral approach in dealing with issues of disability. This approach has ensured the participation of persons with disabilities in cultural life.
- In order to address challenges relating to the application of the Protocol, Mauritania has
- implemented human rights promotion strategies, which were integrated, as a priority, into the post-2015-2030 agenda with the assistance of Technical and Financial Partners (TFPs). In this respect, support was provided to the Office of the Commissioner for Human Rights and Humanitarian Action, the National Human Rights Commission, the Office of the Ombudsman, national courts and civil society organisations. One of the planned reforms for the implementation of the Protocol will focus on protecting the rights of persons with disabilities.

**2.4 Was there any domestic effect on Mauritania's legal system after ratifying the international or regional instruments in 2.3 above? Does the international or regional instrument that has been ratified require Mauritania's legislature to incorporate it into the legal system before the instrument can have force in Mauritania's domestic law? Have Mauritania's courts ever considered this question? If so, cite the case(s).**

The Mauritanian Constitution of 1991, as amended in 2006 and in 2012, enshrines in article 80 the principle that international treaties which have been duly ratified and promulgated have primacy over domestic legislation.

Mauritanian legislators have enacted several important laws aimed at aligning legislation with the provisions of relevant international human rights treaties. For instance, the CRPD has been fully domesticated in Mauritania through the enactment of Order 2006.043 of 23 November 2006 on Promotion and Protection of Persons with Disabilities and its two implementing decrees.<sup>26</sup>

**Case law**

There are no cases where Mauritanian courts have had to consider the question of domestication of international law in its national legal system.

23 African Commission on Human and Peoples' Rights 'Mauritania: Initial report, 1986-2001' <http://www.achpr.org/states/mauritania/reports/1st-1986-2001/> (accessed 23 February 2018).

24 African Commission on Human and Peoples' Rights 'Concluding Observations of the African Commission on Human and Peoples' Rights on the Initial Report of the Islamic Republic of Mauritania adopted at its 31st ordinary session held at Pretoria, South Africa, 2-16 May 2002' [http://www.achpr.org/files/sessions/31st/conc-obs/1st-1986-2001/achpr31\\_conc\\_staterrep1\\_mauritania\\_2002\\_eng.pdf](http://www.achpr.org/files/sessions/31st/conc-obs/1st-1986-2001/achpr31_conc_staterrep1_mauritania_2002_eng.pdf) (accessed 18 February 2018).

25 African Commission on Human and Peoples' Rights 'Mauritania: Tenth to fourteenth periodic report, 1986-2001' <http://www.achpr.org/states/mauritania/reports/10th-14th-2006-2014/> (accessed 23 February 2018).

26 Office of the High Commissioner for Human Rights 'Mauritania: Third to fifth periodic reports' (n 19) 8.

**2.5 With reference to 2.4 above, has the United Nation's CRPD or any other ratified international instrument been domesticated? Provide details.**

Order 2006.043 of 23 November 2006 on Promotion and Protection of Persons with Disabilities and its two implementing decrees were adopted after acceding to the CRPD. These concern the multi-partner council tasked with the advancement of persons with disabilities. The legislation further provides for the definition of disability (see 4.1).<sup>27</sup>

### 3 Constitution

**3.1 Does the Constitution of Mauritania contain provisions that directly address disability? If so, list the provision, and explain how each provision addresses disability.**

The Mauritanian Constitution contains no specific provisions addressing disability.<sup>28</sup>

**3.2 Does the Constitution of Mauritania contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.**

The Constitution contains no provisions that indirectly refer to disability, except for the general inclusion of the right to equality.<sup>29</sup>

### 4 Legislation

**4.1 Does Mauritania have legislation that directly addresses issues relating to disability? If so, list the legislation and explain how the legislation addresses disability.**

- **Order 2006.043 on Promotion and Protection of Persons with Disabilities and its two implementing decrees<sup>30</sup>**

The Ordinance 2006-043 on the Protection and Promotion of the Rights of Persons with Disabilities directly addresses issues related to disability. Decree 2013-129/PM/ sets out measures to prevent disabilities and in article 7 defines the disabled person as 'any person who is unable to complete one or more activities of everyday life, as a result of permanent or occasional impairment of his mental or motor sensory functions of congenital or acquired origin'.

<sup>27</sup> As above.

<sup>28</sup> Mauritania's Constitution of 1991 with Amendments through 2012 [https://www.constituteproject.org/constitution/Mauritania\\_2012.pdf](https://www.constituteproject.org/constitution/Mauritania_2012.pdf) (accessed 27 February 2018) (translated version).

<sup>29</sup> The Preamble and art 1 of Constitution of Mauritania (n 28).

<sup>30</sup> Office of the High Commissioner for Human Rights 'Mauritania: Third to fifth periodic reports' (n 19).



The Ordinance makes provision for special treatment of this group of persons. For instance, article 6 of the Ordinance on the Promotion and Protection of Persons with Disabilities requires that appropriate measures be taken to enable persons with disabilities to access and benefit from the general system of operation of society. According to article 24 of the Ordinance, local authorities and public and private bodies open to the public must adapt, in their area and according to international accessibility criteria, the buildings, roads, sidewalks, outdoor spaces, means of transport and communication. The latter should be done to enable persons with disabilities to access these areas, to move about, to use their services, and to benefit from their services.<sup>31</sup>

- **Civil Service Act 093-009**

This Act provides civil servants with old-age pensions and, if necessary, a lifetime disability annuity, as provided for under the retirement system of the civil service pension fund, once they have accumulated 35 years of service after the age of 18, or when they reach the age of 60.<sup>32</sup>

- **Decree 009.98**

In order to comply with international standards, the Mauritanian government adopted Decree 009.98 of 10 October 1998. This Decree sets out the responsibilities of the Ministry of Health and Social Affairs and entrusts this Ministry with several tasks related to child health and survival. These tasks include the advancement of disabled persons.<sup>33</sup>

- **Act 2015.033 on the Prohibition of Torture**<sup>34</sup>

The Act on the Prohibition of Torture provides penalties regarding disability. Subjecting a child to torture or barbarous acts is punishable by six years' imprisonment. However, the penalty becomes 15 years' imprisonment if torture is repeatedly committed against the child or if it leads to mutilation or permanent disability.

#### **4.2 Does Mauritania have legislation that indirectly addresses issues relating to disability? If so, list the main legislation and explain how the legislation relates to disability.**

Other legal mechanisms that indirectly address different forms of disability include the Personal Status Code, which prohibits early marriage; the Act making basic education compulsory from the age of six years; the Ordinance on the judicial protection of children; and the Decree on alternatives to detention for children in conflict with the law.<sup>35</sup>

31 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

32 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CEDAW/C/MRT/1' (n 11).

33 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRC/C/8/Add.42' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f8%2fAdd.42&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f8%2fAdd.42&Lang=en) (accessed 1 March 2018).

34 Office of the High Commissioner for Human Rights 'Mauritania: Eighth to fourteenth periodic reports, CERD/C/MRT/8-14' (n 16).

35 Office of the High Commissioner for Human Rights 'Mauritania: Combined second and third periodic reports, CEDAW/C/MRT/2-3' (n 13).

## 5 Decisions of courts and tribunals

### 5.1 Have the courts (or tribunals) in Mauritania ever decided on an issue(s) relating to disability? If so, list the cases and provide a summary for each of the cases with the facts, the decision(s) and the reasoning.

Nothing exists in this regard.

## 6 Policies and programmes

### 6.1 Does Mauritania have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability

- **Primary health-care policy**

This policy deals with health-related issues of disabled persons. The policy identifies disabled persons as priority targets. It is aimed at making essential quality care available and accessible to the majority of the population that need it, particularly disabled persons.<sup>36</sup>

- **National Social Security Fund (CNSS)**

The Ministry of Civil Service and Labour manages the social security system in Mauritania. The Fund plays an important role in the social welfare area by providing disability benefits in the event of an accident at work or an occupational disease. In 1998 there were more than 3 300 disability allowances. This fund is inclusive of the old age and disability pensions and benefits paid in the event of death, with over 6 000 new disability cases expected every year.<sup>37</sup>

- **National Orthopaedics and Rehabilitation Centre**

The National Orthopaedics and Rehabilitation Centre is composed of a team of physiotherapists and specialised doctors and its orthopaedic, physiotherapy and follow-up services enable it to provide rehabilitation and surgical operations for persons with physical disabilities. As from 2017 the Centre annually conducts 10 000 consultations, administers 4 000 physiotherapy sessions and provides 100 surgical operations. The Ministry of Social Affairs, Children and the Family is responsible for funding the hospitalisation, surgical operations and medical evacuation of children with disabilities who come from poor families. Those parents that are under the national social security system receive partial reimbursement of these costs by the Budget and Accounts Department of the National Social Security Fund.<sup>38</sup>

36 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRC/C/8/Add.42' (n 32).

37 Office of the High Commissioner for Human Rights 'Mauritania: Initial report and the second, third, fourth and fifth periodic reports, CERD/C/330/Add.1' (n 15).

38 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRC/C/8/Add.42' (n 32). Office of the High Commissioner for Human Rights 'Mauritania: Addendum of follow-up report to the Concluding Observations on the combined second and third periodic reports' (n 14).

- **The social safety net programmes for the most vulnerable social groups**

The social safety net programmes involve the implementation of several projects and initiatives such as the Emel programme, school canteens and cash transfers. Cash transfers are utilised to care for and support destitute patients living with chronic diseases; promotes and protects the rights of children and persons with disabilities through financing of income-generating activities for hundreds of persons with disabilities; and to improve the functional independence of persons with disabilities through the free distribution of technical aids.<sup>39</sup>

- **Directorate for Persons with Disabilities**

The Directorate for Persons with Disabilities was established by the Ministry of Social Affairs, Children and the Family. Numerous benefits for disabled children have emanated from work undertaken by the Directorate. This is evidenced by the fact that 337 deaf-mute children were enrolled in school; 300 wheelchairs and 800 crutches have been provided; and 400 white sticks or canes provided. Furthermore, 110 children with multiple disabilities have received care, with 38 individual micro-projects benefiting persons with various types of disabilities; including 18 micro-projects with 16 individual and two collective benefiting persons with various types of disability; and 58 micro-projects with 36 individual and 22 collective launched by associations for the benefit of their members. There are also 100 unemployed graduates with disabilities recruited by the civil service; 53 persons with various types of disability have received financial assistance; 200 housing plots were allocated to persons in need of housing; 103 persons with disabilities were assisted in Aleg, Kaédi, Kiffa and Néma; and 50 association officers trained in mounting and managing projects.<sup>40</sup>

- **Service for the disabled within the Department of Social Affairs of the Ministry of Health and Social Affairs**

The government has established a service for the disabled in the Department of Social Affairs of the Ministry of Health and Social Affairs that deals with four categories of disabled persons: the blind, the deaf and dumb, the motor and mentally-disabled, and persons cured of leprosy. The service coordinates assistance for the disabled with a number of local non-governmental organisations (NGOs).<sup>41</sup>

- **Community-based rehabilitation programme**

In dealing with disabled children the Department of Social Affairs has adopted a strategy for their integration and development. The strategy involves a community-based rehabilitation (CBR) programme. The purpose of this programme is to enable disabled children to locally find the basic essential services they need to become autonomous and lead a full and decent life. Measures have thus been taken to provide access to education, training and health services. In addition, the CBR programme undertakes *ad hoc* measures to help the parents of disabled children in need to provide for their schooling and health care.<sup>42</sup>

- **National Child Protection Strategy**

The National Child Protection Strategy makes provision for several activities aimed at protecting children with disabilities.<sup>43</sup>

39 Office of the High Commissioner for Human Rights 'Mauritania: Addendum of follow-up report to the Concluding Observations on the combined second and third periodic reports' (n 14).

40 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRC/C/8/Add.42' (n 32).

41 As above.

42 As above.

43 As above.

- **Poverty reduction strategy framework**

The poverty reduction strategy framework is aimed at ensuring that safety nets are available and accessible for the most deprived groups, which include 'children in situations of difficulty and those with physical and mental disabilities'.<sup>44</sup>

- **Joint Decision 096/MSAS/MEN**

The Ministry of Health and Social Affairs and Ministry of National Education through Joint Decision 096/MSAS/MEN of 13 June 1985 set up an experimental basic education school for blind children. The school was upgraded to an institute to cater not only for the blind but also for the deaf and dumb. The Ministries involved are tasked with seconding teachers to this establishment.<sup>45</sup>

## 6.2 Does Mauritania have policies and programmes that indirectly address disability? If so, list each policy and describe how the policy indirectly addresses disability.

- **Mauritania-UNICEF cooperation programme**

The Mauritania-UNICEF cooperation programme is aimed at promoting an environment conducive to the protection of children, in particular the most vulnerable children. Training has been provided to several journalists who in turn take part in awareness-raising campaigns. The civil society cyber forum and the platform of non-state actors provide a framework for consultation and dialogue between NGOs and the government.<sup>46</sup>

- **National Human Rights Action Plan 2012-2020**

In October 2012 a National Human Rights Action Plan was launched by the Prime Minister's office.<sup>47</sup> The Action Plan sets out goals and objectives that, amongst other objectives, include reinforcing international co-operation on human rights; strengthening the national human rights framework; protecting and safeguarding civil and political rights; and protecting and securing the rights of vulnerable persons, including persons with disabilities.<sup>48</sup>

## 7 Disability bodies

### 7.1 Other than the ordinary courts and tribunals, does Mauritania have any official body that specifically addresses violations of the rights of people with disabilities? If so, describe the body, its functions and its powers.

- **The National Council for Children**

The National Council for Children is an advisory body that has been set up to assist the state Secretariat. It is presided over by an adviser to the Prime Minister and is composed of representatives of the chief ministries concerned with children's issues, as well as representatives of major organisations of civil society. Its

44 As above.

45 As above.

46 Office of the High Commissioner for Human Rights 'Mauritania: Third to fifth periodic reports, CRC/C/MRT/3-5' (n 19).

47 Office of the High Commissioner for Human Rights 'Human Rights Council – Mauritania's National Report, A/HRC/WG.6/17/MUS/1' <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=52679d304&skip=0&query=legislation&coi=MRT&querysi=disability&searchin=fulltext&sort=relevance> (accessed 2 March 2018).

48 As above.

functions include proposing measures to protect children from neglect, exploitation and the different forms of handicap and to strengthen the capacity of families to meet the needs of their children. In addition, the Council proposes measures to promote the care of disabled children and/or delinquent or abandoned children, and to strengthen the role of development associations in taking care of such children and furthering their education and training in cooperation with the departments concerned. The Council holds sessions bi-annually and submits a report at the end of each year to the Secretariat of State for the Status of Women in which it assesses the situation of children and puts forward proposals for their advancement.<sup>49</sup>

- **The Ministry of Social Affairs, Children, and the Family (MASEF)**

The Ministry of Social Affairs, Children, and the Family (MASEF) is an institution tasked with monitoring and coordinating state policy on the promotion and protection of the rights of persons with disabilities.<sup>50</sup> It includes a central management that is dedicated only to disabled persons. The missions of the department include coordination and implementation of legislation; developing and implementing strategies of protection; developing and executing programmes of rehabilitation and reintegration; supporting professional training; and setting up a database on disabled people.<sup>51</sup> MASEF is also accessible to persons with disabilities to file complaints. In 2014 MASEF received two complaints, four fewer than in 2013. In addition, MASEF oversees social reintegration programmes for persons with disabilities.<sup>52</sup>

**7.2 Other than the ordinary courts or tribunals, does Mauritania have any official body that, though not established to specifically address violations of the rights of persons with disabilities, can nonetheless do so? If so, describe the body, its functions and its powers.**

See question 8 below.

## **8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector**

**8.1 Does Mauritania have a Human Rights Commission or an Ombudsman or Public Protector? If so, does its remit include the promotion and protection of the rights of people with disabilities? If your answer is yes, also indicate whether the Human Rights Commission or the Ombudsman or Public Protector of Mauritania has ever addressed issues relating to the rights of persons with disabilities.**

- Mauritania has the National Commission of Human Rights. This institution was established pursuant to article 97 of the Mauritanian Constitution. The Commission

49 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRC/C/8/Add.42' (n 32).

50 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

51 As above.

52 Bureau of Democracy, Human Rights and Labour 'Country Reports on Human Rights Practices for 2014: Mauritania' <https://www.state.gov/j/drl/rls/hrrpt/2014humanrightsreport/index.htm#wrapper> (accessed 2 March 2018).

is an independent advisory body with observation, early warning and mediation functions that assesses compliance with human rights. The Commission can provide, at the request of the government or on its own initiative, an advisory opinion on general or specific issues, relating to the promotion and the protection of human rights to respect for individual and collective freedoms.<sup>53</sup> The Commission is also responsible for dealing with reported violations of human rights and must take all the appropriate steps, in cooperation and coordination with the competent authorities.<sup>54</sup>

- The Mauritania Commissioner for Human Rights, Poverty Alleviation and Integration, established by Decree 089/98 of 2 July 1998,<sup>55</sup> is the result of government's efforts to ensure the enjoyment of rights and the exercise of freedoms and improving the living conditions of the population in general and of the poorest, in particular. The programmes and policies falling under the mandate of the Office of the Commissioner include promoting and protecting human rights, and combating poverty and providing employment for members of vulnerable groups, which includes persons with disabilities.<sup>56</sup> The Office of the Commissioner has also been involved in both rural and urban areas to set up safety nets to assist in the integration of disabled persons seeking work.<sup>57</sup>

The National Commission for Human Rights, Humanitarian Action and Civil Society, established under Decree 247-2008/PM, is administratively and financially autonomous.<sup>58</sup> In terms of the Decree, the Commission's mandate involves drafting and implementing the national policy for the promotion, defence and protection of human rights through the promotion and dissemination of information on human rights, and the protection and defence of human rights.<sup>59</sup> The Commission also drafts and implements action plans and programmes for vulnerable social groups in order to better promote and protect their rights. In addition, the Commission is tasked with investigating cases of violations of human rights and humanitarian law that are submitted to it by other institutions, including the National Human Rights Commission.<sup>60</sup>

53 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

54 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, E/C.12/MRT/1' (n 17).

55 Office of the High Commissioner for Human Rights 'Mauritania: Initial report and the second, third, fourth and fifth periodic reports, CERD/C/421/Add.1' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2f421%2fAdd.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2f421%2fAdd.1&Lang=en) (accessed 2 March 2018).

56 As above.

57 As above.

58 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, E/C.12/MRT/1' (n 17).

59 As above.

60 As above.

## 9 Disabled peoples organisations (DPOs) and other civil society organisations

### 9.1 Does Mauritania have organisations that represent and advocate the rights and welfare of persons with disabilities? If so, list each organisation and describe its activities.

Mauritania does have organisations or associations that represent and advocate the rights and welfare of persons with disabilities.<sup>61</sup> These associations are the following:

- **Association promotion et enseignement des aveugles**  
This is the Promotion and Teaching of the Blind Association and the grant received by the association was MRO 600 000.
- **Association Mauritanienne des déficients auditifs et de la voix**  
This is the Hearing Aids and Voice of the Weak Mauritanian Association, and it received a grant of MRO 1 700 000.
- **Association Nationale des aveugles de Mauritanie**  
This is the National Association of the Blind of Mauritania, and it received a grant of MRO 2 383 000.
- **Association mauritanienne des handicapés de la lèpre**  
This is the Mauritanian Association of the Handicapped and Leprosy, and it received a grant of MRO 779 500.
- **Assistance des nécessiteux**  
This is the Assistance to the Needy Association, and it received a grant of MRO 20 000.
- **Association des femmes handicapées pour la solidarité**  
This is the Association of Women with Disabilities for Solidarity and it received a grant of MRO 790 000.
- **Regroupement Mauritanien des femmes handicapées**  
This association deals with women with disabilities, and it received a grant of MRO 812 055.
- **Association des diplômés handicapés**  
This is the Association of Disabled Graduates, and it received a grant of MRO 992 911.
- **Association Mauritanienne Assistance des Handicapés**  
This is an association that provides assistance to the disabled, and it received a grant of MRO 3 641 020.
- **Association mauritanienne des hémophiles**  
This is the Mauritanian Association of Haemophiliacs, and it received a grant of MRO 150 000.

61 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, E/C.12/MRT/1' (n 17).

- **Association mauritanienne pour l'insertion des aveugles**

This is the Mauritanian Association for the Integration of the Blind, and it received a grant of MRO 728 000.

- **Association mauritanienne secours des lépreux**

This is an association that assists with the care of lepers, and it received a grant of MRO 200 000.

- **Association développement social en Mauritanie**

This is the Mauritanian Association of Social Development, and it received a grant of MRO 2 050 000.

- **Assistance des handicapés pour le développement**

This association deals with the provision of assistance to disabled persons for the purposes of their development, and it received a grant of MRO 150 000.

- **Forum des sourds**

This is the Forum of the Deaf, and it received a grant of MRO 2 830 000.

- **Association des jeunes handicapés aveugles**

This is an association of blind disabled youth, and it received a grant of MRO 553 500.

- **Organisation communautaire pour la promotion des handicapés**

This is a community organisation for the promotion of disabled persons, and it received a grant of MRO 400 000.

- **Organisation insertion des albinos**

This is an organisation for the integration of persons with albinism into society, and it received a grant of MRO 150 000.

- **Association mauritanienne pour le secours de l'enfant handicapé**

This is the Mauritanian association for the rescue of disabled children, and it received a grant of MRO 460 000.

- **Association mauritanienne pour la Promotion des Handicapés moteurs**

The association promotes the interests of disabled persons, and it received a grant of MRO 1 163 000.

- **Secours des handicapés**

The association deals with the relief of people with disabilities, and it received a grant of MRO 150 000.

- **Association volonté et développement**

This is the willingness and development association and it received a grant of MRO 690 000.

- **Association appui à l'éducation des enfants sourds muets et handicapés**

This is an association that provides support for the education of deaf, dumb and disabled children, and it received a grant of MRO 510 000.

- **Association Aziza**

This association received a grant of MRO 150 000.

- **Association mauritanienne pour la santé et les handicapés**

This is the Mauritanian Association for Health and the Disabled, and it received a grant of MRO 150 000.



- **Association mauritanienne des femmes handicapées**  
This is the Mauritanian Association of Women with Disabilities, and it received a grant of MRO 600 000.
- **Association mauritanienne pour l’insertion des enfants handicapés à l’école**  
This is the Mauritanian Association for the Integration of Children with Disabilities at School, and it received a grant of MRO 784 000.
- **Association ressortissants des mahadras**  
This is the National Association of the Mahadras and it received a grant of MRO 200 000.
- **RBC Handicapés**  
This is the RBC disabled association, and it received a grant of MRO 150 000.
- **Association développement des personnes handicapées**  
This is the association that promotes the development of people with disabilities and it received a grant of MRO 200 000.
- **Association Besma**  
This association received a grant of MRO 576 400.
- **Association Elmoustakbel**  
This association received a grant of MRO 150 000.
- **Association secours enfants**  
This is a child relief association and it received a grant of MRO 150 000.
- **FEMANPH**  
The Mauritanian Federation of National Associations of People with Disabilities (Fédération Mauritanienne des Associations Nationales de Personnes Handicapées) has 45 associations, with 18 specifically focusing on disability and eight specialising in other themes, such as education. The association received a grant of MRO 6 640 000.
- **FEMHANDIS**  
The Mauritanian Federation of Sports for the Disabled (Federación Mauritana de Deportes para las Personas Discapacitadas) received a grant MRO 500 000.
- **Association mauritanienne pour l’Intégration et la Réhabilitation des Enfants et Adolescents Déficients Intellectuels (AMIREADI)**  
This is the Mauritanian Association for the Integration and Rehabilitation of Children and Adolescents with Intellectual Disabilities. The association received a grant of MRO 6 443 355. On the International Day of Persons Living with Disabilities, 3 December 2015, the United Nations High Commissioner for Refugees in collaboration with its partners Association pour la Lutte contre la Pauvreté et le sous-développement (ALPD) and AMIREADI held a ‘questions and answers’ session for the urban refugees committee and the representatives of refugees living with disabilities in Nouakchott.<sup>62</sup> The session was aimed at strengthening the inclusion of persons with disabilities and promote their full and equal enjoyment of rights and freedoms in Mauritania. It also gave urban refugees

62 United Nations High Commissioner for Refugees ‘UNHCR Operational Update – Mauritania’ <https://www.humanitarianresponse.info/system/files/documents/files/unhcrmauritania-operationalupdate-december20151.pdf> (accessed 2 March 2018).

living with disabilities an opportunity to discuss gaps and gather information about existing services for people with disabilities in Mauritania.<sup>63</sup>

**9.2 In the country's region are DPOs organised/coordinated at national and/or regional level?**

More than 6 028 NGOs operate nationally in Mauritania and 57 of them operate internationally.<sup>64</sup> The civil society cyber forum and the platform of non-state actors, as stated in question 6.2 above, provide the framework for consultation and dialogue between NGOs and the government.

**9.3 If Mauritania has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?**

The involvement of NGOs in the implementation of disability rights takes place through several measures. One measure is through the activities of the Multi-Sectoral National Council for the Promotion of People with Disabilities, a Council that assists the Ministry of Social Affairs, Childhood and the Family in terms of coordination and technical control of different interventions. Such interventions include the rehabilitation and integration of persons with disabilities. In carrying out its duties, the Council may appeal to any person or organisation whose participation it deems useful. The implication of this is that the Council may request to work with relevant NGOs in achieving its objectives.<sup>65</sup>

Another measure is through the activities of the Interdepartmental Technical Committee. This Committee is responsible for the development of the state reports relating to international legal instruments, and one of the key requirements is that before it finalises or validates the report, it must take into account the recommendations of the civil society and parliamentary bodies (see 9.5 below).<sup>66</sup>

The Department of Social Affairs of the Ministry of Health and Social Affairs also involves a number of local NGOs in implementing its mandate (refer to question 6.1 for further discussion).

The National Council for Children is also composed of representatives of major organisations of civil society (refer to question 7.1 for further discussion).

Finally, the dissemination of human rights instruments such as the CRPD ratified by Mauritania involves sustained awareness campaigns carried out by NGOs.<sup>67</sup> That may explain why the NGOs working in the field of human rights have budgets allocated to them annually (see question 9.1 above for the 2015 budget allocations to various associations).

**9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?**

In Mauritania, several civil society organisations are active in issues concerning persons with disabilities. Each organisation usually focuses on a specific type of

63 As above.

64 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

65 As above.

66 As above.

67 As above.

disability (see question 9.1 above for a list of various associations dealing with issues of disability). These associations deal with persons with disabilities generally although, to the extent that their resources allow, they also engage in targeted advocacy for children with disabilities.<sup>68</sup>

For instance, the Association for Social Development in Mauritania has opened a workshop that makes tricycles and wheelchairs for women and children living with permanent physical disabilities. Another NGO, *Terre des Hommes*, covers the costs of treatment and medical evacuation for some children with disabilities upon request by the parents.<sup>69</sup>

Another NGO, The Health and Development of Women and Children with Disabilities, with support from the Commission for Human Rights, launched a programme focused on reintegrating women and children back into active life following a study that was conducted on street begging by persons with disabilities.<sup>70</sup> The study had identified 110 individuals engaging in this activity, some of them being children. The NGO has also offered financial assistance to 25 unemployed graduates with disabilities.<sup>71</sup> In addition, it has supported vocational training for blind persons, thereby providing them with an alternative to street begging.<sup>72</sup>

### **9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?**

The identified barriers include the lack of human and financial resources, and low specialisation of actors dealing with human rights issues.<sup>73</sup>

### **9.6 Are there specific instances that provide 'best-practice models' for ensuring proper involvement of DPOs?**

Mauritania has numerous NGOs that are hands-on in tackling matters concerning persons with disabilities. A 'best practice model' by far is the willingness of Mauritians to fund NGOs that actively partake in the promotion of the human rights of persons with disabilities. This not only assists the NGOs, but also motivates them to continue assisting government. For instance, in 2015 a total amount of MRO 38 743741 was allocated to 37 associations. Another 'best practice model' is the involvement of NGOs in the process of drafting reports. Recommendations by civil society usually are taken into account during this process (see question 9.3 above). Even though the recommendations are non-binding on the inter-departmental committee, they certainly assist the committee in identifying gaps and challenges pertaining to issues relating to persons with disabilities since they work at grass roots level.

68 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

69 Office of the High Commissioner for Human Rights 'Mauritania: Third to fifth periodic reports, CRC/C/MRT/3-5' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMRT%2f3-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMRT%2f3-5&Lang=en) (accessed 24 February 2018).

70 As above.

71 As above.

72 As above.

73 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

**9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?**

See questions 9.4 above.

**9.8 Has your research shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?**

The research has shown areas for capacity building and support in relation to research (see question 9.5 and question 9.6 below).

**9.9 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?**

Yes.

- proactive targeting of DPOs by the Multi-Sectoral National Council throughout the implementation of the 2016-2020 action plan;
- continuous capacity building of DPOs on the CRPD by government agencies involved with reporting and implementing measures on the rights of disabled persons;
- broad collaboration amongst DPOs and between DPOs and other governmental organisations tasked with dealing with human rights of persons with disabilities;
- resourcing DPOs to conduct research that can provide evidence based information; and
- organising a specific national survey on persons with disabilities in order to have reliable and comprehensive data on this vulnerable segment of the population.

**9.10 Are there specific research institutes in the region where Mauritania is situated that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?**

None.

## 10 Government departments

**10.1 Does Mauritania have a government department or departments that is/are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the department(s).**

See question 7.1 for a discussion on the Ministry of Social Affairs, Children and the Family (MASEF) and question 8.1 for a discussion on the National Commission

for Human Rights, Humanitarian Action and Civil Society. In addition to these institutions, the Mauritanian government also put in place the MultiSectoral National Council that is also responsible for promoting and protecting the rights of persons with disabilities.

The Multi-Sectoral Council is entrusted with assisting the Ministry of Social Affairs, Childhood and the Family in terms of coordination and technical control of different interventions to the rehabilitation and integration of persons with disabilities.<sup>74</sup> Apart from assisting, the National Council can give an opinion on issues relating to the promotion of people with disabilities and the prevention of disability submitted by the Department.<sup>75</sup> In accordance with its mission of the promotion of persons with disabilities, the Council has developed a five-year action plan (2016-2020) that revolves around several areas concerning persons with disabilities.<sup>76</sup> In terms of the Council's May 2016 report on the 2016-2020 action plan, the allocated budget for implementation purposes is MRO 1 049 750 000.<sup>77</sup>

## 11 Main human rights concerns of people with disabilities in Mauritania

### 11.1 Contemporary challenges of persons with disabilities in Mauritania (for example, in some parts of Africa ritual killing of certain classes of PWDs, such as people with albinism, occurs.

There are no reports of governmental or societal discrimination against persons with disabilities in Mauritania.

### 11.2 Describe the contemporary challenges of persons with disabilities, and the legal responses thereto, and assess the adequacy of these responses to:

- **Access and accommodation**

In Mauritania's initial report of January 2001 to the CRC Committee, government reported that the National Council for Children was tasked with proposing measures to protect children from neglect and ways to strengthen the capacity of families to meet the needs of their children.<sup>78</sup> In order to cater for the latter objective, the Department of Social Affairs adopted a strategy known as the Community-Based Rehabilitation Programme. This programme aims at helping the parents of disabled children in need to provide for their schooling and health care, and to enable disabled children to find locally the basic essential services they need in order to become autonomous and lead a full and decent life.<sup>79</sup> However, the Committee in its Concluding Observations to Mauritania, while noting the community-based rehabilitation programme, expressed concerns about the large number of children with disabilities who remain institutionalised, and the general

74 As above.

75 As above.

76 Conseil National Multisectoriel charge de la promotion des personnes handicapées 'Plan quinquennal pour la promotion des personnes handicapées 2016/2020' (translated version).

77 As above.

78 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRC/C/8/Add.42' (n 32).

79 As above.

lack of resources and specialised staff for these children and the absence of support for their families.<sup>80</sup>

- **Access to social security**

The competence to regulate issues of social security is the exclusive function of the legislature in terms of article 57 of the Mauritanian Constitution. The legislature promulgated the Labour Code and the Act establishing the Civil Pension Fund.<sup>81</sup> For purposes of implementing these laws, the government established various social security systems. These systems are managed by the National Social Security Fund for civil servants (see question 6.1 above); the health insurance managed by the National Health Insurance Fund for civil servants, military personnel and parliamentarians; and the National Occupational Health Office that is tasked with promoting and maintaining the physical, mental and social welfare of workers. Children that are dependants of persons insured under one of these systems benefit from social security.<sup>82</sup>

In its February 2012 combined second and third periodic report to the CEDAW Committee, the Mauritanian government reported that a woman duly certified as permanently totally incapacitated is entitled to a total disability pension equivalent to 85 per cent of the average monthly wage, increased by 50 per cent if she requires the assistance of a third party. A woman who is permanently partially incapacitated due to an industrial accident is entitled to a disability pension if she is at least 15 per cent disabled. Depending on the degree of disability, the amount of the permanent partial disability pension is proportional to the pension to which the victim would have been entitled had she been totally incapacitated. Where the degree of disability is less than 15 per cent, a lump sum benefit is paid.<sup>83</sup>

- **Access to public buildings**

Article 24 of Order 2006.043 requires the state, local governments and public and private institutions to take measures that ensure that buildings are accessible to persons with disabilities (see 4.1 for a discussion).<sup>84</sup> In terms of the decree, a building is deemed accessible to persons with disabilities if they can enter, move easily, and benefit from all the functions offered by the building or the designed installations.<sup>85</sup>

In terms of the Council's May 2016 Report on the 2016-2020 action plan, most existing public buildings such as mosques, schools, health centres, hospitals, departments, fields, and houses of shows, are not accessible to people with reduced mobility.<sup>86</sup> However, projects exist aimed at constructing ramp access, disabled-friendly office doors, bathrooms and sidewalks for buildings in Nouakchott and in the Wilaya. The estimated budget allocated for the implementation of this plan is MRO 40 000 000.<sup>87</sup>

80 Office of the High Commissioner for Human Rights 'Mauritania: Concluding Observations on the initial report at its 723rd and 724th meetings, CRC/C/15/Add.159' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=\\_CRC%2fC%2f15%2fAdd.159&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=_CRC%2fC%2f15%2fAdd.159&Lang=en) (accessed 3 March 2018).

81 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

82 Office of the High Commissioner for Human Rights 'Mauritania: Third to fifth periodic reports, CRC/C/MRT/3.5' (n 19).

83 Office of the High Commissioner for Human Rights 'Mauritania: Combined second and third periodic reports, CEDAW/C/MRT/2-3' <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/413/87/PDF/G1341387.pdf?OpenElement> (accessed 22 February 2018).

84 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

85 As above.

86 Conseil National Multisectoriel charge de la promotion des personnes handicapées 'Plan quinquennal pour la promotion des personnes handicapées 2016/2020' (n 79).

87 As above.

- **Access to public transport**

As in the case of access to public buildings, article 24 of Order 2006.043 requires government to provide means of public transportation to the disabled person.<sup>88</sup>

It was reported in the 2016-2010 action plan that decent access for persons with disabilities to the public means of transport is not available. However, government has planned campaigns for the promotion of accessibility for people with disabilities to transportation with an emphasis on ease of access and security for the disabled. An estimated budget of 3 000 000 has been allocated to achieve this.<sup>89</sup>

Awareness campaigns on access to buildings and transport targeting the different actors concerned by the issue of accessibility have been allocated an estimated budget of MRO 10 000 000.<sup>90</sup>

- **Access to education**

Act 2001-054 of 19 July 2001 makes primary education mandatory and establishes the relevant rules, as well as the penalties applicable in the case of a failure to respect these rules. Article 1 of the Act makes primary education mandatory for all Mauritanian children 'of both sexes, between 6 and 14 years of age, for a period of at least six years'.

From the Mauritanian initial report to the CRC Committee, measures have been taken to provide access to education, training and health services to children with disabilities.<sup>91</sup> In addition, the community-based rehabilitation programme undertakes *ad hoc* measures to help the parents of disabled children in need to provide for their schooling and health care.<sup>92</sup> The latter was supplemented by a Joint decision 096/MSAS/MEN of 13 June 1985 of the Ministry of Health and Social Affairs and Ministry of National Education, which set up an experimental basic education school for blind children (see question 6.1 above). The Mauritanian government in the same report notes some shortcomings in terms of education. These include low school enrolment rates among girls as compared to boys; sharp regional disparities in school enrolment; the mother and child situation; and assistance to the disabled and to children in difficulties.<sup>93</sup>

The government has also set up a centre of training and social promotion of children with disabilities in line with Decree 142/2014. The centre's missions include the training of children with special educational needs in relation to a disability or disabling illness, and the training of trainers in sign language and Braille writing. The centre is also involved with the development of modules for teaching and management of children with disabilities; the strengthening of the capacities of teachers for integrated education; and the initiation of parents of blind children to Braille writing.<sup>94</sup>

With all the efforts listed above, the levels of education of disabled people are as follows: Nearly one in two persons with disabilities is without education; only 12,9 per cent have undergone primary education; only 6,7 per cent have a general

88 As above.

89 As above.

90 As above.

91 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRC/C/8/Add.42' (n 32).

92 As above, Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRC/C/8/Add.42' (n 32).

93 Same as above.

94 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

secondary education; and 56,07 per cent of women living with disabilities have no level of education compared to 44,09 per cent among men.<sup>95</sup>

In terms of the 2016-2010 implementation action plan, there are teaching materials adapted to the needs of 1 500 children with sensory, visual and intellectual disabilities; 200 teachers have received training; and 24 specialised teaching classes have been established.<sup>96</sup>

- **Access to vocational training**

Article 4 of Act 98-007 of 20 January 1998 on technical and vocational training stipulates that technical and vocational training is the responsibility of the state. The state guarantees equal access for all vocational training. Special arrangements must be made for disabled persons.

In 1996 the Association for the Mentally Handicapped opened a training centre for mentally-handicapped children and adolescents. The activities in the centre include child guidance, plastic arts, sewing and embroidery, cookery and activities involving psychomotor skills. There are 32 mentally-handicapped young people comprising eight girls and 24 boys at the Centre.<sup>97</sup> Training is provided by six specialised Mauritanian educators.

The 2016 report on the 2016-2020 action plan revealed that persons with disabilities face numerous problems in vocational training such as the lack of training facilities available. An integrated vocational training complex that is accessible to different categories of disability has been built and equipped, with an estimated budget of MRO 60 000 000,. Ten existing training centres are available and there are five supported initiatives with an estimated budget of MRO 10 000 000.<sup>98</sup>

- **Access to employment**

The Mauritanian government adopted Decree 2015/062 relating to the recruitment of 5 per cent quota of people with disabilities, with the aim of guaranteeing equal access to employment opportunities. The government has recruited more than 100 unemployed graduates of persons with disabilities in the public service and has created a Multi-Sectoral Council for the promotion of persons with disabilities.<sup>99</sup> Despite these recruitments, the majority of people with disabilities are self-employed (59,7 per cent). A further breakdown reveals that disabled persons are mostly temporary private employees (14,8 per cent) or public employees (13 per cent). The lowest proportions are found among caregivers (3,8 per cent), employers (3,5 per cent) and apprentices (0,6 per cent).<sup>100</sup> Technical and vocational training plays an important role as it prepares pupils for employment and the furthering of their technical or vocational education.

The 2016-2020 implementation action plan report outlined challenges regarding employment faced by persons with disabilities. The majority of persons with disabilities face discrimination in employment, and work stations are not equipped with proper offices and doors, measures that are central to their needs. In addition, they do not have access to credit, a factor that is essential for facilitating

95 As above.

96 Conseil National Multisectoriel charge de la promotion des personnes handicapées 'Plan quinquennal pour la promotion des personnes handicapées 2016/2020' (n 79).

97 As above.

98 As above.

99 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

100 As above.



their integration into active life.<sup>101</sup> To address these issues, government organised open days on the employment of persons with disabilities in Mauritania, resulting in the sensitisation of 200 public and private operators.<sup>102</sup>

- **Access to recreation and sport**

There are associations dealing with sport issues pertaining to persons with disabilities. These associations are governed by Law 64.098 of 9 June 1964 amended by Law 73.007 of 23 June 1973 and by Law 73.157 of 2 July 1973.<sup>103</sup> On request, the associations can benefit from tax exemptions on equipment to carry out their activities, based on a declaration that demonstrates the public usefulness of such equipment.<sup>104</sup>

The 2016-2020 implementation action plan report indicates the following as gaps: a lack of sports infrastructure; a lack of technical staff and specialised equipment in the field of sports for persons with disabilities and recreation; and a lack of means for the operation and management of the disability sport federation.<sup>105</sup> To address these challenges an estimated budget of MRO 10 000 000 was allocated for training supervisors for the development of different sports for persons with disabilities. The Multi-Sector National Council managed to organise 10 cultural activities and 10 leisure activities that were carried out for the benefit of persons with disabilities. In terms of organising sport competitions, with an estimated budget of MRO 6 000 000 the Council managed to organise 20 supported national competitions.<sup>106</sup> For purposes of organising specific equipment for persons with disabilities for the different sports, the estimated budget allocated for this purpose was MRO 20 000 000.<sup>107</sup>

- **Access to justice**

Article 6 of the Ordinance on the promotion and the protection of persons with disabilities requires the Mauritanian government to take appropriate measures to enable persons with disabilities access to the general system for the operation of the society. Within this framework, the Department of Justice has organised several workshops for the training of civil servants in the justice sector in order to equip them with the skills to assist persons with disabilities with easier access to the justice system. In addition to physical access, intellectual access is also made available through the offices of litigants who provide their services to persons with disabilities. The aspect of financial access is also taken into account, allowing each person suffering from a disability and who is destitute to benefit from legal aid.<sup>108</sup>

The Department of Justice periodically organises information seminars and awareness campaigns for all public servants working in the field of justice including court officials and the police. The CRPD and other relevant laws are made available to the target audience.<sup>109</sup>

Persons with disabilities are provided with legal aid during and after a trial in the execution of decisions by the courts. They also receive legal assistance in civil

101 Conseil National Multisectoriel charge de la promotion des personnes handicapées 'Plan quinquennal pour la promotion des personnes handicapées 2016/2020' (n 79) ; Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

102 As above.

103 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

104 As above.

105 Conseil National Multisectoriel charge de la promotion des personnes handicapées 'Plan quinquennal pour la promotion des personnes handicapées 2016/2020' (n 79).

106 As above.

107 As above.

108 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CRPD/C/MRT/1' (n 4).

109 As above.

matters at any stage of the process, whether appearing in court as a plaintiff or defendant. Persons with disabilities are also granted assistance in terms of costs.<sup>110</sup> Legal aid is also granted for the execution of judgments and for the exercise of the right to appeal.<sup>111</sup>

### **11.3 Do people with disabilities have a right to participation in political life (political representation and leadership) in Mauritania?**

Article 3 of the Mauritanian Constitution provides:

The suffrage can be direct or indirect, in the conditions specified by the law. It is always universal, equal, and secret. All the citizens of the Republic, of majority of both sexes, enjoying their civil and political rights, are electors. The law favours the equal access of women and of men to the electoral mandate and elective functions.

Although article 3 applies to everyone, persons with disabilities do not benefit from this provision in terms of their right to vote, to self-represent and to access political and administrative responsibilities of the country. In terms of the 2016-2020 plan of action, persons with disabilities do not have access to voting stations; the ballots are not codified in Braille in order to accommodate persons with visual impairments to enable them to also vote in secret; and there is a lack of legal representation for persons with intellectual disabilities.<sup>112</sup>

The Multi-Sector National Council has an estimated budget of MRO 6 000 000 for organising workshops to create awareness of politicians on self-representation and highlight the participation of people with disabilities. In this regard three workshops have been organised.<sup>113</sup>

### **11.4 Are people with disabilities' socio-economic rights, including right to health, education and other social services protected and realised in Mauritania?**

With regard to education and other social services, see question 11.2 above.

With regard to discussions on health, see question 6.1 above.

In terms of the 2016-2020 action plan, the Multi-Sector National Council reported that control programmes on blindness, mental health, a national orthopaedic and functional rehabilitation centre, and the granting of a cash transfer for taking charge of the health of children with multiple disabilities have been put in place.<sup>114</sup> However, gaps were also highlighted. These include a lack of support specific to persons with disabilities, and a lack of access of women to reproductive health care.

To breach these gaps, the following measures were undertaken as outlined in the 2016-2020 action plan:

- An estimated budget of MRO 5 000 000 was allocated for purposes of conducting training sessions for doctors and nurses for the better management of the Hemophilia disease, through which 50 doctors and 100 nurses were trained.<sup>115</sup>

110 As above.

111 As above.

112 Conseil National Multisectoriel charge de la promotion des personnes handicapées 'Plan quinquennal pour la promotion des personnes handicapées 2016/2020' (n 79).

113 As above.

114 As above.

- An amount of MRO 20 000 000 was allocated for the training of specialists in the field of manufacturing devices and technical assistance for motor-disabled and visually-impaired persons. Consequently, 20 prosthetics and 20 technical wheelchairs, canes and crutches were manufactured.
- An estimated amount of MRO 30 000 000 was made available for the purposes of training physiotherapists for the rehabilitation of disabled persons, and 20 physiotherapists have been trained.
- The estimated amount of MRO 4 000 000 was also allocated for holding campaigns for women's free access to reproductive health care.<sup>116</sup>
- Persons with disabilities receive free prosthetics and orthotics.
- For the training of speech therapists and prosthetics for hearing disabilities, an estimated amount of MRO 20 000 000 was allocated, and 10 speech pathologists together with 10 prosthetists have been trained.

### 11.5 Specific categories experiencing particular issues/ vulnerability:

- **Women with disabilities**

In its combined second and third periodic report to the CEDAW Committee, the Mauritanian government stated that women's poverty takes on different forms. Problems related to a lack of employment or lack of ownership of factors of production relating to land and livestock resulted in health problems such as disability or a lack of access to medical care.<sup>117</sup>

In their 2017 initial report on CRPD, it was stated that 56,07 per cent of women living with disabilities have no level of education compared to 44,09 per cent among men.

- **Children with disabilities**

For gaps regarding children with disabilities, see question 11.2.

- **Other (for example, indigenous peoples)**

In October 2015 Mauritania submitted its initial state report to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>118</sup> Prior to submitting its initial report, the Mauritanian government was presented with a list of issues to address in the report. These included the role and responsibilities of recruiters and their possible joint responsibility with the employer for claims and liabilities that may arise in connection with the implementation of the employment contract, including salaries and disability, death and repatriation allowances.<sup>119</sup> However, Mauritania has not responded to this question, as evidenced by the initial report.

115 As above.

116 As above.

117 Office of the High Commissioner for Human Rights 'Mauritania: Combined second and third periodic reports, CEDAW/C/MRT/2-3' <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/413/87/PDF/G1341387.pdf?OpenElement> (accessed 22 February 2018).

118 Office of the High Commissioner for Human Rights 'Mauritania: Initial report, CMW/C/MRT/1' <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/271/03/PDF/G1527103.pdf?OpenElement> (accessed 22 February 2018).

119 Office of the High Commissioner for Human Rights 'List of issues prior to the submission of the initial report of Mauritania, CMW/C/MRT/QPR/1' [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CMW%2FC%2fMRT%2fQPR%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW%2FC%2fMRT%2fQPR%2f1&Lang=en) (accessed 4 March 2018).

## 12 Future perspective

### 12.1 Are there any specific measures with regard to persons with disabilities being debated or considered in Mauritania at the moment?

Refer to question 11 above. In addition, the Multi-Sector National Council highlighted the issue of general census in Mauritania by noting that the official statistics of the general 2013 census highlights that 0,96 per cent of the entire population are persons with disabilities. However, according to the Council for this census, no specific survey was conducted regarding persons with disabilities. Therefore, the Council stated the importance of organising a specific national survey on persons with disabilities in order to have reliable and comprehensive data on this population.

### 12.2 What legal reforms are being raised? Which legal reforms would you like to see in Mauritania? Why?

Government has undertaken the following laws:

- the adoption of Order 2006/043 relative to the promotion and protection of persons with disabilities;
- the ratification in 2012 of the International Convention on the Rights of Persons with Disabilities;
- the adoption in 2015 of Decree 2015/062, which relates to the recruitment quota for disabled persons (5 per cent);
- Act 2015.033 on the Prohibition of Torture, which stipulates a penalty of 15 years' imprisonment for acts of torture against a child, especially if it leads to mutilation or permanent disability.

However, a number of reforms still need to be undertaken in order to ensure that persons with disabilities enjoy quality access to available rights in Mauritania. These include:

- The quota for employment has to be increased. The current 5 per cent is too small to make any effective impact on reducing the levels of unemployment among persons living with disabilities in Mauritania. It is suggested that this figure be raised incrementally every five years. The enabling legislation to this effect should also apply to the private sector in this respect.
- There is a need for enabling laws that make the construction of disabled-friendly facilities (ramps, lifts, and so forth) mandatory in public buildings.
- Laws governing the conduct of census have to be amended to allow for organising specific national surveys of persons living with disabilities. The purpose of this is to have comprehensive data and an understanding of the issues affecting this vulnerable segment of the population.
- National education policies and legislation should be further enabled to encourage the training of special needs teachers. In this respect, bursaries and scholarships should be made available to interested candidates, with financial incentives provided for employed educators in this field.
- The government should make more resources available for social welfare grants to persons living with disabilities.
- Civil society should be well integrated into government processes around the drafting and implementation of policies on persons living with disabilities. This should include their mandatory inclusion in the activities of government departments tasked with reporting to international bodies and other national

activities. This will also require a statutory provision that stipulates financial and capacity development programmes for civil society.

- There is a need for the development of national programmes that provide specific assistance to schools and NGOs operating in rural areas that are involved in educating and providing special care for the disabled.