



MAURITANIA: A BRIEF ON THE IMPLEMENTATION OF CEDAW COMMITMENTS FROM ARTICLES 2, 16 AND GENERAL RECOMMENDATION 12

*Information for the Committee on the Elimination of Discrimination Against Women
80th Pre-Session Working Group, March 2021*

Submitted By

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INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 80th Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women.

This brief will focus on the following two areas:

1. Sexual Harassment in Work and Employment (General Recommendation No. 12)
2. Child Marriage (Articles 16, 2)

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for this brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report we provide a summary of our findings, as well as suggested questions for the Committee to ask Mauritania, and topics we hope the Committee will address in its concluding observations. This summary is followed by detailed legislative excerpts documenting our findings. We hope the Committee will recommend that Mauritania address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended Mauritania for having provisions in place, we hope the Committee will recommend that Mauritania work with stakeholders to overcome any obstacles in implementing these provisions.



SUMMARY OF FINDINGS AND RECOMMENDATIONS

1. Sexual Harassment in Work and Employment (General Recommendation No. 12)

Our systematic review of national legislation did not identify any legislative provisions that protect women from workplace sexual harassment in Mauritania.

We hope the Committee will:

- In its list of issues, ask Mauritania: Can Mauritania outline any concrete, near-term plans to pass legislation that explicitly prohibits workplace sexual harassment and includes the following key elements?
 - An explicit prohibition of sexual harassment that extends to anyone in the workplace, including supervisors, co-workers, and third-parties, such as customers, clients, or contractors;
 - A clear definition of sexual harassment behaviors, including quid pro quo, conduct that creates a hostile work environment, and sex-based harassment;
 - A prohibition of retaliatory actions against persons who report cases of workplace sexual harassment;
 - An effective and inclusive reporting process that ensures all women, regardless of income or social status, have legal recourse.
- If concrete, near-term plans are not in place, recommend in its concluding observations that Mauritania pass and implement legislation that explicitly develops a comprehensive anti-sexual harassment law which includes all elements listed above.

2. Child Marriage (Articles 16, 2)

Based on our review of national legislation, Mauritania establishes a minimum age of marriage of 18 years for women and men. Despite this provision, data from the UNICEF Multiple Indicator Cluster Surveys indicates that girls in Mauritania are commonly being married at ages younger than 18; in 2015, nearly 30% of girls aged 15 to 19 were married. In the same year, 18% of women aged 20-24 reported having been married before the age of 15, and 37% reported having been married before the age of 18.¹

We hope the Committee will:

- In its list of issues, ask Mauritania: Can Mauritania outline the steps it is taking to implement the legal minimum age of marriage and ensure all girls under the age of 18 are protected from early marriage?
 - If Mauritania is unable to outline steps it is taking to implement the legal minimum age of marriage, recommend in its concluding observations that Mauritania take concrete

¹ UNICEF Data Warehouse. < https://data.unicef.org/dv_index/>



steps towards implementing the law and protecting all children under the age of 18 from early marriage.

DETAIL OF LEGISLATIVE FINDINGS

While the following review is systematic and rigorous, we recognize that there may be laws or policies governing these areas that we have not captured, including new legislation or policies that have not yet been published globally.

1. Sexual Harassment in Work and Employment (General Recommendation No. 12)

Referencing Articles 2, 5, 11, 12, and 16 of the Convention, General Recommendation 12 further recommends that States parties implement legislation protecting women from sexual harassment in the workplace.

We systematically reviewed national labor codes, penal codes, equal opportunity, and other relevant legislation available through the International Labor Organization’s NATLEX database for all 193 UN member states to determine whether national legislation prohibited sexual harassment at work. We examined whether protections from sexual harassment at work were in line with international agreement of what constitutes key components on sexual harassment. Namely, do laws define sexual harassment to cover quid pro quo and the creation of a hostile work environment; include sex-based harassment as well as sexual-behavior based harassment; protect workers from harassment by co-workers and other actors in the workplace, as well as supervisors; and ensure workers are protected from retaliation for reporting sexual harassment?

MAURITANIA’S LEGISLATIVE PROVISIONS: MISSING EXPLICIT LEGISLATIVE PROTECTION FROM WORKPLACE SEXUAL HARASSMENT

Our systematic review of national legislation did not identify any legislative provisions that protect women from workplace sexual harassment in Mauritania.

2. Child Marriage (Articles 16, 2)

Child marriage disproportionately affects girls, often leading to social, economic, educational, and health inequalities, which States Parties have committed to eliminating. Article 16.2 of the Convention calls on States Parties to legislate a minimum age of marriage and prohibit the marriage of children. Additionally, disparities in the legal minimum age of marriage between girls and boys contravenes Article 2(a) of the Convention, which commits States Parties to “embody the principle of the equality of men and women” in their “national constitutions or other appropriate legislation”.

We systematically reviewed national civil codes and child-related legislation for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all



legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labor Organization's NATLEX database, regional sources, and official country websites.

MAURITANIA'S LEGISLATIVE PROVISIONS: NEED TO IMPROVE IMPLEMENTATION OF MARRIAGE LAWS

Based on our review of national legislation, the *Personal Status Law* of Mauritania establishes a minimum age of marriage of 18 years for all women and men. Despite this provision, data from the UNICEF Multiple Indicator Cluster Surveys indicates that girls in Mauritania are commonly being married at ages younger than 18; in 2015, nearly 30% of girls aged 15 to 19 were married. Additionally, during the same year, 18% of women aged 20-24 reported having been married before the age of 15, and 37% reported having been married before the age of 18.²

Loi Portant Code du Statut Personnel

CHAPITRE III : LES ELEMENTS CONSTITUTIFS DU MARIAGE

Article 5 : Les éléments constitutifs du mariage sont: les deux époux, le tuteur « weli », la dot et le consentement.

SECTION 1 : LES EPOUX

Article 6 : La capacité de se marier est accomplie pour toute personne douée de raison et âgée de 18 ans révolus. L'incapable peut être marié par son tuteur «weli» s'il y voit un intérêt évident.

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² UNICEF Data Warehouse. < https://data.unicef.org/dv_index/>