



Committee on the Elimination of Discrimination against Women
Human Rights Treaties Division (HRTD)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
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Re: Information on Mauritania for Consideration by the Committee on the Elimination of Discrimination against Women at its 84th Session (06 Feb 2023 - 24 Feb 2023)

Dear Distinguished Committee Members,

We respectfully submit this letter to the Committee on the Elimination of Discrimination against Women (“the Committee”) for consideration during its 84th session (06 Feb 2023 - 24 Feb 2023). Association des Femmes Chefs de Familles, the Global Campaign for Equal Nationality Rights, Institute on Statelessness and Inclusion, and Equality Now request that this letter be used to inform the Committee's review of Mauritania. Our joint submission expresses our concerns regarding gender discrimination in Mauritania's nationality law, which denies Mauritanian women the right to pass nationality to their child and spouse on an equal basis with men.

Association des Femmes Chefs de Familles (AFCF) promotes women's rights in Mauritania, particularly focusing on women's and children's rights, by campaigning to reform laws and policies to protect women and children from violence, trafficking, racial discrimination, harmful practices, and poverty. The [Global Campaign for Equal Nationality Rights](#) mobilizes international action to end gender discrimination in nationality laws through its coalition of national and international organizations¹. The [Institute on Statelessness and Inclusion](#) (ISI) is the first and only human rights NGO dedicated to working on statelessness at the global level. ISI's mission is to promote inclusive societies by realizing and protecting everyone's right to a nationality. The Institute has made more than 130 country specific submissions to UN human rights bodies on the right to a nationality and the rights of stateless persons. Equality Now is an international human rights organization with ECOSOC status and a mission to achieve legal and systemic change that address violence and discrimination against all women and girls around the world, and author of [The State We're In: Ending Sexism in Nationality Laws – 2022 Edition – Update for a Disrupted World](#).

Discriminatory provisions in the Nationality Law

Mauritania's nationality law, *Loi N° 1961-112 portant code de la nationalité mauritanienne* (Nationality Law)² as amended by *Loi No 2010 - 023*³ and *Loi n° 2021-016* denies women equal rights with men to confer nationality

¹ Steering Committee members include Equal Rights Trust, Equality Now, Family Frontiers, Institute on Statelessness and Inclusion, Nationality For All, Women's Learning Partnership, and Women's Refugee Commission.

² Mauritanie Loi N° 1961-112, *Loi portant code de la nationalité mauritanienne*, available at: <https://www.refworld.org/docid/3ae6b5304.html>

³ Mauritanie Loi No 2010 – 023, http://citizenshiprightsafrika.org/wp-content/uploads/2016/05/Mauritania_2010.pdf

on children, as a child born abroad to a Mauritanian mother may only opt for Mauritanian nationality the year before their 18th birthday. The government may reject the child's request for Mauritanian nationality on the grounds of the applicant's perceived unworthiness, lack of or insufficient assimilation, or serious physical or mental disability. These requirements do not apply to a child born to a Mauritanian man, who has the right to automatically confer nationality on his child at birth. Additionally, a child may lose Mauritanian nationality if his naturalized father is stripped of his Mauritanian nationality, without consideration of the mother's Mauritanian nationality.⁴ Mauritania's nationality law also denies Mauritanian women equal rights with men to confer nationality on a non-national spouse. While the spouse of a Mauritanian man may acquire nationality by request after residing in the country for five years, the spouse of a female citizen must apply for naturalization under normal procedures with a reduced residency requirement of five years.

Discriminatory nationality laws are based on stereotypes, which in turn reinforce stereotypical roles for both women and men, such as the idea that a child "belongs" to a father rather than a mother, in which case the father's nationality is more likely to attach to them. In cases where a child born abroad is unable to acquire the nationality of his or her foreign father, the child may be at risk of statelessness until the year before reaching majority, which could have serious implications for the child. Gender discrimination in Mauritania's nationality law also undermines women's ability to freely choose a spouse and threatens family unity, due to women's inability to confer nationality on spouses on the same basis as men. Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women recognizes such laws as a form of discrimination, and provides that women are to have "equal rights with men to acquire, change or retain their nationality," and "with respect to the nationality of their children." In its General Comment No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the CEDAW Committee confirmed that Article 9 extends an obligation to ensure equality between men and women in the ability to confer their nationality to their spouse.

Furthermore, there are questions regarding the *full implementation in practice* of women's ability to automatically confer nationality on 1) children with non-citizen fathers and born inside Mauritania and 2) children born abroad with stateless/unknown fathers, as well as the Government's acceptance of applications for citizenship of children born abroad to Mauritanian mothers and foreign fathers.

Stateless children suffer wide-ranging human rights violations, with stateless girls in particular at increased risk of child marriage and human trafficking. In fact, gender discrimination in Malaysia's nationality law contributes to multiple forms of gender-based violence (GBV) and contributes to the root cause of GBV, women's unequal status in society.

We welcome that the Committee, in its List of Issues and Questions for the 4th periodic report, asks the Mauritanian government to provide information on measures taken to amend the Nationality Code and to enable Mauritanian women to transmit their nationality to their children and foreign spouse on an equal basis with Mauritanian men. We also welcome the Committee's recommendation in its Concluding Observations from the combined 2nd and 3rd periodic review that the State Party enact reforms to eliminate discriminatory provisions which prevent Mauritanian women from conferring nationality on their child and non-national spouses on an equal basis with men.⁵

⁴ Art. 34.- « La déchéance peut être étendue à la femme et aux enfants mineurs de l'intéressé à condition qu'ils soient d'origine étrangère et qu'ils aient conservé une nationalité étrangère. Elle ne pourra, toutefois, être étendue aux enfants mineurs, si elle ne l'est également à la femme. » English translation (unofficial): Forfeiture may be extended to the wife and minor children of the person concerned, provided that they are of foreign origin and have retained a foreign nationality. It cannot, however, be extended to the minor children if it is not also extended to the wife.

⁵ Concluding observations on the combined second and third periodic reports of Mauritania, U.N. Document CEDAW/C/MRT/CO/2-3 (24 July 2014) available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=814&Lang=en

It is concerning that, in its response to the Committee's Question 4 regarding steps taken to repeal discriminatory provisions, particularly in the Nationality Code, the Government does not recognize remaining gaps in the Nationality Code which deny Mauritanian women the right to confer nationality on children, regardless of the child's place of birth, on an equal basis with Mauritanian men.

Furthermore, though the Government response to question 12 notes that Article 6 of Law No. 61-112 on the Nationality Code stipulates that all provisions relating to nationality contained in ratified and published international treaties or agreements apply even if they are contrary to Mauritanian national legislation, we note that authorities continue to apply the gender-discriminatory provisions of the Nationality Code in practice and urge reform of gender-discriminatory nationality law provisions without delay so that Mauritanian women may enjoy equal nationality rights in law and in practice.

We welcome reforms enacted in 2021 to permit Mauritanian citizens to hold dual nationality.⁶ While bans on dual nationality in no way preclude gender-equal nationality laws, statements made in the Government's 4th periodic report (prior to these reforms) note concerns pertaining to women's nationality rights and the country's then ban on dual citizenship. In light of the Government's statements, we remain hopeful that Mauritania may build on recent nationality law reforms and comprehensively eliminate gender-discriminatory provisions without delay.

We ask the Committee to continue to encourage the government of Mauritania to advance further reforms to ensure that Mauritanian women enjoy nationality rights on an equal basis with Mauritanian men.

Birth Registration for children born out of wedlock

Following the Civil Status Reform in 2010, birth certificates can be issued to children born on Mauritanian soil only if their parents are registered according to the 2010 established procedure and provide a marriage certificate in compliance with the Personal Status Code 2001-052.⁷ The Personal Status Code creates another obstacle to the registration of children born outside legal marriage by requiring that the father, not mother, register births. This is often not possible for children born out of wedlock, especially in cases where the mother is unable to locate the father, or in cases where the father considers the child to be illegitimate. Consequently, children born out of wedlock cannot access civil registration and therefore become victims of statelessness, while Mauritanian women are denied the right to independently register their child regardless of marital status.

Denial of citizenship to Haratine families

Former slaves and their descendants form the community called the Haratines (the 'freed' in Hassanya), face significant practical obstacles in obtaining civil registration. National civil society organizations have identified approximately 9,000 Haratine girls and their parents, who lack identity documents and have been unable to obtain civil status. Their lack of documentation coupled with the structural racial discrimination they endure, places them at heightened risk of statelessness. More than 19,000 children have been prevented from accessing education due to lack of access to identity documents. Haratines without identity documents, face difficulties in accessing employment and vocational training, enjoy limited freedom of movement, and do not have equal access to state services. They have difficulty proving that they are Mauritanian and some have been treated/seen as Malian nationals because of the porous border between the two countries. Women and girls from this community face compounding forms of discrimination and are at heightened risk of gender-

⁶ Journal Officiel de la Republique Islamique de Mauritanie, N 1492, 63rd year, August 30, 2021, available at : <https://www.msgg.gov.mr/sites/default/files/2021-10/J.O.%201492F%20DU%2030.08.2021.pdf>

⁷ Mauritania: Loi No. 2001-052 du 2001, Loi portant code du statut personnel [Mauritania], 15 August 2001, available at: <https://www.refworld.org/docid/3fc7652f2.html>

based violence.

Other Forms of Gender Discrimination

In addition to the issues pertaining to nationality rights detailed above, the cosignatories express deep concern regarding other critical areas of gender discrimination. Women and girls continue to face significant discrimination in inheritance and the right to freely choose a spouse. ACFC has received reports of numerous young women who have married contrary to the wishes of their family and have subsequently been separated from their spouse, faced arrest, and even imprisonment. There is an alarming upsurge in reports of sexual violence and child marriage. Despite laws including ordinance 2005/015 which sets the minimum age of marriage at eighteen, guardians may “permit” a girl’s marriage before eighteen. In cases of rape, four witnesses are often required and perpetrators remain unpunished in the absence of such witnesses coming forward. Furthermore, Mauritania continues to lack a law that specifically criminalizes gender-based violence, despite a bill initiated by AFCF and adopted three times by the Council of Ministers, which was rejected by parliament and withdrawn by the Government.

Recommendation for Action by the Government of Mauritania

Based on the above information, the co-submitting organizations respectfully urge the Committee to make the following recommendations to Mauritania:

1. Amend nationality law provisions that discriminate on the basis of gender to ensure that women and men enjoy equal rights to confer nationality, in particular to ensure that Mauritanian women are able to confer nationality on children born abroad and on non-national spouses on an equal basis with men;
2. Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
3. Ensure that all children born in Mauritania are registered at birth by providing access to birth registration without discrimination on the basis of the parent’s sex or marital status; and enact reforms to guarantee each parent’s independent and autonomous right to obtain a birth certificate for their child regardless of the parent’s sex or marital status;
4. Facilitate registration procedures for former slaves and returnees from Senegal and Mali and their families, to ensure their right to nationality is protected and take measures to combat intersecting discrimination faced by women and girls from these communities; and
5. Enact reforms to remove gender discrimination in law, including laws related to inheritance and personal status, and take urgent action to pass a law banning gender-based violence.

Thank you very much for your kind attention, and please do not hesitate to contact us for further information.

Sincerely,



Catherine Harrington
Campaign Manager
Global Campaign for Equal Nationality Rights