

[Translation]

Islamic Republic of Mauritania
Honor – Brotherhood - Justice



Government Response to the Inquiries submitted by Human Rights Watch
on Sexual Violence

Greetings and Regards, it is our pleasure to respond to your inquiries, which were received in the form of a letter dated July 12, 2018 from the executive director of the Middle East and North Africa division at your esteemed organization.

1. Monitoring and documenting incidents of sexual assault

Sexual delinquency is a relatively new phenomenon in Mauritania, most likely associated with issues such as school dropouts, absence of proper guidance and frameworks for children, weakening of the family structure, increased individualism alongside an increasingly fading communal solidarity, cultural globalization, and external influences.

In recognition of the dangers and threats of sexual abuse, Mauritania has enacted appropriate legislations on the criminal protection of children, for example the legal order 015-2005 of December 5, 2005.

In this context, Mauritania ratified the law for criminal protection of children and the General Directorate of National Security established three commissions for minors in the three administrative regions of Nouakchott, which contributed towards a more humane treatment of sexual offenses and placing them within institutional and operational frameworks.

This approach has also ensured faster means for parents, social workers and non-governmental organizations to notify the three commissions of cases of minor or women who are victims of sexual assault or ill treatment.

As with other offenses, incidents of sexual assault are reported and documented with the judicial police, where judicial police officers and agents conduct preliminary investigations and collect relevant evidence, whether instructed to do so by the prosecutor or automatically. These procedures are supervised by the prosecutor's office, where investigators are required to take all necessary measures to ensure respect for religious rites and professional conducts of confidentiality and defense rights.

On the other hand, incidents of sexual assault against minors are documented by civil society organizations working within the framework of the National System for the Protection of Children. Launched in 2010, this program is coordinated by the Ministry of Social Affairs, Childhood and Family, with the supervision of regional and local authorities established by

the ministry and its partners in development, to ensure the protection of children’s rights, the proper addressing of incidents, and the collection of data.

These organizations work with various relevant sectors such as the Ministry of Health, national police and national courts, whereby they provide psychological support and advocacy for survivors, drawing on the sector’s legal framework and national policies.

2. Reports documented by the authorities on incidents of sexual abuse since 2014

Statistics reveal that most incidents of sexual assault and domestic violence are against minors or adolescents. Perpetrators are often individuals close to the victims or family members who exploit the innocence and immaturity of the above-mentioned people to sexually abuse them.

Table: Police Department Statistics for the period January 1, 2014- July 31, 2018

Category	Number of Incidents	Victims
Rape of adults	506	Women
Rape of minors	149	Boys and girls
Attempted rape	175	Women and minors
Gang rape	33	Women and minors

Within the framework of the National System for the Protection of Children, 104 cases of sexual assault were documented as follows:

- Hodh Ech Chargui (Eastern Basin): 6
- Hodh El Gharbi (Western Basin): 1
- Assaba: 9
- Gorgol: 7
- Brakna: 6
- Dakhlet Nouadhibou: 16
- Nouakchott-Sud (Southern Nouakchott): 50
- Nouakchott-Nord (Northern Nouakchott): 7
- Nouakchott-Ouest (Western Nouakchott): 2

In the same context, the following cases were documented in 2017 by the Family Disputes Administration at the Family Department and associated regional authorities at the Ministry of Social Affairs, Childhood and Family.

Identifying Authority	Number of Incidents
Central Administration	58
Nouakchott	23
Hodh Ech Chargui (Eastern Basin)	0
Hodh El Gharbi (Western Basin)	03
Assaba	23
Gorgol	115

Brakna	04
Trarza	07
Adrar	09
Nouadhibou	16
Guidimaka	02
Tiris Zemmour	03
Total	266

3. Ensuring the privacy and protection of female complainants during all investigation and trial procedures

Mauritanian law provides legal guarantees to protect the confidentiality of criminal investigations. Specifically, article 11 of the Code of Criminal Procedure provides for the confidentiality of preliminary investigation. Anyone who participates in the investigation is obliged to maintain professional confidentiality, or otherwise be subject to criminal punishment.

Judicial investigation in cases of sexual assaults against minors is conducted in strict confidentiality as not to affect the outcome. Hearings for offenders and minor victims are arranged in the presence of an independent social worker and a lawyer. The victim is examined by a medical practitioner dedicated to this purpose.

In addition, minutes of the hearings should be signed by the attending social worker and lawyer to confirm validity.

If the complaint submitted is not sufficiently substantiated or supported by collected evidence, the prosecutor may request from the investigative judge to open an interim investigation against all persons who are indicated in the investigation. In such a case, the investigative judge can conduct hearings for those referred to in the complaint as witnesses, and these witnesses in turn will have the right to seek help from lawyers, until there are new charges or requests for investigation against a specific person by name.

Rape victims receive psychosocial support at police stations through the heads of the three regional commissions in Nouakchott, all of whom are female police officers. This provides the victims with increased reassurance and confidence and prevent them from succumbing to any family and societal pressures seeking to relieve the perpetrator from conviction when he is from the same family community.

4. Providing a lawyer and a social worker

The administration provides children victims of sexual assaults with protection through a professional social counselor and a lawyer, as soon as notice is made of the incident with the judicial police. Some partners are also contacted to provide logistical support when needed. The administration follows up on cases of child victims of sexual assaults, and providing them with the appropriate protection, when needed, through the judiciary.

5. Provision of direct legal, medical, psychological, and social services by the government to the survivors of sexual violence

From a legal perspective, all services provisioned by law to crime victims are provided for the survivors of sexual violence.

From a medical and psychological perspective, this issue was not pressing before the past few years. Hence, the Ministry of Health developed in mid-2017 a pilot program to provide health services to victims of sexual violence. The program included the provision of a center to receive the victims at the Maternal and Child Health Center, where they receive assistance including urgent counseling and psychological support, in addition to contraceptive pills (the morning-after pill) and surgical procedures if necessary.

The program is being implemented with the support of a Spanish NGO, *Médicos del Mundo*, with the contribution of national NGOs organizations in the areas of raising awareness and providing victims with guidance and assistance and following up on them. Treatments under this program are free of charge, as they are covered by the state and supporting organizations.

The following yield was reported for the first year of the program (June 2017 to June 2018):

- Number of cases: 184.
- 10% of cases were identified as pregnancies, and followed up until delivery, where the families decided to keep the children.
- Two cases required surgical intervention (four-year-old victims). Surgeries were successfully carried out for free.
- The majority of victims are aged 13 to 16 years.

From a social perspective, survivors benefit from various services, including social mediation, legal support, healthcare, psychosocial support and advocacy. Survivors will receive even more benefits after the enactment of the **General Code on Children's Protection**, with four of its articles (72 to 75) dedicated to the protection of children from sexual exploitation. The code defines sexual exploitation and provides for the identification of children in difficult circumstances and the protection of children victims of sexual violence, by punishing violators.

Articles 91 to 97 of the same code provide for the establishment of institutions and centers for prevention, care, formation and rehabilitation for the sake of children at risk.

6. Medical and psychological care, legal counseling, and support for children

Legal counseling is provided to children as soon as they become part of the criminal procedure whether they are victims, perpetrators or accomplices in any crime, including children who are victims of sexual assaults.

7. Shelters for women and children

The government ensures that children victims of abuse receive comprehensive care through the Center for the Protection and Social Integration of Children, an administrative public institution with a civil personality and financial independence under the direct supervision of the minister responsible for children.

The center was established by Decree No. 184-2007 of November 1, 2007, for establishing a public institution of an administrative nature under the name The Center for Protection and Social Integration of Children.

The Center's mission includes:

- Contribution to the prevention of child delinquency and homelessness;
- Contribution to the guarantee of providing appropriate psychological, legal, and social frameworks to the children most vulnerable to such phenomena;
- Ensuring the integration and inclusion of these children in the normal social system;
- Educational formation;
- Rehabilitation of children at risk of delinquency;
- Establishing a system for monitoring and analyzing data on the evolution of these phenomena.

Services and activities directed at children:

- Educational formation (Quran teaching, literacy classes, supporting lessons);
- Professional formation;
- Counseling and guidance, psychological and legal support, recreation, nutrition, and healthcare;
- Providing school and care supplies;
- Income-generating activities and food assistance for families of children that are most in need.

Areas of Intervention:

- The institution intervenes at the central level through Dar Al-Naim and Al-Mina'a centers for care and rehabilitation of children with difficult circumstances and regionally through the branches in Kiffa, Nouadhibo, and Rosso, while other services are provided in non-institutionalized forms at the national level whenever necessary as part of the center's role.
- In 2017, the institution received more than 800 children with difficult circumstances, and 516 children were integrated.

8. Indeterminate prison sentences

Mauritanian law does not provide for indeterminate penalties, and there is no conflict with the principle of the legitimacy of the crime or punishment. Those sentenced with flagellation are

released as soon as they provide a guarantee of *habeas corpus*, whenever the penalty becomes final or obtains the authority of the court ruling.

9. Rules of evidence to ensure the review of medical records when available

Except where otherwise provided by law, offenses may be proved by all legal evidence. The law provides that all means compatible with the law can be taken into account in proving crimes, including of course medical examination. In all cases, the police resorts to the use of medical examination in cases of *zina*, rape, attempted rape, or pregnancy, even where the situation is clear – this procedure is done upon an order by the judge or as a normative police procedure. The judge rules based on his personal conviction that relies on proof and legal evidence. Confession, like all other evidence, is considered at the discretion of the judge.

10. Understanding of medical records written in French by Arabic-speaking judges

The national list of judicial experts includes experts who are jurors and accredited in their respective fields of specialization. In all cases, the judge may refer to these specialists and to other professional experts, even if they are not accredited. He may also order the translation of documents from any language he is not proficient in to Arabic.