



Global Monitoring



Report on the

**status of action against commercial
sexual exploitation of children**

MAURITANIA



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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

ANAIF-PIE: Association Nationale pour l'appui à l'initiative et Environnementale (National Association for the Support of the Feminine Initiative for the Protection of Children and the Environment)

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

Grooming: Preparing a child for sexual abuse and exploitation`

HIV: Human immunodeficiency virus

ILO: International Labour Organization

INGO: International non-governmental organization

NGO: Non-governmental organization

NPA: National Plan of Action

UN: United Nations

UNICEF: United Nations Children's Fund

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

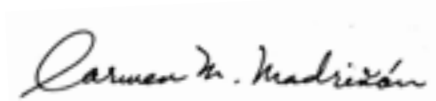
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.

MAURITIUS



Commercial sexual exploitation of children (CSEC) appears to be a relatively recent phenomenon in Mauritania. While it has existed in the form of forced child marriages for some time, child prostitution, child sex tourism and trafficking in children for sexual purposes are becoming more common,¹ (especially the prostitution of children by relatively well-organised internal networks).² However, counteraction has been hindered by a number of factors, not least the fact that the subject is taboo in Mauritania and usually treated under the broader issue of “violence against children”, instead of being addressed in all its particularities and complexity. The population of Mauritania is 100 per cent practicing Muslim, and although the practice of prostitution is strictly forbidden in Islam, the commercial sexual exploitation of children takes place very secretly and is heavily frowned upon. Decision makers, legislators, elected officials, village chiefs and families know little about or are completely unaware of the commercial sexual exploitation of children.³

Child prostitution in Mauritania is essentially an urban phenomenon, found primarily in capitals and large cities, where foreign and local tourists and expatriates are common. It has been reported that parents often send girls from the countryside to larger cities to find work and some of them end up living in houses where prostitution is practiced. The parents receive small amounts of money from their children and often remain ignorant as to its exact source.⁴

Children used as procurers for underage girls

Boys aged 16 and 17 years old have reported having assisted in the prostitution of young girls for profit. One child stated, “rich people ask me to find prostitutes for them. They give me between 500 and 2,000 ouguiya (approximately US\$ 2 and US\$ 8). These are married men; I know five or six of them. Sometimes they ask me for a little girl. There are a lot of girls who do this, and they live with their families who don’t know a thing.” Another said, “I send girl X, who is 12 years old, to some rich men and she gives me money. Other times, I go myself, or we go together.”⁵

A number of studies focusing on street children found that many are being exploited through prostitution, including boys.⁶ According to a study by Father François Lefort, street children are targeted by unscrupulous adults, often foreigners, who exploit them either as pimps or directly. In a 2003 report, he attested to having treated 103 children abused by seven westerners. He also reported that, out of 400 children living without their families in the streets of Nouakchott (the capital city), almost 10 per cent earn their living through prostitution.⁷

The practice of ‘siriya’, the forced, clandestine marriage of girls from poor families to married men, in a more or less official manner, is also prevalent within Mauritania.⁸ Siriya may be considered a form of CSEC when it involves the marriage of girls under the age of 18, and the child/adolescent bride is forced to marry in exchange for some financial gain to her family. Very often these girls do not lead a normal marital life, and in some cases are not even expected to bear children due to inheritance issues. Some of these girls choose to escape such unhappy arrangements and find themselves without family support or survival options other than prostitution.

Child trafficking usually occurs for exploitation in work rather than for sexual purposes, but some children trafficked to work as domestic servants are subjected to sexual abuse as well.⁹ Although there is limited information available on this, the relationship between child domestic work and CSEC should be highlighted, as worldwide child domestic workers are more than often subject to sexual exploitation by their employers. As some form of transaction has mostly likely taken place in order to employ the child, he/she is often viewed as the ‘property’ of the employer,¹⁰ being particularly vulnerable to sexual harassment and violence from men and boys living in or associated with the household: relatives, neighbours and even the spouse of the employer,¹¹ who sometimes understands that sexual services should be ‘part of the agreement’. The fact that the child tends to work

alone in individual households, hidden from public scrutiny, adds to his/her vulnerability.

According to the Government, the distribution of pornographic images of children over the Internet is a recent phenomenon in Mauritania and therefore not much data is available on its prevalence.¹² Child pornography, as well as child sex tourism, does not appear to be as prevalent as child prostitution.¹³ Nevertheless, 58.1 per cent of the children (both at risk and already involved in prostitution) interviewed in a situational analysis on CSEC were invited to watch films of children naked on the beach, in bedrooms and engaged in sexual activities.¹⁴

Girls who become pregnant while involved in prostitution are stigmatised and rejected by their families and communities. Some are even reported to the authorities and sentenced to prison terms according to the Koranic law of sharia. Once they have been excluded in this way, it is extremely difficult for them to be reintegrated into society. As a result, they remain in prostitution, as no other option is available for their survival.¹⁵

The leading causes of victimisation of children through prostitution are poverty, divorce and the loss of a parent. In a situational analysis on CSEC conducted in 2003, 91.9 per cent of those children surveyed cited poverty as the main reason they turned to prostitution.¹⁶

Mauritania participated in the First World Congress against CSEC in 1996 and adopted the *Stockholm Declaration and Agenda for Action* in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

The Ministry of Health and Social Services, in collaboration with the United Nations Children's Fund (UNICEF) and the NGO ANAIF-PIE (the ECPAT group in the country), developed the *Plan of Action against the Sexual Exploitation of Children*. Although the plan was officially adopted in November 2005,¹⁷ very few activities have been conducted to date. Its non-implementation is a matter of serious concern, and clearly shows that the commercial sexual exploitation of children is not being addressed in Mauritania.

The few activities undertaken as part of the plan of action include awareness raising campaigns, with financial support from UNICEF and ANAIF-PIE. The *Minors Penal*

Code (Code Penal des Mineurs) was adopted, and a special police force to deal with crimes against children - the Brigade des Mineurs - was also established.

This NPA is divided into five areas of action: 1) evaluation of the extent of CSEC and determination of the legal gaps concerning CSEC; 2) international cooperation and coordination for the prosecution of offenders, especially concerning trafficking; 3) prevention through awareness raising, reducing the vulnerability of key child groups and improving health care and sex education for young people; 4) protection through legal reform, capacity building of law enforcement personnel, creation of child protection units and decriminalisation of CSCE victims; and 5) rehabilitation and reintegration.¹⁸

COORDINATION AND COOPERATION

Local and National Level

Cooperation and coordination between the relevant government ministries and NGOs is strong in the area of sexual violence and this provides an area for future action on the sexual exploitation of children.¹⁹ Nevertheless, the mobilisation of key stakeholders and coordination of action against commercial sexual exploitation of children has been seriously hindered by the non-implementation of the *Plan of Action against the Sexual Exploitation of Children*. Implementing the plan is essential to establishing links between NGOs, government agencies, law enforcement personnel, the Brigade for Minors, the Chamber for Minors (Chambre des Mineurs), the Ministry of Justice, the Ministry for Women, Children and Families and other relevant stakeholders.

In 2003, a group of Mauritanian NGOs formed the National Association for Support of the Feminine Initiative for the Protection of Children and the Environment (ANAFI-PIE), which is the national focal point on commercial sexual exploitation of children.

A number of institutions were created recently to promote child welfare: the National Council on Children; a parliamentary group responsible for the welfare of children; and the Association of Mayors for the Defense of Children's Rights. However, they do not specifically address commercial sexual exploitation of children.

Regional and International Level

Mauritanian law enforcement has cooperated with the police and border guards from neighbouring countries to combat trafficking in children.²⁰ More cooperative efforts must be undertaken with neighbouring countries such as Senegal and Mali, which are notorious for receiving foreign sexual abusers.²¹ If preventative measures are not taken, Mauritania could also be increasingly targeted by such criminals in the future.

The Arab-African Forum against the Sexual Exploitation of Children was held in 2004 in Morocco, as a follow up to the Yokohama Congress.²² It was hosted by the Government of Morocco, with support from UNICEF, ILO/IPEC, ECPAT International and the NGO Group on the Convention on the Rights of the Child.²³

Furthermore, a Regional Consultation for the Middle East and North Africa (MENA) on the UN *Study on Violence against Children* was held in Cairo in 2005 by UNICEF, the UN Secretary-General and the MENA National Councils of Childhood. The *Cairo Declaration* was adopted on this occasion.²⁴ A second Regional Consultation was organised in 2006 to ascertain the progress made since the first consultation.

PREVENTION

Delays in the implementation of the *Plan of Action against the Sexual Exploitation of Children* have hindered several preventative actions. For instance, it is essential to foster the formation of regional and local child protection committees in order for communities to engage actively in monitoring and reporting cases of child abuse and neglect. These committees should function as part of multi-disciplinary teams (comprising NGOs, social workers, education and health professionals, the tourism industry, law enforcers, public prosecutors) formed to detect and prevent incidences of sexual exploitation of children. More comprehensive programmes to support vulnerable children - street children, institutionalised children, disabled and migrant children - must be put in place as part of a holistic national strategy for child protection. In relation to the private sector role, very little action has taken place against child sex tourism, and the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* has not been adopted by the Mauritanian tourism industry.

ANAIF-PIE runs three centres providing paediatric and psychiatric care to vulnerable children and children already exploited in commercial sex. ANAIF-PIE also runs a child protection, insertion and welfare centre focusing on children affected by HIV/AIDS, child victims of sexual exploitation and malnourished children. Furthermore, it conducts micro-finance and training programmes for women's cooperatives led by unemployed single mothers, and has created and is coordinating a network called 'Women and Development in Mauritania', comprising more than 30 NGOs led by women. ANAIF-PIE recently conducted studies on the different aspects of child abuse, including sexual abuse of children, and seeks to raise awareness on 'taboo' issues such as sexuality, particularly sexuality related to children.²⁵

Addressing trafficking of child camel jockeys also prevents CSEC

In the region, some children trafficked to work as camel jockeys are subsequently commercially sexually exploited in the destination countries. As such, a cross-border repatriation programme for child camel jockeys, established by the United Arab Emirates (UAE) and Mauritania, with support from UNICEF, can play an important role in protecting such children, mainly boys, from sexual exploitation. Since poverty is a major root cause of the problem, the project also addresses the needs of affected communities and supports them with basic services, especially in more remote areas. Furthermore, the Government of the UAE has provided affected families with compensation and is offering alternative income-generating activities to prevent the further trafficking of children.²⁶

The Government of Mauritania has conducted awareness raising and sensitisation campaigns on issues regarding the sexual exploitation of children.²⁷

New law to curb child labour protects children from CSEC

Child labour, particularly the use of girls in domestic work, is generally condoned in Mauritania. Children are viewed by some employers as a source of cheap labour, and by some parents as a source of extra income. Child labour also places children in situations of extreme vulnerability to commercial sexual exploitation. A key new law punishes the parents and the employer, even where a child may be said to have given consent, by loss of civil and civic rights, a prison term and a fine of 500,000 to one million ouguiyas (US\$ 1,900 to US\$ 3,800).²⁸

PROTECTION

Mauritania ratified the *Convention on the Rights of the Child (CRC)* in 1991. Upon signing, it stated that “the Islamic Republic of Mauritania is making reservation to articles or provisions which may be contrary to the beliefs and values of Islam, the religion of the Mauritania People and State”. Mauritania acceded to the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2007. The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* was ratified in 2005, and ILO Convention No. 182 in 2001. The *African Charter on the Rights and Welfare of the Child* was ratified in 2005.

Legislation

The harmonisation of Mauritanian legislation with the *Convention on the Rights of the Child* has been initiated. Most of the provisions relevant to CSEC are found in Mauritania’s *Ordonnance No. 2005-015 portant protection pénale de l’enfant*, comprising a *Code pénal pour enfants* and a *Code de procédure pénale pour enfants*³¹ - respectively the *Children’s Penal Code* and *Children’s Penal Procedure Code*.

Children are defined as persons up to the age of 18,³² but the established age of criminal responsibility is very low. While children under the age of seven cannot be legally held accountable for their acts, and children over the age of seven are presumed to lack the capacity to infringe penal laws, this presumption may be rebutted. This means that children as young as seven years old may be held criminally responsible, even though the *Code Pénal pour Enfants* specifies that children between the ages of 7 and 15 can only be subject to “protective measures” (“mesures de sauvegarde”).³³ Accordingly, in criminal matters, children under the age of 15 may not be imprisoned but are still potentially subject to ‘penalties’ defined as: being placed under the custody of parents or other ‘trustworthy persons’, or sent to a ‘reinsertion center’³⁴ for a period to be determined by a judge.³⁵ As such, children exploited in commercial sex may be subject to further traumatic situations instead of receiving adequate support and rehabilitation.

A considerable evolution in Mauritania’s legislation and law enforcement practices has taken place in the last few years, but as a general principle very young children can still

be held criminally liable, which is disturbing and makes them particularly vulnerable, especially in situations of commercial sexual exploitation. In relation to CSEC specifically, it should be pointed out that, based on ECPAT research, there is no legal provision saying that a person prostituting themselves can be held liable, including children. The general Penal Code of Mauritania criminalises procuring and all the acts surrounding prostitution (living on the avails of prostitution, inducing someone into prostitution, etc.), as well as penalises the clients of prostitutes,³⁶ but does not specifically refer to a person prostituting themselves. As Mauritania is an Islamic republic and condones “les attentats aux mœurs de l’islam”³⁷ it may very well be that persons prostituting themselves could be held liable, including children.

Prostitution of Children

Mauritanian law has provisions on procuring³⁸ that are broad enough to encompass the obtaining, offering, procuring and provision of a child for prostitution, thus complying with the *Optional Protocol*. Another positive feature of Mauritanian law is that it makes express reference to and criminalises the clients of prostituted children. However, the law does not provide a definition of what constitutes child prostitution - the use of children in sexual activities for remuneration or other compensation, as defined in the *Optional Protocol*, and would benefit from greater clarity in this regard.

Ordonnance No. 2005-015 portant protection pénale de l’enfant contains provisions applying to child prostitution. The most relevant provision targets procuring, or proxénétisme and defines it as including several acts: aiding, assisting or protecting the prostitution of another person; making a profit from another person’s prostitution; hiring, involving or coercing someone into prostitution; acting as an intermediary; hampering the actions of prevention, control, assistance or education undertaken by qualified organisations and directed at persons in danger of prostitution or exercising prostitution.³⁹

When the abovementioned acts are committed against a child, they are subject to penalties ranging from one to five years’ imprisonment and fines of 400,000 to 4,000,000 ouguiya (approx. US\$ 1,590 to US\$ 15,900).⁴⁰ Penalties are increased to a maximum of seven years’ imprisonment and a fine of up to 5,000,000 ouguiya (approx. US\$ 19,870) when these offences are committed by persons exercising authority over the child or by the client of a prostituted child.⁴¹ The criminalisation of the exploiter is an essential element of any

national law against child prostitution but one that is also frequently left out. As such its inclusion under Mauritanian law is worth mentioning.

Finally, the law provides that when the abovementioned acts of procuring are committed against a child by a criminal network, they are subject to 10 years' imprisonment and to a fine of 2,000,000 to 4,000,000 ouguiya⁴² (approx. US\$7,950 to US\$15,900).

Furthermore, the law prohibits the sexual harassment and/or exploitation of a child who holds a domestic service job. Punishment is imprisonment for four months to two years and a fine between 200,000 and 300,000 ouguiya (approx. US\$795 to US\$1,190).⁴³

The age of consent for sexual activity is set at 16 and the age of consent for marriage is 21.⁴⁴

Trafficking in Children for Sexual Purposes

The offence of trafficking in persons under Mauritanian law includes most of the required elements of the *Trafficking Protocol*. However, Mauritanian law should be amended to include stricter penalties for offenders when the victims are children. In addition, the provisions on trafficking are scattered in different legal instruments and need to be streamlined.

In 2003, Mauritania enacted a law on trafficking entitled *Loi no 025/2003 portant répression de la traite des personnes*.⁴⁵ It defines trafficking in persons as the “procurement, transport, transfer of people by the use of force, threat or other forms of constraint, by abduction, fraud, abuse of authority or the exploitation of a situation of vulnerability, or the offer or acceptance of payment or advantages to obtain the assent of a person having authority on another for purposes of exploitation.”⁴⁶ “Exploitation” includes prostitution as well as other forms of sexual exploitation of other persons.⁴⁷

In accordance with the *Trafficking Protocol*, the Act provides that when children are involved, the use of force or other coercive means is irrelevant.⁴⁸

Those guilty of trafficking in persons offences are liable to forced labour for 5 to 10 years and to a fine of 500,000 to 1,000,000 ouguiya (approx. US\$1,990 to US\$3,975). The same

penalties apply to those who have entered into an agreement to restrict the freedom of another person. When organised criminal networks are involved, the applicable fines range from 600,000 to 1,200,000 ouguiya (approx. US\$2,385 to US\$4,770).

The kidnapping of children is punishable with imprisonment ranging from 10 to 20 years. If the child is released by his/her abductors within seven days, the offence is subject to imprisonment for three years and a fine ranging from 200,000 to 400,000 ouguiya (approx. US\$795 to US\$1,590). The same penalties apply to the “trafficking, forced transfer and servitude” of children. When these offences are committed by criminal networks or against several children, they are subject to imprisonment from 20 to 24 years.⁴⁹ However, this law does not provide a definition of trafficking.

Child Pornography

Mauritanian law incorporates some provisions on child pornography. These provisions cover most of the acts contemplated by the *Optional Protocol*, namely distributing, importing, exporting, offering, selling or possessing child pornography for the above purposes. While not specifically required by the *Optional Protocol*, Mauritanian law also includes offences perpetrated via computer systems and establishes an offence of procuring child pornography for oneself or another person. The mere possession of child pornography in a computer system is also punished. However, Mauritanian law fails to criminalise the production of child pornography, and also to include a clear definition of child pornography as any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes. Furthermore, in general the penalties applicable to child pornography-related offences are too low and do not reflect the grave nature of such crimes.

Ordonnance No. 2005-015 portant protection pénale de l'enfant punishes any ‘exhibition’ or ‘exploitation’, for commercial or “touristic” purposes, of pornographic photographs, images or sounds, films or drawings representing children. The same provision also applies to: the dissemination of such images or their representation; their import and export; the production of child pornography for the purpose of dissemination via a computer system; the offer or making available of child pornography through a computer system; the dissemination or distribution of child pornography through a computer system; procuring child pornography for oneself or another person via a computer system; and the possession of child pornography in a computer system.⁵⁰ The above offences are punishable by

imprisonment from two months to one year and a fine of 160,000 to 300,000 ouguiya (approx. US\$635 to US\$1,190). These penalties are too low and should be increased to reflect the grave nature of child pornography crimes.

The law does not specifically prohibit the production of child pornography. It incorporates a provision against the production, distribution, dissemination or trading of “messages of a violent or pornographic character”, regardless of the means and support used. These offences are subject to imprisonment for one to three years and, when the message is susceptible of being viewed by a child, to a fine of 120,000 to 160,000 ouguiya (approx. US\$477 to US\$635).⁵¹ The same penalties apply to adults who organise meetings where sexual relations take place and in which children participate or assist, and to those who ‘occasionally incite’ children to debauchery.⁵² The law does not however provide a definition of “messages”, nor does it make any mention of children being involved in the production of the said ‘messages’. Mauritanian law would therefore benefit from inclusion of a provision criminalising the production of child pornography, in accordance with international standards.

Extraterritorial Legislation

Based on the information available to ECPAT at the time of writing this report, Mauritania has no extraterritorial laws pertaining to the commercial sexual exploitation of children.⁵³

Child Protection Units

Brigade de Mineurs was recently created to tackle crimes against children. However, they lack training on how to combat the various specific forms of commercial sexual exploitation of children, and also suffer from insufficient human and financial resources. Another key gap, which would greatly facilitate their work, is a hotline for children and the general public to report crimes against children. Apart from the lack of safe reporting channels, children are further discouraged by the fact that little credit is usually given to a child’s complaint.⁵⁴ In addition, children exploited in prostitution may be treated as criminals instead of being considered victims. As such, the Brigade for Minors and other relevant law enforcement should urgently receive training not only on how to combat CSEC but also on child rights and how to adequately defend children’s best interests.

The *Code de procédure pénale pour enfants* establishes a criminal court for child offenders and victims. It also establishes, in each moughataa (prefecture), a police station or a special brigade for children. When a child is arrested, the police must immediately inform the republic's prosecutor. The latter may then order that the child be held in custody provided he/she is older than 15, or that the child be released with or without bail. The police may only examine the child in the presence of, and in collaboration with a social worker.⁵⁶

Children older than 15 years old may only be held in custody for a maximum of 48 hours and must be separated from adults, under conditions and circumstances that guarantee their dignity and the respect of their rights.⁵⁷ From the moment that the child is held in custody, the officer charged with the investigation of the republic prosecutor must appoint a doctor to examine the child. The doctor must send their report to the procurer within 48 hours.⁵⁸

Other relevant provisions include media and publication bans on proceedings involving children.⁵⁹

Support Services for Children

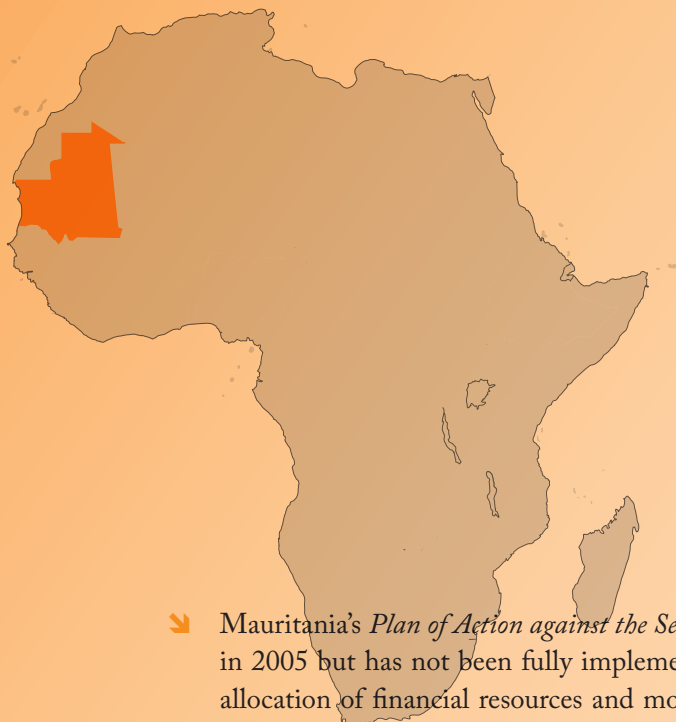
Mauritania lacks legal provisions stipulating what assistance - medical, psychological, social, legal - children victimised in sexual exploitation are entitled to. There are very few programmes tailored to rehabilitate and reintegrate CSEC victims, and no governmental shelter is available, only shelters run by NGOs. A referral system to enable the police, social services etc. to ensure children receive proper assistance (though not comprehensive, as most necessary support services are not available) is another major gap.⁶⁰

ANAIF-PIE runs a number of centres where child victims of sexual exploitation, as well as any child in need of care and protection, can receive assistance.⁶¹ Child victims of sexual

exploitation are provided with rehabilitation services and assistance in reintegrating into society.⁶²

Training Law Enforcement Personnel

As envisaged in Mauritania's *Plan of Action against the Sexual Exploitation of Children*, specialised police units must be established to tackle child pornography-related crimes. Generally, law enforcers lack knowledge on how to address crimes related to the commercial sexual exploitation of children, especially as emphasis is usually placed on sexual abuse crimes, without differentiating crimes related to commercial and non-commercial sexual exploitation. Knowledge of child rights is also very limited.⁶³



PRIORITY ACTIONS REQUIRED

- Mauritania's *Plan of Action against the Sexual Exploitation of Children* was officially approved in 2005 but has not been fully implemented: it urgently needs to be executed through the allocation of financial resources and mobilisation of concerned government ministries and agencies.
- Action research must be undertaken to determine the causes of commercial social exploitation of children in all social milieus and to develop adequate responses.
- The formation of multi-disciplinary teams – comprising NGOs, social workers, education and health professionals, the tourism industry, law enforcers, public prosecutors - must be fostered to detect and prevent incidences of sexual exploitation of children, as well as to provide rehabilitation and reintegration assistance for child victims in a coordinated way. Regional trainings to support the formation of such multi-disciplinary teams are a high priority.
- The Ministry for Women, Children and Families could play a more active role in terms of coordinating action to combat commercial sexual exploitation of children, especially by engaging in joint projects with child rights organisations, as envisaged in the *Plan of Action against the Sexual Exploitation of Children*.
- There is an urgent need to set up a hotline for children and the general public to report crimes against children.
- To protect street children – a highly vulnerable group – from exploitation in commercial sex, assistance centres targeting this particular category of children must be created, offering nourishment, counselling and facilitating their insertion in the educational system.
- *Ordonnance No. 2005-015 portant protection pénale de l'enfant* should be amended to fully comply with the Optional Protocol and ensure that CSEC victims up to the age of 18 are never criminalised and receive full protection from the state. The law would also benefit from greater clarity in defining what constitutes child prostitution.
- Mauritanian law should be amended to criminalise the production of child pornography, and include a clear definition of child pornography as per the Optional Protocol standards.

Furthermore, the penalties applicable to child pornography offences should be increased to reflect the grave nature of such crimes.

- ✎ Mauritanian law on trafficking should be amended to include stricter penalties for offenders when the victims are children.
- ✎ Extraterritorial law concerning crimes against children, especially commercial sexual exploitation, must be urgently adopted.
- ✎ To properly assist child victims of crime, a centre providing free legal assistance, with expertise on how to support CSEC victims, should be established. Transportation and other necessary arrangements to enable children living in distant locations to testify during legal proceedings should also be made available, as many such children have no financial means to travel.
- ✎ The Brigade for Minors and other relevant law enforcement need training on how to combat CSEC, as well as on child rights and how to adequately defend children's best interests.
- ✎ Mauritania needs to adopt legal provisions stipulating the type of assistance that has to be provided by children victimised in sexual exploitation. With support from the Government, programmes tailored to rehabilitate and reintegrate CSEC victims into society must be created, together with a referral system to ensure their access to such support services.
- ✎ Girls' access to education must be facilitated, coupled with campaigns to stimulate their education. This is essential to ensure that orphaned or divorced girls do not fall into sexual exploitation due to a lack of survival options.
- ✎ In order to limit school abandonment, which makes children vulnerable to sexual exploitation, reinforcement lessons must be made available within the educational system. It would also be recommended to provide nourishment in schools, to assist disadvantaged children and stimulate their continuing their education.
- ✎ The adoption and implementation of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* must be fostered, so that the tourism industry plays a more active role in combating child sex tourism. Modules on how to tackle child sex tourism must also be incorporated in tourism school curricula.
- ✎ In order to address the practice of siriyah and the fact that it can lead to commercial sexual exploitation of young girls, the law should be amended to make the legal age for marriage 18 years old. Public sensitisation campaigns on the negative consequences of siriyah must also be conducted.
- ✎ Poverty reduction and income-generating initiatives are needed to target disadvantaged children and their families.

Endnotes

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- ⁵ Ibid.
- ⁶ Ibid.
- ⁷ Ibid.
- ⁸ Ibid.
- ⁹ Ministère de la Santé et des Affaires Sociales, République Islamique de Mauritanie. *Plan d'Action contre l'Exploitation Sexuelle des Enfants*. November 2005.
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- ¹¹ Gnandi, Melanie. 'Sexual Abuse and Exploitation of Child Domestic Workers in Africa'. *Confronting the Commercial Sexual Exploitation of Children in Africa*. ECPAT International. 2007.
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- ²³ Second Arab African Conference against Exploitation, Violence & Sexual Abuse of Children - Final Report. Rabat. December 2004.

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- 27 Government of the Islamic Republic of Mauritania. *United Nations Study on Violence against Children: Response to the questionnaire received from the Government of the Islamic Republic of Mauritania*.
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⁵⁷ Ibid. Articles 101, 104 and 105.

⁵⁸ Ibid. Article 102.

⁵⁹ Ibid. Article 127.

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