

**United Nations Human Rights Council**  
**Universal Periodic Review of the Islamic Republic of Mauritania**

**I. Background**

1. Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Islamic Republic of Mauritania as a contribution to the Universal Periodic Review of the UNHRC member-state Mauritania.

**II. Scope of international obligations and cooperation with international human rights mechanisms and bodies.**

2. Mauritania has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the Convention for the Protection of All Persons from Enforced Disappearance; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities.
3. Mauritania has not ratified the Rome Statute of the International Criminal Court; the Universal Declaration of Human Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict.

**Recommendation(s)**

Jubilee Campaign urges the Islamic Republic of Mauritania to:

4. Ratify the Rome Statute of the International Criminal Court; the Universal Declaration of Human Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

### III. Implementation of international human rights obligations, considering applicable international humanitarian law

#### A. Freedom of thought, conscience, and religion

5. Article 5 of the Constitution of Mauritania states that Islam is the official state religion.
6. A translation of the original Criminal Code Article 306 states ‘[a]ny Muslim guilty of the crime of apostasy’ is to be given the opportunity to repent within three days. If the accused does not repent within that period, he/she is to be sentenced to death, and all of his/her property shall be confiscated by the government.”<sup>1</sup>
7. “The National Assembly passed a law on April 27, 2018 that replaces article 306 of the Criminal Code and makes death penalty mandatory for anyone convicted of ‘blasphemous speech’ and acts deemed ‘sacrilegious.’”<sup>2</sup> This law also eradicates the part of the original article that allowed for the possibility of exchanging death sentence for the chance to serve time in prison, and outlines a two-year sentence and pricy fine for “‘offending public indecency and Islamic values’” and “‘breaching Allah’s prohibitions’”.<sup>3</sup>
8. Mauritania also has blasphemy laws stating that “‘whoever encourages an incendiary discourse against the official rite of the Islamic Republic of Mauritania shall be punished by one to five years in prison.” In 2017, however, this punishment was extended to the death sentence.<sup>4</sup>

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<sup>1</sup> Library of Congress. *Laws Criminalizing Apostasy*. Available from: [https://www.loc.gov/law/help/apostasy/index.php#\\_ftn47](https://www.loc.gov/law/help/apostasy/index.php#_ftn47) [accessed 19 March 2020].

<sup>2</sup> Human Rights Watch, *Mauritania: Mandatory Death Penalty for Blasphemy*, 4 May 2018, available at: <https://www.refworld.org/docid/5b39f312a.html> [accessed 19 March 2020]

<sup>3</sup> *ibid.*

<sup>4</sup> Human Rights Watch, *2019 World Report – Mauritania: Events of 2018*, available from: <https://www.hrw.org/world-report/2019/country-chapters/mauritania> [accessed 19 March 2020].

9. Open Doors ranks Mauritania as the 25<sup>th</sup> most dangerous place to be Christian and explains that “the country’s law places massive restrictions on the preaching of Christian faith to Muslims.”<sup>5</sup>
10. There is no separation of church and state, and politics are also dominated by Islam.<sup>6</sup>
11. Courts convicted Mauritanian blogger Mohamed Cheikh Ould Mohamed Mkhatar to death penalty for apostasy in late 2014 for blogging about religious discrimination and spent five years in prison before being acquitted of his charges in July of 2019.<sup>7</sup>
12. Christian converts are forced to maintain their religious affiliation in secrecy, because if they are caught, they can be arrested and detained indefinitely they also risk being denied or revoked citizenship by the government.<sup>8</sup>
13. In February 2020, police arrested three Mauritanian Christians from a Muslim background on the grounds of mocking Allah and the prophet Muhammad for expressing their religious beliefs, two have since been released.
14. “The judiciary consists of a single system of courts that uses principles of sharia mainly in matters concerning the family and secular legal principles in other matters.”<sup>9</sup>

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<sup>5</sup> Open Doors World Watch Research Unit, *Mauritania: Country Dossier*, January 2019, available from: <http://opendoorsanalytical.org/wp-content/uploads/2019/01/Mauritania-WWR-COUNTRY-DOSSIER-January-2019-update.pdf> [accessed 19 March 2020].

<sup>6</sup> *ibid.*

<sup>7</sup> “Mauritanian Blogger Freed after Being Held for Nearly Six Years.” *Researchers without Borders*, 30 July 2019. Available from: <https://rsf.org/en/news/mauritanian-blogger-freed-after-being-held-nearly-six-years> [accessed 19 March 2020].

<sup>8</sup> United States Department of State, *2018 Report on International Religious Freedom – Mauritania*, available at: <https://www.state.gov/wp-content/uploads/2019/05/MAURITANIA-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> [accessed 19 March 2020].

<sup>9</sup> *ibid.*

15. All non-Muslim NGOs are required to register with and be approved by the Ministry of Interior.<sup>10</sup>
16. As of 2019, Freedom House ranked Mauritanian citizens' freedom "to practice and express their religious faith or non-belief in public and private" a 2 out of 4.<sup>11</sup>
17. On a scale of 0 to 16.7, Christians in Mauritania face pressure in private life, family life, community life, national life, and church life on an average of 13.3. They face violence at a rate of 0.6.<sup>12</sup>
18. Mauritania faces increasing risk to violence from Islamic jihadists in nearby nations such as Mali.<sup>13</sup>
19. Schools are required by the Constitutional Council and the High Council of Magistrates of Mauritania to "provide four hours of Islamic instruction per week. Religious instruction in Arabic is required for students seeking the baccalaureate."<sup>14</sup>
20. Converting to Christianity is especially risky for married women, as they can be divorced by their husbands. Family can force unmarried female Christian ex-Muslims into a marriage with a Muslim man to keep them under the influence of Islamic family life and can face sexual abuse and harassment.<sup>15</sup>

## **Recommendations**

Jubilee Campaign urges the Islamic Republic of Mauritania to:

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<sup>10</sup> *ibid.*

<sup>11</sup> Freedom House, *Freedom in the World 2019 – Mauritania*, available at: <https://freedomhouse.org/country/mauritania/freedom-world/2019> [accessed 19 March 2020].

<sup>12</sup> Open Doors World Watch Research Unit, *Mauritania: Country Dossier*, January 2019, *supra note 5*.

<sup>13</sup> Aid to the Church in Need, *Religious Freedom Report – Mauritania*, [https://religious-freedom-report.org/pdf\\_en/?pais=463](https://religious-freedom-report.org/pdf_en/?pais=463) [accessed 19 March 2020].

<sup>14</sup> United States Department of State, *2018 Report on International Religious Freedom – Mauritania*, *supra note 8*.

<sup>15</sup> Open Doors World Watch Research Unit, *Mauritania: Country Dossier*, January 2019, *supra note 5*.

21. Repeal Criminal Code Article 306 and its subsequent amendment that criminalizes blasphemy and apostasy and stipulates the death penalty as the punishment.
22. Cease the practice of rescinding citizenship from Christian converts
23. Stop requiring schools to teach an Islamic curriculum for those who have left Islam.
24. Separate religious interpretation from judicial decisions and convictions.
25. Ensure the freedom of expression of all religious groups, especially those who choose to leave Islam.

## **B. Sexual Violence against Women**

24. There is no definition of sexual violence or rape in any Mauritanian legal documents, and therefore no punishment for perpetrators. If a woman or girl raises a case but fails to convince judicial authorities that a sexual act was nonconsensual, which often requires the proof of use of force, she risks being seen as the accused as opposed to a survivor of sexual violence or rape. This is because sexual relations outside of marriage is considered illegal in Mauritania, so-called “zina”.<sup>16</sup> Charges for sex out marriage can result in years in prison, though the official punishment is stoning or flogging. In addition, women are largely the target for the “zina” law.
25. Victims of rape often also face isolation from their relatives and peers.<sup>17</sup>
26. In Mauritania, there is also a lack of forensic expertise and “standardized evidence collection protocols” for both law enforcement and health professionals which further weakens a survivor’s case in court.<sup>18</sup>

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<sup>16</sup> Human Rights Watch, “‘They Told Me to Keep Quiet’: Obstacles to Justice and Remedy for Sexual Assault Survivors in Mauritania.” Available at: <https://www.hrw.org/report/2018/09/05/they-told-me-keep-quiet/obstacles-justice-and-remedy-sexual-assault-survivors> [accessed 19 March 2020].

<sup>17</sup> *ibid.*

<sup>18</sup> *ibid.*

27. Although there is a proposal at Parliament for a law criminalizing rape, it is problematic in that its definition of rape is not comprehensive, and it does not legally prohibit other forms of sexual violence.<sup>19</sup>
28. In Mauritania, 37% of girls and women ages 15-49 have been coerced into child marriage, and 67% of girls and women ages 15-49 have been victims to female genital mutilation/cutting.<sup>20</sup>
29. CEDAW's concluding observations on the 2<sup>nd</sup> and 3<sup>rd</sup> reports on Mauritania condemn that there is not only no fact-finding commission to collect evidence of violence against and/or sexual exploitation/trafficking of women, but also that there are no state-promoted or state-run assistance programs to the victims.<sup>21</sup>
30. This report reveals that girls face a "risk of sexual harassment and abuse by teachers in schools" and that women face a similar risk in the workplace.<sup>22</sup>

### **Recommendation(s)**

Jubilee Campaign urges the Islamic Republic of Mauritania to:

31. Criminalize sexual violence and rape in the Mauritanian legal documents and criminal law.
32. Condemn discrimination against and persecution of all victims of rape and sexual violence.

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<sup>19</sup> *ibid.*

<sup>20</sup> UN Women Global Database on Violence against Women. *Mauritania*. Available at: <https://evaw-global-database.unwomen.org/en/countries/africa/mauritania#3> [accessed 19 March 2020].

<sup>21</sup> UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), *Concluding observations of the Committee on the Elimination of Discrimination against Women : Mauritania*, 24 July 2014, CEDAW/C/MRT/CO/2-3, available at: <https://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/country%20report/africa/mauritania/mauritania%20cedaw%20co.pdf?vs=419> [accessed 19 March 2020].

<sup>22</sup> *ibid.*

33. Establish and invest in both information collection capabilities and expertise to provide that evidence of sexual violence is obtained and can be used in a court of law.
34. Criminalize and condemn all instances of female genital mutilation and cutting.
35. Eliminate the practice of child marriage.
36. Provide therapy and counseling to victims of sexual violence.

### **C. Human Trafficking and Exploitation**

38. Mauritania received over 20 recommendations relating to the eradication of slavery and raising awareness campaigns against slavery, of which it supported all.
39. The State Department 2019 Trafficking in Persons Report explains that the government of Mauritania in 2003 adopted the Law Against Trafficking in Persons and extended it in 2015 to include “hereditary slavery” as a criminal offense along with all other forms of labor trafficking, although enforcement remains limited.<sup>23</sup>
40. In this same report it was revealed that the government investigated four cases, prosecuted one alleged trafficker, and convicted zero traffickers, compared to three investigations, three prosecutions, and three convictions the previous reporting period.” By the end of this reporting period, there were still nine cases that were still waiting to be processed.<sup>24</sup>
41. Anti-slavery courts in Mauritania experienced constant judicial reshuffling in 2018, which caused the ejection of judges with anti-slavery law expertise from Nema and Nouakchott courts.<sup>25</sup>

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<sup>23</sup> United States Department of State, *2019 Trafficking in Persons Report*, June 2019, available at: <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf> [accessed 19 March 2020].

<sup>24</sup> *ibid.*

<sup>25</sup> *ibid.*

42. According to the Global Slavery Index, 90,000 Mauritanian citizens are victims of modern slavery, and the country itself ranks a 62 out of 100 on the scale measuring “vulnerability to modern slavery.”<sup>26</sup>
43. Even though funding for anti-trafficking and anti-slavery government initiatives has grown, agencies still “lack the resources, personnel, and political will to prosecute politically connected offenders.”<sup>27</sup>

### **Recommendation(s)**

Jubilee Campaign urges the Islamic Republic of Mauritania to:

44. Properly take measures to enforce the anti-trafficking law and place extra focus on the prosecution of perpetrators of trafficking and hereditary slavery.
45. Efficiently process all pending cases of human trafficking.
46. Ensure that funding for anti-trafficking government agencies is well spent and goes toward hiring experts and providing essential training by the next reporting period.

## **IV. Turbulent Political Environment and Restrictions on Freedoms**

### **A. Political Instability**

46. Patronage, “clientelism and nepotism” are common among government institutions and leadership.<sup>28</sup>
47. Mauritania is increasingly vulnerable to “terrorist destabilization” at the hands of jihadists and Al-Qaeda in the Islamic Maghreb (AQIM), and there is a growing fear that Mauritania might soon be radicalized due to both growing

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<sup>26</sup> Minderoo Foundation, *Global Slavery Index: Mauritania Country Data*, 2018, available at: <https://www.globalslaveryindex.org/2018/data/country-data/mauritania/> [accessed 19 March 2020].

<sup>27</sup> United States Department of State, *2019 Trafficking in Persons Report*, June 2019, *supra* note 24.

<sup>28</sup> Open Doors World Watch Research Unit, *Mauritania: Country Dossier*, January 2019, *supra* note 5.

sympathies towards radical groups and growing distrust of corrupt government officials.<sup>29</sup>

48. Democratic presidential elections are often not held in Mauritania, as the current and all former presidents have ascended to the role through military coups. Even those government institutions and roles that are elected, such as the Senate and the National Assembly, still “are highly dependent on the president.”<sup>30</sup>

### **Recommendation(s)**

Jubilee Campaign urges the Islamic Republic of Mauritania to:

49. Engage in anti-terrorist efforts and condemn the spread of radical Islam.
50. Cease all acts of nepotism and patronage and ensure that all government positions that are meant to be democratically elected are elected in such a way that the citizens have the greatest influence of elected officials.
51. Allow for the establishment of political parties and interest groups that fully represent the will of the people of Mauritania.

## **B. Freedoms of Expression, Association, and Assembly**

54. The constitution of Mauritania outlines the freedoms of speech and press, although it has been historically been used more as a means of accusing groups whose views are contrary to the government and less as a tool to protect these individuals from such accusations.<sup>31</sup> Mauritania did not support recommendations relating to freedom of speech.

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<sup>29</sup> Open Doors World Watch Research Unit, *Mauritania: Country Dossier*, January 2019, *supra note 5.* ; Boukhars, Anouar, *Mauritania's Precarious Stability and Islamist Undercurrent*, Carnegie Endowment for International Peace, 11 February 2016, available at: <https://carnegieendowment.org/2016/02/11/mauritania-s-precious-stability-and-islamist-undercurrent-pub-62730> [accessed 19 March 2020].

<sup>30</sup> Transformation Index BTI, *BTI 2018: Mauritania Country Report*, available at: <https://www.bti-project.org/en/reports/country-reports/detail/itc/mrt/ity/2018/itr/wca/> [accessed 19 March 2020].

<sup>31</sup> United States Department of State, *2018 Country Reports on Human Rights Practices – Mauritania*, *supra note 30*.

55. Mauritania's 1964 Law of Associations requires all associations to apply for legality, and this law is often applied by government officials to deny applications on the basis of "anti-national propaganda" and demonstrating "an unwelcome influence on the minds of the people," both of which restrictions being open to personal interpretation.<sup>32</sup>
56. Many NGOs and human rights associations who have applied for legal recognition have never heard back from the government regarding the status of their applications.<sup>33</sup>
57. Government officials have been known to arbitrarily detain anti-slavery protestors and activists and revoke their access to "legal representation."<sup>34</sup> This works against the commitment expressed by Mauritania in supporting the recommendation 127.46 made by the Islamic Republic of Iran to have "awareness campaigns against slavery." Mauritania should include and encourage civil society in their international commitment to eradicate slavery.
58. Members of the Initiative for the Resurgence of the Abolitionist Movement (IRA) have been repeatedly targeted for arrest in response to their anti-slavery statements. Some individuals who have been detained include IRA members Biram Dah Abeid, Abdallahi Saleck, and Moussa Bilal Biram.<sup>35</sup>
59. NGOs are required by the government to gain permission from local officials to hold events, but there have been instances when groups who received permission to hold rallies had their events shut down by police.

### **Recommendation(s)**

Jubilee Campaign urges the Islamic Republic of Mauritania to:

60. Apply the constitutional freedoms of speech and assembly to protect individuals with dissenting opinions from discrimination, persecution, arrest, and prosecution.

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<sup>32</sup> Human Rights Watch, *2019 World Report – Mauritania: Events of 2018*, supra note 4.

<sup>33</sup> United States Department of State, *2018 Country Reports on Human Rights Practices – Mauritania*, supra note 30.

<sup>34</sup> D'Orsi, Cristiano. "Despite Gains, Mauritania's Road to Defeat Slavery is Long and Bumpy." *The Globe Post*, 8 May 2019. Available at: <https://theglobepost.com/2019/05/08/mauritania-slavery/> [accessed 19 March 2020].

<sup>35</sup> Human Rights Watch, *2019 World Report – Mauritania: Events of 2018*, supra note 4.

61. Respond to applications of associations timely and without bias.
62. Cease arbitrary detention of anti-trafficking activists.
63. Acknowledge the significant role civil society plays in realising the international commitments of Mauritania to eradicate slavery.
64. Allow civil society to be a part of the international commitment to eradicate slavery and raise awareness on the issue.

## **V. Rights of Children**

### **A. Child Labor**

63. While the government of Mauritania has established workshops, written policies, conducted inspections, and prosecuted a few perpetrators of child labor, financial and resource constraints as well as a lack of will have hindered their ability to reduce and eliminate child labor and slavery.<sup>36</sup>
64. The United States Department of Labor revealed that approximately 19% of Mauritanian children aged 5 to 14 are working, and that 16% of children aged 7 to 14 are concurrently attending school and working.<sup>37</sup>
65. Some of the most dangerous jobs that children in Mauritania perform include forced begging, sex work, selling drugs, and hereditary slavery.<sup>38</sup>

### **Recommendation(s)**

Jubilee Campaign urges the Islamic Republic of Mauritania to:

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<sup>36</sup> United States Department of Labor, *2018 Findings on the Worst Forms of Child Labor – Mauritania*, available at: [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2018/Mauritania.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/Mauritania.pdf) [accessed 19 March 2020].

<sup>37</sup> *ibid.*

<sup>38</sup> *ibid.*

66. Increase the determination and effectively utilize all resources possible to end child labor and prosecute perpetrators and recruiters.

## **B. Sexual Exploitation**

68. “Mauritania is a country of origin, transit and destination for child victims of forced labour and trafficking for the purpose of sexual exploitation.”<sup>39</sup>

69. Girls from Gambia, Mali, and Senegal are especially vulnerable to trafficking.<sup>40</sup>

70. There have been reports of Mauritanian children ages 12 to 14 being prostituted at nightclubs.

71. Executive Order No. 2005-015 criminalizes the procurement of children for prostitution and also prohibits making, distributing, possessing, and viewing child pornography. However, there is no clear definition or list of actions that constitute child pornography.<sup>41</sup>

72. There is no provision in the penal code criminalizing sexual exploitation in the context of travel and tourism.<sup>42</sup>

### **Recommendation(s)**

Jubilee Campaign urges the Islamic Republic of Mauritania to:

73. Clearly define the crime of child pornography.

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<sup>39</sup> *ibid.*

<sup>40</sup> *ibid.*

<sup>41</sup> *ibid.*

<sup>42</sup> *ibid.*

74. Investigate locations and individuals that are inherently tied to sexual exploitation, trafficking, and prostitution of children and prosecute perpetrators.

### **C. Health and Disease**

75. 43% of the population of Mauritania are teenagers and children younger than 15 years old.<sup>43</sup>

76. Mauritanian children are extremely susceptible to illnesses and diseases such as malaria and diarrhea.<sup>44</sup>

77. National Immunization Day initiatives have been historically hindered due to lack of funding.<sup>45</sup>

78. Mauritania has a high under-5 mortality rate of 65%.<sup>46</sup>

### **Recommendations**

Jubilee Campaign urges the Islamic Republic of Mauritania to:

79. Provide funding and resources for immunizations and other methods for the eradication of chronic illnesses and diseases.

80. Reduce the child mortality rate.

## **VI. Summary of Recommendations**

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<sup>43</sup> UNICEF, *Mauritania*, available at: [https://www.unicef.org/infobycountry/mauritania\\_2356.html](https://www.unicef.org/infobycountry/mauritania_2356.html) [accessed 19 March 2020].

<sup>44</sup> *ibid.*

<sup>45</sup> *ibid.*

<sup>46</sup> Humanium, *Children of Mauritania: Realizing Children's Rights in Mauritania*, available at: <https://www.humanium.org/en/mauritania/> [accessed 19 March 2020].

Jubilee urges the Islamic Republic of Mauritania to:

81. Ratify the Rome Statute of the International Criminal Court; the Universal Declaration of Human Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
82. Repeal Criminal Code Article 306 and its subsequent amendment that criminalizes blasphemy and apostasy and stipulates the death penalty, in line with recommendations 129.27, 129.28 and 129.29.
83. Cease the practice of rescinding citizenship from Christian converts.
84. Criminalize sexual violence and rape in the Mauritanian legal documents and criminal law.
85. Establish and invest in both information collection capabilities and expertise to provide that evidence of sexual violence is obtained and can be used in a court of law.
86. Criminalize and condemn all instances of female genital mutilation and cutting.
87. Eliminate the practice of child marriage.
88. Properly take measures to enforce the anti-trafficking law and place extra focus on the prosecution of perpetrators of trafficking and hereditary slavery.
89. Allow for the establishment of political parties and interest groups that fully represent the will of the people of Mauritania.
90. Apply the constitutional freedoms of speech and assembly to protect individuals with dissenting opinions from discrimination, persecution, arrest, and prosecution.
91. Cease all arbitrary detention of anti-trafficking activists and religious minorities including those who choose to leave or question Islam.

92. Increase the determination and effectively utilize all resources possible to end child labor and prosecute perpetrators and recruiters.

93. Investigate locations and individuals that are inherently tied to sexual exploitation, trafficking, and prostitution of children and prosecute perpetrators.