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SUBMISSION TO THE UN UNIVERSAL PERIODIC REVIEW

MAURITANIA

23RD SESSION OF THE UN UPR WORKING GROUP OF THE HUMAN RIGHTS
COUNCIL

OCTOBER – NOVEMBER 2015





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- 1 The Advocacy Department of Open Doors International warmly welcomes the Universal Periodic Review system and trusts it will improve the implementation of fundamental human rights in all UN member states.
- 2 Aligned to the mandate of Open Doors International, this submission focuses on the Right to Freedom of Religion or Belief.
- 3 Since the last UPR report, religious freedom in Mauritania has remained an issue of concern. While it has been a relatively calm period, the systems, laws, and basic lack of freedom remain. Christians in Mauritania, especially those with local origins, still suffer under an oppressive legal structure with a relatively passive yet unpredictable application.

RELIGIOUS DEMOGRAPHY

- 4 Mauritania has a population of over 3.5 million inhabitants¹ of which almost all practice a version of Sunni Islam. While more traditional and external forms of Wahhabi and Salafist Islam are growing, most Muslims in Mauritania practice a more Sufi or mystical Islam, with an emphasis on spiritual power, magic and the following of “marabouts”- local holy men.
- 5 There is a small Christian population, not only made up of foreigners, but also including a small number Mauritanian born believers. Estimates range, but there are approximately 400 indigenous Christians, born Muslims who now secretly claim to follow some form of Christianity.² The number of Christian expats are estimated to be over 4500 – both Catholic and Protestant. The expatriate Christians are mostly located in the urban centres of Nouakchott, Atar, Zouerate, Nouadhibou and Rosso.

POLITICAL AND LEGAL CONTEXT

- 6 Mauritania is one of only 4 Islamic Republics – in which Article 5 of the constitution stipulates the national religion as Islam. Every government formed since independence has not wavered from

¹ IMF Feb 2015 Report <https://www.imf.org/external/pubs/ft/scr/2015/cr1536.pdf>

² The number of indigenous Christians varies between 200 and 700. This is very hard to verify. Due to conflicting reports and uncertain surveys. Open Doors now estimates the number of indigenous Christians at approximately 400.



considering a relatively strict, but moderately enforced, version of Sharia law to be the essential legal foundation of the country.

- 7 The Constitution does not make room for freedom of religion. On the contrary, Islamic Sharia has been proclaimed the law of the land since 1983. The judiciary consists of a single system of courts that conforms to the principles of Sharia especially in matters concerning family law. Furthermore, article 93 of the constitution instituted a High Islamic Council, consisting of six imams, who advise the government on the conformance of legislation to Islamic precepts.³
- 8 Apostasy, the leaving of Islam, is legally punishable by death in Mauritania. This not only includes people who might choose to follow another religion, but it also comprises simple lack of belief. Until 2014 there were no known cases of the apostasy law being enforced. However just on December 24, 2014, Mohamed Cheikhould Mkheitir was sentenced to death by a lower court in Nouadhibou for so called “atheist” beliefs after a nearly yearlong trial. The case is further muddled as the accused has recanted his beliefs (mostly social criticism), and still considers himself a Muslim today.⁴ Though carrying through the sentence is unlikely, it is concerning to hear the president Abdel Aziz reaffirm a strong Islamist agenda, stating among other things that Mauritania “is not a secular country”.
- 9 This apostasy trial, along with both the governmental and societal reactions to it, has worried groups defending human rights and freedom of speech. These are indications that the country is still far from achieving a semblance of freedom of thought – which is defended by certain readings of the Koranic text.
- 10 These events, plus the general lack of change on the ground, are in dissonance with Mauritania’s commitment in November 2004, to ascend to the international Covenant for Civil and Political Rights (ICCPR). Though it did so with the following reservation: “the Mauritanian Government, while accepting the provisions set out in article 18 concerning freedom of thought, conscience and religion, declares that their application shall be without prejudice to the Islamic Sharia.” However, Mauritania has the responsibility to grant all its citizens the full freedom set out in article 18 of the ICCPR, including the right to change one’s religion or belief and to practice one’s religion or belief in freedom.
- 11 In the very same month, Mauritania acceded to the Covenant against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), to which it also made a similar reservation⁵.

³ US Department of State, International Religious Freedom Report 2013.

⁴ RFI Hebdo, 6 March, 2015 <http://goo.gl/Xcav0I>

⁵ Pursuant to article 30, paragraph 2, of the Convention, the Government of Mauritania declares that it does not consider itself bound by paragraph 1 of this article, which provides that in the event of a dispute concerning the interpretation or application of the Convention, one of the Parties may refer the dispute to the International Court of Justice by request.



- 12 The government of Mauritania has a policy of not registering religious affiliations. There is discreet agreement allowing the existence of the Catholic Church in the country – a continuation of French colonial rules. However all attempts to register similar churches including a significant effort by the Protestant expatriate population, have been rejected. However, NGOs, including humanitarian and development NGOs affiliated with religious groups, must register with the Ministry of the Interior.
- 13 Freedom of assembly and association is granted by article 10 of the constitution. All political parties, NGOs and professional bodies must register with the authorities and seek permission for all large gatherings⁶. These freedoms have been granted unevenly, and in recent years have been tested by the anti-slavery movement, which has provoked a crackdown from the Nouakchott authorities, with several of the main leaders now in prison, also since December of 2014.⁷

FREEDOM OF RELIGION OR BELIEF FOR CHRISTIAN MINORITIES

- 14 The government of Mauritania limits freedom of religion by prohibiting the distribution of non-Islamic religious materials and the proselytising of Muslims by using article 11 of the Press Act. However, the possession of religious materials in private homes is not illegal.
- 15 Non-Muslim expatriates have a certain amount of freedom to practice their religion. Expatriate Christians are allowed to gather in a few Catholic churches. With Protestants allowed to meet in a back room of the Catholic Church – a sign of Catholic-Protestant solidarity. This one room is the only legally recognised Protestant church for expatriates in the country. Therefore, Christians that live far from Nouakchott have no legally recognized place to gather for worship – and there are significant expat groups in many of the smaller cities.
- 16 The situation is even more difficult for the local Mauritanian Christians who face their own more restrictive forms of persecution. Firstly, as seen with the apostasy law, a Mauritanian citizen is legally not allowed to renounce Islam and to adhere to the Christian religion. Those who do, are not legally protected and death penalty is a real possibility in the current environment. Thus far, these believers have kept a low profile, and their official persecution is currently at a low point.
- 17 Furthermore, a growing problem is that Muslim converts to Christianity face high social pressure and ostracism when their family or tribe discover their conversion. Due to the strong tribal society system in Mauritania, expelled Christian believers who do not belong to any tribe anymore face many difficulties, as this was their social security of sorts.
- 18 Finally, there have been several high profile leaks to the press about unfounded Christian aggression towards Muslims. The most blatant is the story of 4 men who allegedly entered a mosque and threw holy books into a toilet. This along with several outlandish articles about Christian activity, have

⁶ Information derived from Middle East concern.

⁷ BBC News – Mauritania Country Profile. <http://www.bbc.com/news/world-africa-13881985>



unsettled the Christian minority and lead to significant protests. No official action has been taken, but their persistence is worrying.

WORLD WATCH LIST POSITION

- 19 Due to the deterioration of the situation of Christians in other parts of the world – Mauritania’s relative passivity and lack of violence have pushed it down the list of most oppressive countries. From its normal position of being ranked 18th and even hitting a low of 8th in 2009 – Mauritania is now looking much better at 48th. Small changes in the current situation, or a calming down of tensions in other countries could quickly change this positive ranking.

END OF VIOLENCE AND RELATIVE STABILITY SINCE 2010

- 20 It is clear that Mauritania has come a long way since 2009 when an American Christian aid worker, Chris Legget, was killed in a failed kidnapping attempt. This event, and the subsequent imprisonment of 35 Mauritanian Christians (many whom were tortured) was the culmination of a bad security year. The government also cracked down on immigrant evangelicals when a group of 150 Sub-Saharan Christians were arrested on the 30th of August 2009 for having their church meeting in their own language at their own home. After a detention of two days the men were released, receiving the order to only meet in the Catholic Church. An order several of them ignore today, however the meetings have been kept small and more secretive.
- 21 So by early 2010, the list of problems had grown to include three Spanish travellers and two Italian tourists being kidnapped, and the detonation of Mauritania’s first suicide bomber. The government appeared to be doing little to assure security, and it was expected that conditions would deteriorate further.
- 22 With this general period of uncertainty as a backdrop, the general security of the country has stabilized, and no foreigners or local believers have seen much verified violence since then. This is certainly progress, and though only incremental, it can be celebrated.

A DECADE OF LIMITED LEGAL CHANGE

- 23 While it is clear that these have been relatively calm years in the history of Mauritania’s treatment of its Christian minority, it’s important to also assert that the legal changes required for greater freedom and peace have yet to be fulfilled. In this area, the country is both moving rapidly towards modernization and at the same time towards more traditional and reactionary forms of Islam. Our hope is to encourage the government of Mauritania to continue to improve its relationships with its Christian minorities, not only those born in other countries, but also those choosing to think freely and seek Christianity as an alternative. We believe these will be peaceful and productive citizens. Until this because reality, we do welcome all incremental changes, small as they may be.

RECOMMENDATIONS



Open Doors International recommends the government of Mauritania:

- 24 To end the practice of detaining, accusing and sentencing prisoners of conscience, including those held for alleged apostasy.
- 25 To allow greater freedom of thought, not only to religious minorities, but also for those holding alternative views on social issues such as those involved in the anti-slavery movement.
- 26 To review the legislation regarding, and treatment of, religious groups and organisations that falls short to the obligations following the International Covenant on Civil and Political Rights (ICCPR), and make sure that they comply with its obligations.
- 27 To lift the reservation it made to the ICCPR and CAT and fully comply with its obligations.
- 28 To allow all Mauritanian citizens full freedom of religion or belief, including the freedom to change from Islam to Christianity, or another religion, as provided for in article 18 ICCPR, and by some more moderate readings of Sharia law.
- 29 To protect the Christian minorities and other religious minorities by fostering a climate of religious tolerance and respect.
- 30 To allow the formation of a recognized protestant church in the country.
- 31 To invite the UN Special Rapporteur on freedom of religion or belief.

