



Mauritania

SUBMISSION (MARCH 2015) BY THE INTERNATIONAL HUMANIST AND ETHICAL UNION TO THE UN UNIVERSAL PERIODIC REVIEW (UPR) 23RD SESSION OF THE UPR WORKING GROUP, NOVEMBER 2015

The International Humanist and Ethical Union (IHEU) is the sole global umbrella organisation embracing Humanist, atheist, rationalist, secularist, sceptic, laique, ethical cultural, freethought and similar organisations worldwide. It has over 100 Member Organisations across 40 countries.

The IHEU would like to put on record a number of concerns we have about the human rights situation in Mauritania. These relate to the practice of slavery, freedom of assembly and association, freedom of religion or belief, and the rights of women and girls.

1. THE PRACTICE OF SLAVERY

Despite a 1981 law banning slavery in Mauritania and the establishment of an antislavery agency in 2013, it is estimated that between 155,000¹ and half a million² Mauritians live in conditions of servitude. According to the Global Slavery Index, Mauritania has the highest prevalence of slavery in the world. Whilst, in 2007 Mauritania passed a law setting penalties of five to 10 years in prison for all forms of slavery³, the law is hindered by the requirement that it needs to be the slaves themselves who file a legal complaint before any prosecution can occur.

Often, arrested slave masters are released without charge and money is sometimes used so that a plaintiff will drop their complaint⁴. Human rights groups have argued that in the frequent property disputes that occur between slaves/former slaves and their masters, local authorities will favour the masters⁵.

A recent report by the Unrepresented Nations and Peoples Organisation (UNPO) on slavery in Mauritania highlighted the “long-standing and embedded nature of slavery in Mauritanian society”, grave defects in the government’s Roadmap to Combat the Consequences of Slavery, and observed

¹ <http://www.globalslaveryindex.org/country/mauritania/>

² <https://freedomhouse.org/report/freedom-world/2014/mauritania#.VN4yOOasXHR>

³ <http://unpo.org/downloads/1208.pdf>, p24

⁴ See A/HRC/28/NGO/36 and <http://www.state.gov/documents/organization/220348.pdf>

⁵ <https://freedomhouse.org/report/freedom-world/2014/mauritania#.VN4yOOasXHR>

that “the many criticisms of slavery and slavery-like practices in Mauritania by U.N. human rights treaty bodies and other international organizations” all, to a great extent, go unheeded⁶.

The IHEU urges the UPR Working Group of the Human Rights Council to:

- Echo the recommendations set out in the report of Special Rapporteur on contemporary forms of slavery, including its causes and consequences, following her visit to the country⁷. This includes the full implementation and enforcement of the Slavery Act No. 2007-048⁸.
- Call on the Mauritanian Government to work with the international community and civil society in order to mainstream anti-slavery initiatives, and provide funding and technical expertise to help combat slavery and its “vestiges”.
- Encourage Mauritania to do more to educate slaves about their rights as well as implementing programmes of rehabilitation.
- Ensure the renewal of awareness-raising campaigns, involving religious leaders so as to help change the fundamental cultural and religious indoctrination which, to date, has served to mollify victims of slavery into tacitly accepting their situation.

2. THE RIGHT TO FREEDOM OF ASSOCIATION AND ASSEMBLY

Not only is the IHEU deeply concerned about the situation for those living in slavery, but it is also concerned about reports it has received from anti-slavery human rights activists regarding their detention and ill-treatment at the hands of the authorities in the country.

On the 7th November 2014, a number of activists from the Initiative for the Resurgence of the Abolitionist Movement (IRA-Mauritania) formed an anti-slavery convoy that visited rural villages in order to raise awareness about land rights for people of slave descent (land slavery) and inform those susceptible to exploitation of their rights⁹. On the 11th November, those involved were attacked by riot police, arrested, and imprisoned for their participation in the convoy; it was reported that the police used tear gas and stun grenades against them¹⁰. IRA-Mauritania’s headquarters were closed down and the activists were held in different detention centres in the southern city of Rosso, without access to their phones or visits from their families.

Amongst those arrested were Biram Ould Dah Ould Abeid (President of IRA-Mauritania and runner-up in the 2014 Presidential election)¹¹, Djiby Sow (President of the NGO Kawtal) and Brahim Bilal Ramdhane (Vice President of the IRA). Abeid maintains that he was not in fact part of the convoy¹².

⁶ <http://unpo.org/downloads/1208.pdf>, p.vi

⁷ A/HRC/27/53/Add.1

⁸ Ibid.

⁹ <https://freedomhouse.org/article/imprisoned-activist-speaks-about-slavery-mauritania#.VN3eruasXHR>

¹⁰ <http://iheu.org/anti-slavery-campaigner-and-iheu-partner-faces-political-charges-in-mauritania/>

¹¹ In December, Abeid published a letter from prison. The text of his letter can be seen here: <http://ira-usa.org/letter-from-jail-biram-demands-a-trial/>

¹² <http://fr.alakhbar.info/9619-0-Mauritanie-IRA-exige-pacifiquement-mais-avec-fermete-la-liberation-de-Biram.html>

In January 2015, the three men were sentenced to two years' imprisonment for inciting violence, disturbing public order, offending members of the authorities and being members of an unregistered organization¹³. Seven other activists were acquitted. Those protesting the judgements outside the court at the time were dispersed using tear gas and batons¹⁴.

An estimated 21 anti-slavery campaigners have been arrested following the protests and *solidarity rallies elsewhere in Mauritania*. The Office of the High Commission for Human Rights (OHCHR) has reported that, "the conditions of detention in the places that were visited do not comply with the minimum international standards, most particularly the detention units and their ventilation"¹⁵. Mauritania's President has accused IRA-Mauritania of being an illegal group seeking to "upset stability and obtain material and moral gains"¹⁶.

This recent episode is just the latest in a history of harassment, intimidation and repression by the Mauritanian authorities against those who campaign against slavery¹⁷.

As determined in the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, everyone has the right to peaceful assembly, freedom of association with others, and freedom of expression¹⁸. The treatment of anti-slavery campaigners in Mauritania represents a clear violation of these rights.

What is particularly disturbing is not only the complete lack of regard for the basic rights to assembly, association and expression, but that the anti-slavery activists were seeking to exercise these rights in order to highlight and improve the plight of enslaved people in Mauritania – people denied their right to autonomy, full freedom and land rights. The work of anti-slavery activists in Mauritania and the crucial role they play in holding the government to account in terms of its human rights obligations and commitments must be respected fully by the Mauritanian government¹⁹.

Whilst the IHEU welcomes the Mauritanian government's recent legislative reforms and awareness-raising initiatives, it needs to do far more.

Accordingly, the IHEU urges the UPR Working Group of the Human Rights Council to:

¹³ Telephone conference, January 2015. See also <http://www.lavoixdelamerique.com/content/biram-ould-abeid-parle-depuis-sa-cellule-a-voa-afrique/2519082.html> and <http://unpo.org/article/17712>

¹⁴ <http://www.amnesty.org/en/for-media/press-releases/mauritania-jailed-presidential-candidate-and-anti-slavery-activists-must-be>

¹⁵ <http://unpo.org/downloads/1156.pdf>

¹⁶ <http://www.bbc.co.uk/monitoring/antislavery-group-in-mauritania-backlash>. In contrast to the sentiments expressed by the Mauritanian President, the human rights work of IRA-Mauritania has been recognised internationally: in 2013, Abeid was awarded the United Nations Human Rights Prize as well as the Front Line Award for Human Rights Defenders at Risk.

¹⁷ <http://www.amnesty.org/en/news/mauritania-must-end-clamp-down-anti-slavery-activists-2014-11-12>

¹⁸ UDHR, §19 & §20 and ICCPR, §19, §20 & §21

¹⁹ <http://www.amnesty.org/en/news/mauritania-must-end-clamp-down-anti-slavery-activists-2014-11-12>

- Follow-up the recommendations for the Mauritanian government as set out by the OHCHR following its latest mission²⁰.
- Call on the Mauritanian Government to cease its harassment, intimidation and ill-treatment of anti-slavery campaigners.

3. THE RIGHT TO FREEDOM OF RELIGION OR BELIEF²¹

There are a significant number of ways in which the right to freedom of religion or belief is not respected in Mauritania.

3.1 Constitution and law

The preamble of Mauritania's 1991 constitution declares a "right to equality" and the "fundamental freedoms and rights of human beings"; Article 1 of the constitution notes that, "the Republic guarantees equality before the law to all of its citizens without distinction as to origin, race, sex, or social condition". However, the constitution and other laws and policies restrict freedom of religion or belief. The Constitution defines the country as Islamic, recognising Islam as the only religion of its citizens, with Islam as "the religion of the people and the state".

The law and legal procedures of Mauritania are based on Sharia. Sharia crimes such as heresy, apostasy, atheism, refusal to pray, adultery and alcoholism are all contained in Mauritania's Penal Code. The Code includes punishments of lapidation, amputation and lashings. Sharia norms are also reflected in Mauritania's 2001 Personal Status Code. Its Article 311 states that for difficulties of interpretation as well as in cases where the Code is silent, reference should be made to Sharia.

3.2 Apostasy

Non-Muslims are restricted from having citizenship status. Muslims who convert from Islam lose their citizenship and property rights. Article 11 of the Press Act is used to ban proselytizing by non-Muslims; the Act prohibits the publication of any material that contradicts or threatens Islam. Article 306 of the Mauritanian penal code, stipulates apostasy as a crime punishable by death.

Anyone found guilty of converting from Islam will be given three days to repent and if the individual concerned does not do so, they will face confiscation of their property, or the death sentence. Non-Muslims are only allowed private worship after they are granted permission to do so from the state.

It has been observed that the charge of "spreading atheism" has been used not only to silence writers and activists but for political means also²². A number of left-wing activists and writers have highlighted what they see as a systematic campaign, which accuses them of spreading atheism. They

²⁰ <http://unpo.org/downloads/1156.pdf> and

<http://www.ohchr.org/Documents/Countries/MR/FinalReportMission12Dec2014.doc>

²¹ Source: *Freedom of Thought Report 2014*, Entry on "Mauritania". See: <http://freethoughtreport.com/>

²² <http://www.al-monitor.com/pulse/culture/2014/01/mauritania-religious-crisis-accusations-apostasy.html##ixzz3lkpyL5GD>

have attributed this to the Muslim Brotherhood seeking to undermine the leftist movement and to make people fearful of it. Left-wing activists have been called upon to repent to God and integrate themselves into Muslim society, fatwas signed by a group of Mauritanian religious scholars have been issued accusing some activists of apostasy, and the Supreme Council for Fatwa and Grievances has issued a statement calling on activists on social media to “stop offending Islam and the Prophet and spreading atheism”.

There were calls for the left-affiliated Aqlam Horra (free pens) website to be shut down after it published an article, entitled “Religion, Religiousness and Masters,” (which was subsequently deleted and apologised for). A Mauritanian entrepreneur had said he would pay just under \$14,000 to whoever killed the writer responsible for the article.

In January 2014, 28-year old blogger, Cheikh Ould Mohamed M’Kheitir, was arrested for publishing an article seen by some as lacking respect for the prophet Muhammad and constituting an act of apostasy. His article sought to highlight the deeply hierarchical structure of Mauritanian society based on traditions dating back to the times of Prophet Muhammad and to critique discrimination suffered by the lower social classes in the country. In December 2014, M’Kheitir was sentenced to death for “apostasy”, putting the crime of leaving Islam on a par with the country’s sentencing for terrorism and murder.

Following M’Kheitir’s arrest there were a number of protests condemning his actions and angry at the pace with which his case was being dealt. There were numerous calls, including by imams, scholars and professors, for M’Kheitir’s execution. One preacher, Abi Ould Ali, offered 4,000 Euros to anyone who killed the blogger. The Mauritanian government and opposition parties supported the protests. President Mohamed Ould Abdel Aziz said, “We will apply God’s law on whoever insults the prophet, and whoever publishes such an insult.”

The IHEU urges the UPR Working Group of the Human Rights Council to:

- Call on Mauritania to make the necessary constitutional, institutional and legal reforms to as to ensure the right to Freedom of Religion or Belief is upheld in the country.
To ensure Mauritania does more to condemn, counteract and punish vigilante violence against those accused of blasphemy or apostasy in the country.
- Do all it can to urge Mauritania to drop the wholly unjust charges against M’Kheitir.

4. RIGHTS OF WOMEN AND GIRLS

4.1 Constitutional discrimination against women and girls

Whilst Mauritania is a signatory of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), it has the following reservation: “have approved and do approve it in each

and every one of its parts which are not contrary to Islamic Sharia and are in accordance with our Constitution.”²³

And whilst Islamic Sharia is not necessarily *per se* incompatible with the human rights rulings of international treaties, one of the problems is that it is not well defined *a priori*. The Sharia is not formally codified, there are various methods of interpretation and scholars can sometimes reach wildly differing conclusions. In Mauritania’s case, women have fewer legal rights than men and there are different rules for male and female inheritance and property ownership. According to the Personal Status Code considers women to be minors²⁴, regardless of age, and are required to have a male guardian.

4.2 Early / Forced Marriage

Early and forced marriage is an issue still affecting girls in Mauritania²⁵. It is estimated that 19% of girls are married before the age of 15, and 43% before the age of 18²⁶. It is a practice that occurs throughout the country - although there are some areas where the practice is more prevalent, such as Gorgol²⁷.

Early (child) marriage has been shown many times to be dangerous for the physical and mental health of the child. Child brides are more likely to suffer violence from their husbands or their husbands’ families. Penetration by an adult man can lead to severe internal injury for a girl and even, in some cases, to death. Immature girls who become pregnant are also at risk both from the pregnancy and from childbirth. Child marriage is the main contributor to the high maternal mortality cited above. A girl under 15 who gives birth is five times more likely to die in childbirth than a woman in her twenties, and even if she does not die, she is also much more likely to suffer from severe ill health, including obstetric fistula²⁸. The children of young mothers are also much more likely to die within their first year²⁹.

There are three kinds of forced marriages are practiced in the country. The first is when a girl from a poor family is forced to marry a rich man for financial purposes. The second occurs when a girl is forced into a polygamous relationship with an influential man. The third kind is a practice known

²³ <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>

²⁴ <http://www.state.gov/documents/organization/220348.pdf>

²⁵ Notably, in preparation for marriage, girls can be fed a diet of up to 16,000 calories a day. This practice is known as ‘force feeding’ and constitutes a harmful traditional practice. It is practiced only among White Moor tribal groups. It brings about obesity in the victim - a condition that is highly esteemed in some echelons of Mauritanian society. The obesity that forced feeding incurs can cause any number of general health problems and harm many of the body’s organs, and the pills that some girls take to gain weight or increase their appetite can also be very detrimental to their health. See, for example, <http://www.state.gov/documents/organization/220348.pdf>, <http://www.marieclaire.com/politics/news/a3513/forcefeeding-in-mauritania/>, <http://www.theguardian.com/world/2009/mar/01/mauritania-force-feeding-marriage>

²⁶ [http://www.refworld.org/cgi-](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=publisher&publisher=IRBC&type=&coi=MRT&docid=5035f2ea2&skip=0)

[bin/texis/vtx/rwmain?page=publisher&publisher=IRBC&type=&coi=MRT&docid=5035f2ea2&skip=0](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=publisher&publisher=IRBC&type=&coi=MRT&docid=5035f2ea2&skip=0)

²⁷ <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454056>

²⁸ <http://www.girlsnotbrides.org/themes/health/>

²⁹ Ibid.

as maslaha, where a girl is forced to marry her cousin, so that she can be financially supported by him³⁰; this accounts for 43% of forced marriages in Mauritania³¹.

4.3 Trafficking of girls

The Special Rapporteur on contemporary forms of slavery has drawn links between child marriage and slavery, whilst highlighting the duty of States to prohibit and eliminate slavery as a non-derogable and fundamental principle of international law.³² This link is relevant to Mauritania, where the practice of forced marriage has been connected with the trafficking of girls, and has become a serious problem. Whilst commercial sexual exploitation of children is illegal and conviction carries penalties of two to five years in prison and a fine of 200,000 to 2 million ouguiya (\$690 to \$6,900), in some instances men from the Middle East contract “temporary marriages” as a means to traffic and exploit young Mauritanian girls and women in the Middle East³³. Mauritanian women and girls are forced into prostitution in the country or transported to countries in the Middle East for the same purpose; some enter into forced marriages, facilitated by brokers and travel agencies in Mauritania, and are subsequently exploited as sex slaves overseas³⁴.

4.4 Female Genital Mutilation/Cutting

Female Genital Mutilation/Cutting (FGM/C) continues to be a widely practiced phenomenon in Mauritania, by all ethnic groups - with 69% of women and girls having undergone FGM/C³⁵; 80% of these procedures involves flesh being cut and removed³⁶.

This comes despite an ordinance the child protection penal code stating that any act or attempt to damage a female child’s sexual organs is punishable by imprisonment and a 120,000 to 300,000 ouguiya (\$410 to \$1,034) penalty³⁷. However, FGM/C is illegal only among minors and the law is restricted to a ban on the practice in government health facilities and by medical practitioners³⁸. More than 80% of cut girls experienced FGM/C before their fifth birthday, and the mean age of cutting is a month old³⁹.

The practice of FGM/C constitutes an extreme manifestation of discrimination against women; it is

³⁰ <http://www.trust.org/contentAsset/raw-data/ffe4a0de-2934-47f9-9150-24321388c29c/file>, p78

³¹ Ibid.

³² See thematic report on servile marriage (A/HRC/21/41); see also the report on the mission to Madagascar of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/24/43/Add.2), especially para. 125 and the thematic report on challenges and lessons in combating contemporary forms of slavery (A/HRC/24/43).

³³ <http://www.state.gov/j/drl/rls/hrrpt/2011/af/186219.htm>

³⁴ <http://www.state.gov/documents/organization/226847.pdf>

³⁵ http://www.unicef.org/media/files/FGCM_Lo_res.pdf

³⁶ UNICEF, *Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change*, Table 5.2, p47. See: http://www.unicef.org/media/files/FGCM_Lo_res.pdf

³⁷ <http://www.state.gov/j/drl/rls/hrrpt/2011/af/186219.htm>

³⁸ UNICEF, *Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change*, p8. See: http://www.unicef.org/media/files/FGCM_Lo_res.pdf

³⁹ UNICEF, *Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change*, p47 and Box 8.1, p85. See: http://www.unicef.org/media/files/FGCM_Lo_res.pdf

rooted in inequality and should be perceived as a reflection of severe power imbalance. Deeply entrenched in social, cultural and political structures, it perpetuates unequal normative gender roles that harm women⁴⁰. FGM/C deprives girls and women from making an independent decision about an intervention that has a lasting effect on their bodies, infringing upon autonomy and control over their lives.

The IHEU UPR Working Group of the Human Rights Council to:

- Call on Mauritania to eliminate legal and social discrimination against women and girls.
- Urge the government to take far more rigorous actions to counteract trafficking of girls and protect them from early and forced marriage.
- Encourage Mauritania to do far more to eliminate traditional harmful practices against women and girls.
- Urge Mauritania to remove its reservation to CEDAW.

⁴⁰ WHO, 2008.