**The Situation of Human Rights in Mauritania**

**Submitted to**: The Human Rights Committee.

**Submitted by**: Maat for Peace, Development and Human Rights (In a consultative status with UN ECOSOC)

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**Introduction**

On 17 November 2004, the Islamic Republic of Mauritania acceded to the International Covenant on Civil and Political Rights. It also submitted its first report (CCPR / C / MRT / 1) to the Human Rights Committee on 21 and 22 October 2013 and then submitted its periodic report (CCPR / C / MRT / 2) to the Human Rights Committee on 22 November 2017. The Committee will consider the present report for concluding its concluding observations on the report at the next meeting.

In light of this review, and believing in the important role that civil society organizations play in promoting human rights, Maat for Peace, Development and Human Rights (Egypt) submits this report to assess the actual implementation of the International Covenant on Civil and Political Rights (ICCPR) in the Islamic Republic of Mauritania, The report also presents the human rights situation in the country and makes recommendations to the State party in the light of the State party's latest report to the Human Rights Committee.

**Constitutional and Legal Framework for the Application of the Covenant (Art. 2)**

The Mauritanian Constitution[[1]](#footnote-1), in chapter 5, article 80, reads that "The treaties or agreements regularly ratified or approved have, on their publication, an authority superior to that of the laws, subject, for each agreement or treaty, to their application by the other party. " In light of this, (CCPR / C / MRT / 2) submitted to the Committee by the State party (the Islamic Republic of Mauritania) did not contain direct examples of the application of the provisions of the International Covenant on Civil and Political Rights. The Islamic Republic of Mauritania has not ratified the First and Second Optional Protocols to the Covenant. In addition, the State patry did not tackle the measures had been taken to resolve the conflict between the provisions of the Islamic Sharia and the provisions of the Covenant, and did not provide information on measures taken to ensure greater transparency in the process of selection of members of the National Human Rights Commission, as well as the independence of members of the National Mechanism for the Prevention of Torture.[[2]](#footnote-2)

**Freedom of Opinion and Expression, Association and Protection of Human Rights Defenders, Articles 6, 7, 9, 14, 18, 19, 21 and 22 of the Covenant**

Although the Mauritanian Constitution contains guarantees for freedom of expression, Mauritanians who tackle matters of Islamic faith or social issues may find themselves subject to criminal charges. In 2014, Mohamed Cheikh Ould Mkhaitir published an article on the internet that criticizing the use of religion to justify ethnic and sectarian discrimination in Mauritania. Mkhaitir was, after a short time, accused of apostasy and sentenced to death. Although the sentence was reduced to a certain period of time, he remains in custody under article 306 of the Criminal Code concerning the Islamic morals and ethics relations. Over two and a half years, thousands of demonstrators in a number of occasions have been calling for the execution of Mkhaitir, but the police prevented demonstrators from walking in the streets of Nouakchott and arrested 4 of them[[3]](#footnote-3)

On the other hand, supporters of the abolition of the death penalty from the Constitution and the Mauritanian Penal Code are subject to police arrest and harassment. At least 18 anti-slavery and arbitrary detention activists have been subjected to arbitrary detention. In November 2014, police arrested a caravan of 8 non- governmental organization in Mauritania called Freedom Caravan, it is a caravan aimed at sensitizing the Mauritanian population to issues of slavery and land rights. It also arrested Mr. Biram Dah Abeid, Ibrahim Bilal Ramadhan and Ama Jibril Sommo, all of them are anti-slavery activists belonging to Mauritanian NGOs. Thus, they were denied the protection of international standards of the right to a fair and justice trial during the period in which they were detained, which violated articles 9 and 19 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights.[[4]](#footnote-4)

Security forces continued to intimidate and attack bloggers, human rights defenders and others who criticized the government. In April 2017, the security forces used tear gas and batons to repress a peaceful protest in the capital, Nouakchott, that was organized by youth groups calling for policies to address youth unemployment and to support young people. At least 26 people were arrested. Most of them were released the same day, but 10 were detained for four days, charged with participating in an unauthorized gathering. The court in Nouakchott gave one woman a three-month suspended prison sentence, which was overturned on appeal. The others were acquitted. On 23 April, police arrested seven people, of whom four were foreign nationals and two were children, in connection with their attending a religious service in Nouakchott. One of them was released without charge after three days; the others were charged with belonging to an unauthorized organization and released six days later.[[5]](#footnote-5)

In August 2017, President Mohamed Ould Abdel Aziz dissolved the Senate, claiming that the institution is useless and very expensive, following a popular referendum. Opposition groups and civil society organizations commented that the process leading to the dissolution of the Council violated constitutional guarantees. Security forces suppressed peaceful protests calling for a boycott of the constitutional amendment referendum. thirteen senators, four journalists and two trade unionists were placed under judicial control. Also, Mohamed Ould Ghadda, a senator, was accused of corruption and he remains in detention pending trial. The others are under judicial control pending various charges.[[6]](#footnote-6)

In November, 15 human rights defenders were arrested in the southern town of Kaédi by plain clothes men who identified themselves as members of the Battalion for Presidential Security. They had been distributing leaflets and holding banners calling for justice for their relatives who had been unlawfully killed between 1989 and 1991. They were taken to a military base and questioned about their activities. Ten were released the same day and five were transferred to a police station and detained for six days, without access to a lawyer, before being released without charge. International human rights activists and NGOs were refused access to Mauritania throughout the year. In May, a foreign lawyer and journalist carrying out research into slavery were asked to leave the country. In September, US anti-slavery activists were denied entry visas when they arrived at Nouakchott International Airport. In November, the authorities refused an Amnesty International delegation access to the country.[[7]](#footnote-7)

In 2018, the Mauritanian authorities used a series of harsh and loose laws on terrorism, cybercrime, heresy and criminal defamation to prosecute human rights defenders, activists, bloggers and political opponents. In January 2018, Abdallahi Salem Ould Yali was arrested for social media messages criticizing racial discrimination in the country. Authorities have withheld recognition from several associations including Hands Off My Nationality, which focuses on institutional discrimination against black Mauritanians in the national civil registration process. These refusals are possible under the 1964 Law of Associations, which requires associations to obtain permission to operate. The law also grants the Interior Ministry power to refuse permission on vague grounds such as “anti-national propaganda” or “exercis[ing] an unwelcome influence on the minds of the people.”[[8]](#footnote-8)

On August 7, 2018, Biram Dah Abeid, leader of the Initiative for the Resurgence of the Abolitionist Movement (IRA-Mauritanie), was arrested after he decided to run in the Mauritanian legislative elections. The reasons for the arrest are likely to be political, because members of the movement belong to the Haratin community, which call for the end of the practice of slavery in the country, and so far the organization of IRA-Mauritanie is unable to obtain a license by the Mauritanian authorities, which is a violation of their right to freedom of association. On 8 August 2018, the Mauritanian authorities arrested Boubacar Angai, a journalist and director of Cridem website, on the basis of a complaint lodged by a lawyer residing in France and close to the current government, because of an article published on a website accusing the lawyer of being a mercenary and facing allegations of corruption. This arrest is a clear violation of the right to freedom of expression.[[9]](#footnote-9)

**Contemporary Slavery (Article 8)**

Mauritania abolished slavery in 1981 and criminalized it in 2007. The government claims that slavery no longer exists, however, its legacy appears in reality. The Global Slavery Index estimates that there are 90,000 slaves in Mauritania, which is contrary to the principles of humanity and article 8 of the International Covenant on Civil and Political Rights, which states that "No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited." In August 2015, the Mauritanian Parliament ratified a law that seeks to eliminate the slave- trade. The law provides for fines up to five million ounces (about 14 thousand dollars) for anyone who publicly curses a person describing him as a slave, or belong to slaves, and may be subjected to a penalty of up to ten years in prison and. The new law provides for the establish of specialized tribunals to counter slavery with specialized judges, committed to maintain the rights of victims in compensation, including compensation for the victims of slavery, without waiting for appeal. In 2017, a law criminalizing slavery and making it a crime against humanity was passed.[[10]](#footnote-10)

 According to IRA-Mauritanie, “About 20 percent of the Mauritanian people still live in slavery, work without rest and without money, do not enter schools and have no civil documents." IRA-Mauritanie is an initiative headed by Biram Ould Abeid, is not recognized by the Mauritanian authorities and has not obtained a license to operate legally. Women are the most suffering from slavery, whereas they are detained and raped, prevented from marrying and their children distributed to the family of the enslaver to prevent them from escaping. On the other hand, men are often able to escape in adolescence or adulthood, but the years of slavery they have lived are cruel because of the work and torture they face, especially in the case they try to escape.

However, the Mauritanian authorities refuse to recognize the existence of slavery, they have established special tribunals for the crimes of slavery in the last two years. There are still obstacles to the functioning of these tribunals and the application of their laws in the vast desert and remote areas, especially the defendants have always been powerful and influential. So far, only three verdicts have been issued by such tribunals include imprisonment and fine for those accused of enslaving families from the Haratin community in the areas of Nema, Zouerat and Nouadhibou, and forcing them to work in remote villages as camel herders and domestic servants. The percentage of Haratin community in the Mauritanian society is estimated at 20%, but human rights organizations confirm that they are over 42%. As a result of the legacy of slavery in the structure of society and state policy, the sons of slaves are not employed in leadership positions in the state, except in rare cases. The State’s establishment of the Solidarity Foundation in order to improve the status of the sons of slaves, but it has not succeeded so far in its endeavor. Boubacar Ould Messaoud, the head of SOS Esclaves organization, said "Solidarity Foundation has not achieved anything for former slaves and has not contributed to the project of human rights organizations for achieving emancipation, equality and dignity for slaves.”[[11]](#footnote-11)

Anti-slavery activists face numerous harassments by police officers. Since 2016, only three people have been convicted of enslavement. In this regard, the Independent Expert on contemporary forms of slavery has expressed her concern about the lack of trials on the crime of slavery in Mauritania, as well as the misinterpretation of religious texts to perpetuate slavery. Unfortunately, freed slaves suffer from a clear discrimination in all services, especially the Haratin, the largest ethnic group in Mauritania. They are victims of government discrimination, whereas they have been suspended from government or military positions, as well as discrimination in land rights. Moreover, their children also suffer from discrimination in school attendance and are often denied government education.[[12]](#footnote-12)

The equality between men and women is almost non-existent in some fields of public affairs, especially in the judiciary, diplomatic sector and high positions in public administration. Women are clearly discriminated against in relation to the transfer of nationality under article 16 of Law No. (112-1961) amended and included in Mauritania’s Nationality Code, and also suffer from discrimination under the Personal Status Act of 2001, as evidenced in articles 9 to 13 on the guardianship over unmarried women, discrimination on the right to inheritance, the rights of spouses during marriage and the dissolution of marriage, which Infringe articles (2), (3), (23) and (26) of the International Covenant on Civil and Political Rights. In addition to the prevalence of domestic violence, against women in particular, especially rape, as well as the non-prosecution of perpetrators and the absence of protective measures for victims.[[13]](#footnote-13)

The Mauritanian women of all racial, ethnic and cultural groups face a range of challenges in the enjoyment of their human right and there is no national strategy to ensure gender parity. In 2017, parliament adopted a law on reproductive health that recognized it to be a universal right but that maintained the ban on abortion. It also adopted a general code on children’s protection, which criminalizes female genital mutilation. In addition to societal pressure to keep silent, women who endure sexual violence confront institutional barriers that include police and judicial investigative procedures that are not gender-responsive. Mauritanian law does not adequately define the crime of rape and other forms of sexual assault. Mauritania’s laws on divorce, child custody, and inheritance discriminate against women.[[14]](#footnote-14)

**Recommendations**

* To reconsider its reservations to articles 18 and 23, paragraph 4, of the International Covenant on Civil and Political Rights.
* To take serious steps to ratify the First and Second Optional Protocol to the International Covenant on Civil and Political Rights.
* To amend the Associations Act of 1964, the Public Assemblies Act of 1973 and the Criminal Code of 2018 on Discrimination, ensuring that they meet all international and regional human rights standards relating to the right to freedom of expression, association and peaceful assembly
* To consider amending article 306 of the Criminal Code concerning the Islamic morals and ethics relations, in order to guarantee greater freedom of expression.
* To establish a national mechanism to combat slavery and to provide all forms of moral and material support to the victims.
* To provide training for judges, lawyers and law enforcement officers in relation to combating slavery and dealing with victims.
* To adopt a national plan to combat racial discrimination and to provide training to state employees to combat discrimination in all government institutions in Mauritania.
* To amend the Nationality Law, the Personal Status Law and all legislation related to women's rights, ensuring that they are consistent with all relevant international standards and charters.
* To enact a legislation that protects women from all forms of domestic violence and ensures gender parity.
* To take serious and concrete steps to ensure the independence of the judiciary and to provide legal guarantees at all stages of the legal proceedings for the plaintiffs, the right holders, the suspects, the criminals and the outlaws.
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2. United Nations Human Rights, Un Treaty Body Database, (CCPR/ C/ MRT/2), available at: <https://tbinternet.ohchr.org/SitePages/Home.aspx> [↑](#footnote-ref-2)
3. HRW, Mauritania: Quash Blogger Mkhaitir’s Death Sentence, 7 November2017, Available at:

<https://server4.kproxy.com/servlet/redirect.srv/slxv/sfbs/sjkl/p2/news/2017/11/07/mauritania-quash-blogger-mkhaitirs-death-sentence> [↑](#footnote-ref-3)
4. UN Working Group on Arbitrary Detention Opinion No. 36/2016, supra note 2; UN Working Group on Arbitrary Detention Opinion No. 35/2017, supra note 2. [↑](#footnote-ref-4)
5. Amnesty International, Mauritania 2017/2018, Available at: <https://www.amnesty.org/en/countries/africa/mauritania/report-mauritania/> [↑](#footnote-ref-5)
6. Radio France Internationale, Mauritanie: le Sénat rejette le projet de révision constitutionnelle, 18 March 2017, Available at: <http://www.rfi.fr/afrique/20170318-mauritanie-senat-vote-contre-revision-constitutionnelle> [↑](#footnote-ref-6)
7. Amnesty International, Mauritania 2017/2018, Available at: <https://www.amnesty.org/en/countries/africa/mauritania/report-mauritania/> [↑](#footnote-ref-7)
8. HRW, Mauritania: Repressive Laws Restrict Peaceful Speech, 17 January 2019, Available at:

<https://server4.kproxy.com/servlet/redirect.srv/slxv/sfbs/sjkl/p2/news/2019/01/17/mauritania-repressive-laws-restrict-peaceful-speech> [↑](#footnote-ref-8)
9. التقرير السنوى للكرامة، موريتانيا 2018، ويمكن الإطلاع على التقرير كاملاً من خلال الرابط التالى: <https://www.alkarama.org/sites/default/files/2019-04/AnnualReport_2018_Arabic.pdf> [↑](#footnote-ref-9)
10. محمود القصاص، موريتانيا: هل تم فعلاً تحرير العبيد؟ م منشور على موقع "البى بى سى"، بتاريخ 15 فبراير 2019، ويمكن قراءة المقال كاملاً من خلال الرابط التالى: <http://www.bbc.com/arabic/interactivity-47255109> [↑](#footnote-ref-10)
11. الفقر والجهل واجهة تستتر وراءها العبودية في موريتانيا، م منشور فى موقع اربيك سبوتنيك، بتاريخ 19 يوليو 2018، ويمكن قراءة المقال كاملاً من خلال الرابط التالى: <http://cutt.us/g7giB> [↑](#footnote-ref-11)
12. Unrepresented Nations and Peoples Organization and Initiative pour la Résurgence du Mouvement Abolitionniste Mauritanie, Joint Submission to the UN Office of the High Commissioner for Human Rights for the consideration of the 2nd Universal Periodic Review of the Islamic Republic of Mauritania during the 23rd Session, 6, Available at: <http://unpo.org/downloads/1321.pdf> (hereinafter, NGO Universal Periodic Review Submission) ; Anti-Slavery International, Landmark Victory from Mauritania: Voices from Mauritania, (27 May 2016), Available at: <https://www.antislavery.org/landmark-victory-mauritania-voices-mauritania/> [↑](#footnote-ref-12)
13. Ibid [↑](#footnote-ref-13)
14. موريتانيا، أحداث عام 2018، هيومن رايتس ووتش، موقع هيومن رايتس ووتش، ويمكن قراءة التقرير كاملاً من خلال الرابط التالى: <https://server1.kproxy.com/servlet/redirect.srv/slxv/sfbs/sjkl/p2/ar/world-report/2019/country-chapters/325943#afcc3f> [↑](#footnote-ref-14)