

Mauritania

Mauritania bridges the Arab Maghreb and western sub-Saharan Africa; its Arab-Berber population tend to live in the north and black Africans in the south. It is one of the world's poorest countries, with about one fifth of the population living on less than \$1.25 per day. Slavery has been described as a major human rights issue, with the world's highest proportion of slaves, mostly the black Africans, in indenture that is socially justified with reference to Islam. Mauritania is a member of the League of Arab States and the Organization of Islamic Cooperation (OIC).

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<p><u>State legislation is largely or entirely derived from religious law or by religious authorities</u> <u>The non-religious are barred from holding government office</u></p>		<p><u>There is a pattern of impunity or collusion in violence by non-state actors against the nonreligious</u> <u>Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious</u></p>	<p><u>Expression of core Humanist principles on democracy, freedom and human rights is brutally repressed</u> <u>'Apostasy' or conversion from a specific religion is outlawed and punishable by death</u> <u>'Blasphemy' or criticism of religion is outlawed and punishable by death</u></p>
<p><u>The non-religious are barred from some government offices (including posts reserved for particular religions or sects)</u></p>		<p><u>Systemic religious privilege results in significant social discrimination</u> <u>Prohibitive interreligious social control (including interreligious marriage bans)</u> <u>Religious control over family law or legislation on moral matters</u> <u>It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization</u></p>	

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<u>Preferential treatment is given to a religion or religion in general</u> <u>There is an established church or state religion</u>	<u>Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</u>	<u>Discriminatory prominence is given to religious bodies, traditions or leaders</u>	
			<u>Some concerns about political or media freedoms, not specific to the non-religious</u> <u>Concerns that secular or religious authorities interfere in specifically religious freedoms</u>

Legend

Constitution and government

The Constitutional Council and the High Council of Magistrates are required, when taking an oath of office, to make a promise to God to uphold the law of the land in conformity with Islamic precepts.

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 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 (a legal code which regulates all matters related to marriage, divorce, family and inheritance issues). 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.

Education and children's rights

Classes on Islam are compulsory in the curricula of both public and private Islamic schools; attendance is mandatory.

Family, community and society

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. Non-Muslims are only allowed private worship after they are granted permission to do so from the state.

Freedom of expression, advocacy of humanist values

Freedom of expression both for individuals and for the press are severely compromised in Mauritania.

Apostasy, blasphemy, “adultery”, and homosexuality are among the capital crimes in Mauritania, as well as terrorism.

Mandatory death for “apostasy” and “blasphemy”

Article 306 of the Mauritanian penal code, stipulates apostasy as a crime punishable by death.

Until 2018, anyone found guilty of converting from Islam was supposed to be given three days to repent and so receive a lesser sentence or be released without conviction. If they did not repent, an individual might face confiscation of their property, or the death sentence. However, despite “repenting”, Mohamed Cheikh Ould Mkheitir (see “Highlighted cases” below) was found guilty of “apostasy” and sentenced to death, in a one-day trial in late December 2014. His case has been a major focus of Islamist demands and debate within Mauritania since 2014.

The case also appears to have brought about a change in the law - for the worse.

In 2018, Mauritania enacted a law which makes the death sentence for apostasy compulsory, as well as upgrading blasphemy to a capital offence and making that compulsory as well.

An amendment to penal code Article 306 will see the death penalty applied to “every Muslim, man or woman, who ridicules or insults Allah”, his messenger, his teachings, or any of his prophets, “even if [the accused] repents”.

<aljazeera.com/news/2017/11/mauritania-strengthens-blasphemy-law-blogger-case-171122163349451.html>

The law also provides for a sentence of up to two years in prison and a fine of up to 600,000 Ouguiyas (approximately EUR 13,804) for “offending public indecency and Islamic values”, or “breaching Allah’s prohibitions” or assisting in their breach.

Civil society groups including Amnesty International, Committee to Protect Journalists, PEN International, and the International Humanist and Ethical Union condemned the new law, calling for it to be reversed and for the release of Mohamed Cheikh Ould Mkheitir.

<iheu.org/ngos-protest-mauritania-creates-mandatory-death-sentence-apostasy-blasphemy/>

There appears to have been a moratorium on the death sentence since 1987. However, Mkheitir remains in jail, along with around 52 persons convicted on “terrorism” charges over the years.

<opinion-internationale.com/dossier/pas-de-contrainte-en-islam-il-faut-liberer-mohamed-cheikh-condamne-a-mort-pour-ses-idees-en-mauritanie/la-condamnation-a-mort-de-mohamed-cheikh-ould-mohamed-ould-mkhaitir-un-cas-de-dysfonctionnement-de-la-justice>

“Spreading atheism”

It has been observed that the charge of “spreading atheism” has been used not only to silence writers and activists but for political means also. A number of left-wing activists and writers have highlighted what they see as a systematic campaign which accuses them of spreading atheism. They 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 businessman had said he would pay just under \$14,000 to whoever killed the writer responsible for the article.

Press freedom

Press freedom is guaranteed by the constitution. However, in reality, privately run newspapers face closure for publishing material considered offensive to Islam or threatening to the state. Self-censorship is also practiced by journalists to some degree, when they cover issues relating to Sharia or slavery, for example, and activists against slavery have been frequently harassed and persecuted. <iheu.org/iheu-calls-on-un-to-do-more-to-protect-mauritanian-anti-slavery-campaigners/>

Highlighted cases

In late December 2014, **Mohamed Cheikh Ould Mkheitir** was sentenced to death for “apostasy”. As a 28-year-old blogger, he had been arrested in January 2014, for allegedly publishing an article seen by some as insulting Muhammad and constituting an act of apostasy. His writing in fact sought to highlight the indentured servitude in Mauritanian society, often socially justified with reference to national cultural identity and in particular to Islamic tradition.

<iheu.org/iheu-condemns-death-sentence-for-apostasy-handed-to-writer-in-mauritania/>

Following Mkheitir’s initial arrest, there were a number of protests condemning his writing (though with a low level of internet penetration, and at around 50% one of the lowest remaining levels of literacy in the world, there is good reason to think that the content of his blogs was not really a direct motivator for many of the protesters). There were numerous calls, including by imams, scholars and professors, for his execution. One preacher, Abi Ould Ali, offered EUR 4,000 to anyone who killed Mkheitir. 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.”

After his death sentence was handed down in December 2014, there were again popular celebrations. Jemil Ould Mansour, leader of Mauritanian Islamist party *Tawassoul*, welcomed the conviction, saying that Mkheitir had got “the fate he deserves”.

<bvoltaire.fr/philippe-franceschi/peut-sauver-mohamed-cheikh-ould-mkheitir,149711>

Ensaf Haidar, the wife of Saudi blogger Raif Badawi (see Saudi Arabia > “Highlighted cases”), protested Mkheitir’s sentence in August 2015, writing: “Millions of people around the world rallied to the support of Raif Badawi; who will care for a poor young man in Mauritania? He will be executed for blasphemy – by those who insist that Isis does not represent Islam.”

<independent.co.uk/voices/comment/millions-of-people-rallied-to-the-support-of-raif-badawi-who-will-care-for-a-poor-young-man-in-10466040.html>

In early November 2017, Mkheitir’s sentence was reduced by an appeals court in Nouadhibou, down to two years imprisonment. Having already served four years he was due to be released. The re-sentencing was followed once again by riotous demonstrations calling for Mkheitir’s execution. Humanists International called for his safety to be ensured.

<[washingtonpost.com/world/africa/mauritania-blogger-sentenced-to-death-is-released-on-appeal/2017/11/09/00573942-c565-11e7-9922-4151f5ca6168_story.html?utm_term=.5d2f6adbd727](https://www.washingtonpost.com/world/africa/mauritania-blogger-sentenced-to-death-is-released-on-appeal/2017/11/09/00573942-c565-11e7-9922-4151f5ca6168_story.html?utm_term=.5d2f6adbd727)>
<aa.com.tr/en/africa/security-disperse-protests-in-mauritanian-capital/962148>
<iheu.org/mauritanian-blogger-accused-apostasy-released-immediate-safety-paramount/>

Despite the reduction of earlier sentencing, it was not until July 2019, in the final days of the presidency of Mohamed Ould Abdel Aziz, that Mkhaitir was actually freed from detention and was enabled to flee abroad. Humanists International commented: "That the outgoing president has taken this action in his last days in office speaks of a broken system: it appears to demonstrate that the administration knew that Mkhaitir's prolonged detention was unjust but that there wasn't the political strength to face down the Islamist lobby agitating for his execution. It shows once again that nation states must not allow extreme conservative religious opinion to dictate courses of action which violate basic justice and human rights."

<middleeasteye.net/news/mauritania-releases-blasphemy-blogger-jailed-2014>
<humanists.international/2019/08/mohamed-cheikh-ould-mkhaitir-freed-after-6-years-in-detention/>