



OpenDoors

Serving persecuted **Christians** worldwide

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Universal Periodic Review – The Islamic Republic of Mauritania

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The Advocacy Department of Open Doors International submits this analysis of religious freedom in the Islamic Republic of Mauritania (hereafter called Mauritania) as a contribution to the Universal Periodic Review of UN member-state Mauritania.

Open Doors International focuses on the right to freedom of religion or belief, in particular on the position of Christian minorities in Mauritania. During the last year, the Christian minority in Mauritania faced a worrying trend of increased pressure and violations of the right to freedom of religion or belief.

Religious demography

Mauritania has a population of over 3 million inhabitants¹, of which almost all practice Sunni Islam. Approximately 700 indigenous Christians, born Muslims who converted to Christianity, live in Mauritania². The number of Christian expats is estimated to amount 4250. The expatriate Christians are located in Nouakchott, Atar, Zouerate, Nouadhibou and Rosso.

Political and legal context

Mauritania is an Islamic Republic of which the national religion is stipulated as Islam in article 5 of its constitution. Both the former and current government, formed after the coup in 2008, considered Islam to be the essential cohesive element unifying the country's various ethnicities.

In Mauritania, no other religion has been recognised and the Constitution of Mauritania does not specify freedom of religion. On the contrary, Shariah has been proclaimed the law of the land in 1983. The judiciary consists of a single system of courts that conforms to the principles of Shariah in matters concerning the family and modern legal principles in all matters. 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 precepts³.

According to the Shariah, apostasy, conversion to a religion other than Islam or no religion is punishable by death. However, this has not been codified in a national law. During the last years, there were no reports of death penalty for apostasy but death penalty remains a real possibility for apostates.

¹ US Department of State, background note April 2010.

² The number of indigenous Christians varies between 400 and 1,000 and is very hard to verify. Open Doors estimates the amount of indigenous Christians at approximately 700.

³ US Department of State, International Religious Freedom Report 2009.



In November 2004, Mauritania acceded to the international Covenant for Civil and Political Rights (ICCPR) 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 Shariah.”* 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.

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 reservation⁴.

The government of Mauritania has not registered religious affiliations. However, NGOs, including humanitarian and development NGOs affiliated with religious groups, must register with the Ministry of the Interior.

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 gatherings⁵.

Freedom of religion or belief for Christian Minorities

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. The possession of religious materials in private homes is not illegal, however.

Non-Muslim expatriates have a certain amount of freedom to practice their religion. Expatriate Christians are allowed to gather in a few Catholic and Protestant churches. Reportedly, there is one legally recognised Protestant church for expatriates only.

Mauritanian Christians are facing several forms of persecution. Firstly, as a Mauritanian citizen, one 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 under Shariah. Furthermore, 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.

World Watch List position

Due to the deterioration of the situation of the Christian minority in Mauritania and the incidents that took place in 2009, the country made an ascent from the 18th to the 8th position

⁴ 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.

⁵ Information derived from Middle East concern.



on the World Watch List of states listing the fifty worst violators of religious freedom for Christian believers in the world⁶.

Cases of human rights violations of Christians in Mauritania in 2009

An American Christian aid worker was killed in June 2009. Chris Legget, who ran a language and computer school in L'Ksar, in the northern part of Nouakchott, resisted what appeared to be an attempt to kidnap him and then was shot in the head several times by his two assailants. The murder was claimed by al-Qaida in the Maghreb (AQIM), a terrorist group from Algerian origin that recently linked up with al-Qaida and widened the scope of its activities to the whole of North Africa, for allegedly trying to convert Muslims to Christianity.

Early July 2009, a group of 35 Mauritanian Christians were arrested and tortured. Most of them were released after five days detention, having to pay a bail of up to \$480. At least one person was detained for six days. The local police explained the incident as being part of the investigation regarding the above mentioned murder of Chris Legget. However, the two murderers of Chris Legget had already been caught in June, before the group was arrested. Therefore, the arrest appears to be an investigation of Legget's network.

Thirdly, 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. These meetings are only allowed in a few Catholic and Protestant churches. After a detention of two days the men were released, receiving the order to only meet in the Catholic Church.

Chris Legget's murder was claimed by a terrorist group but local police were responsible for the arrest and torture of Mauritanian Christians and the arrest of the Sub-Saharan Christians. The arrests that took place after the murder on Chris Legget seems to be performed by local police in an attempt to harshly investigate the existing small Christian community. Furthermore, after the murder of Chris Legget, tensions raised for the Christian community in Mauritania. Reportedly, Muslim extremists burned down the house of a Christian Mauritanian couple in August 2009.

Recommendations

Open Doors International recommends the government of Mauritania:

- To end the practice of arbitrary detentions, detentions without charges, and corporal punishment without delay and to immediately release all prisoners of conscience.
- 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.
- To lift the reservation it made to the ICCPR and CAT and fully comply with its obligations.

⁶ The Open Doors World Watch List is compiled from a specially-designed questionnaire of 50 questions covering various aspects of religious freedom. A point value is assigned depending on how each question is answered. The total number of points per country determines its position on the World Watch List. The questions differentiate between the legal, official status of Christians and the actual situation of individual Christians. Attention is paid to the role of the church in society and to factors that may obstruct the freedom of religion in a country.



- 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.
- To protect the Christian minority and other religious minorities by fostering a climate of religious tolerance and respect.
- To invite the UN Special Rapporteur on freedom of religion or belief.