



Islamic Republic of Mauritania
Joint Submission to the UN Universal Periodic Review
37th Session of the UPR Working Group

Submitted 9 July 2020

Submission by CIVICUS: World Alliance for Citizen Participation, NGO in
General Consultative Status with ECOSOC

And

Réseau Ouest-Africain des Défenseurs des Droits Humains/ West
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1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries.
- 1.2 The Réseau Ouest Africain des Défenseurs des Droits Humains (ROADDH, West African Human Right Defenders Network), founded in 2005 and based in Lomé, Togo, aims to create a West Africa respectful of human rights, where human rights defenders (HRDs) can carry out their work, to promote and protect human rights, with skill and professionalism.
- 1.3 In this document, CIVICUS and ROADDH examine the Government of Mauritania's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Mauritania's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on HRDs since its previous UPR examination in November 2015. To this end, we assess Mauritania's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of recommendations.
- 1.4 During the 2nd UPR cycle, the Government of Mauritania received four recommendations relating to the space for civil society (civic space). Of these recommendations, three were accepted – including recommendations to “[t]ake legislative and administrative measures to ensure the right of association and peaceful protest” and “[e]stablish clear legal protections for human rights defenders and civil society organizations and abide by them” – and one was noted. However, Mauritania has failed to implement these four recommendations and civil society and HRDs continue to face considerable hurdles, restrictions and repression for conducting their human rights work.
- 1.5 An evaluation of a range of legal sources and human rights documentation addressed in this submission demonstrates that the Government of Mauritania has not implemented any of the recommendations relating to civic space, including to “[p]rotect effectively freedom of expression of civil society, in particular for journalists and human rights defenders, so that they can carry out their activities freely without hindrance, intimidation, harassment or risk of condemnation.” Civic space in Mauritania remains repressed, and civil society actors, especially those working on anti-slavery campaigns and seeking to end racial and ethnic discrimination, are frequently targeted and intimidated by the state.

- 1.6** We are deeply concerned by Mauritania’s passing, in 2018, of an amendment to the Penal Law, making the death penalty mandatory for apostasy-related crimes, and other laws and regulations that restrict the freedom of expression.
- 1.7** We are further alarmed by the number of HRDs and bloggers who have been arrested and prosecuted under a wide range of restrictive laws and provisions. This has a chilling effect on the freedoms of association, peaceful assembly and expression.
- 1.8** We are concerned about undue restrictions placed on the freedom of association, notably the refusal to register several CSOs that work on the promotion of human rights and the prosecution of CSO members of ‘unauthorised associations.
- 1.9** As a result of these issues, civic space in Mauritania is currently classified as repressed by the CIVICUS Monitor.¹
- Section 2 of this submission examines Mauritania’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
 - Section 3 examines Mauritania’s implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
 - Section 4 examines Mauritania’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and access to information.
 - Section 5 examines Mauritania’s implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
 - Section 6 contains a number of recommendations to address the concerns raised and advance implementation of recommendations under the 2nd cycle.
 - An annex of implementation of 2nd cycle UPR recommendations related to civic space can be found in Section 7.

2. Freedom of association

During Mauritania’s examination under the 2nd UPR cycle, the government received no recommendations on the right to the freedom of association and creating an enabling environment for CSOs.

¹ CIVICUS Monitor: Mauritania, <https://monitor.civicus.org/country/mauritania>.

- 2.1** Article 10 of the 1991 Constitution guarantees the right to the freedom of association.² Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Mauritania is a state party, also guarantees the freedom of association. However, despite these commitments, the government has continued to restrict CSOs' ability to form and operate freely, especially those that promote human rights and work on sensitive issues, by refusing to authorise them and interfering in their operations.
- 2.2** The freedom of association is regulated by the 1964 Law on Associations, which contains several restrictions.³ Article 3 requires associations to obtain authorisation from the Minister of Interior, which can be denied on broad grounds, including for objectives 'contrary to laws' or 'contrary to good morals'. The Minister of Interior has broad powers to withdraw the authorisation, through a motivated order, on vague grounds, including a judgement that a CSO may 'provoke armed or non-armed public protests compromising order or public security' (article 4). Prison sentences and fines are foreseen for assuming or continuing to assume the administration of, or participation in the functioning of, an association without authorisation or whose authorisation has been revoked.⁴
- 2.3** Several organisations, especially those working to end slavery, speaking out against ethnic and racial discrimination and seeking justice for past human rights abuses, have never received authorisation to operate, despite applying for legal status.⁵ This includes the anti-slavery Initiative for the Resurgence of the Abolition Movement (IRA)⁶ and Touche Pas à Ma Nationalité (Hands Off My Nationality).⁷ The lack of legal status hampers CSOs' ability to access funding and organise meetings and workshops, as these are subject to prior notification to the authorities (see 2.5). Additionally, leaders, members and those who participate in the activities of unauthorised organisations can be prosecuted under articles 3 and 8 of the 1964 Law on Associations, a practice that has been used by the authorities in recent years. On 18 August 2016, the Criminal Court of Nouakchott sentenced 13 IRA members to prison sentences ranging from three to 15 years on a range of criminal charges, including for membership and management of an unauthorised organisation (see

² Constitution of Mauritania, 1991, amendments through 2012.

³ Law 64.098 of 9 June 1964 and its amendments.

⁴ Law 64.098, articles 3 and 8.

⁵ Amnesty International documented more than 43 associations that work on human rights issues, including more than a dozen international associations, that have not received an answer to their authorisation requests from the Minister of Interior between 2014 and 2018. See 'A Sword Hanging over Our Heads. The Repression of Activists Speaking out Against Discrimination and Slavery in Mauritania', Amnesty International, 2018, <https://www.amnesty.org/download/Documents/AFR3878122018ENGLISH.PDF>.

⁶ Initiative pour la résurgence du mouvement abolitionniste (IRA) source.

⁷ Hands Off My Nationality works to end the institutional discrimination against black Mauritians in the civil registration process. See 'Mauritania: Repressive Laws Restrict Peaceful Speech', Human Rights Watch, 17 January 2019, <https://www.hrw.org/news/2019/01/17/mauritania-repressive-laws-restrict-peaceful-speech>.

3.6).⁸

- 2.4** Article 3 of the 1973 law on public meetings requires that the authorities be notified of the holding of any meetings, even when held on private premises.⁹ It is a criminal offence to fail to notify the authorities. The authorities have used these provisions on several occasions to prevent CSO meetings from taking place or to arbitrarily arrest civil society members for holding meetings. On 13 February 2020, 14 HRDs were arrested on accusation of participation in a non-authorised meeting, among other charges (see 3.3).¹⁰
- 2.5** The authorities have regularly refused entry to foreign HRDs and human rights researchers. A delegation of US civil rights activists, who travelled to Nouakchott at the invitation of the anti-slavery organisation SOS-Esclaves, was denied permission to enter the country on 8 September 2016, while members of SOS-Esclaves were prevented by police from reaching the airport to welcome the delegation.¹¹ On 18 March 2019, a delegation of the West Africa researcher and campaigner from Amnesty International were denied entry and repatriated to Dakar, Senegal.¹²
- 2.6** The Council of Ministers approved a draft Law on Associations on 22 July 2015, without any public consultation, which would further restrict the freedom of association, if adopted by the National Assembly. While the draft law retained the provision for prior authorisation for the legal establishment of associations, the law contains vague terms and severe sanctions and could potentially limit CSOs to working only on development-related issues.¹³

3. Harassment, intimidation and attacks against HRDs, civil society activists and journalists

- 3.1** Under Mauritania's previous UPR examination, the government received two recommendations on the protection of HRDs, journalists and civil society

⁸ 'Mauritania Jails Anti-slavery Activists for Up to 15 Years', Voice of America, 19 August 2016, <https://www.voanews.com/africa/mauritania-jails-anti-slavery-activists-15-years>.

⁹ Law 73-008 of 23 January 1973 on Public Meetings.

¹⁰ 'Mauritanie: 14 personnes arrêtées, dont des militants des droits humains', Radio France Internationale, 21 February 2020, <http://www.rfi.fr/fr/afrique/20200221-mauritanie-arrestation-14-personnes-militants-droits-humains>.

¹¹ 'SOS Esclaves: Communiqué', Lecalme.info, 9 September 2017, <http://www.lecalme.info/?q=node/6145>; 'Mauritania bars US activists from entering the country', Anti-Slavery International, 12 October 2017, <https://www.antislavery.org/mauritania-bars-us-activists-entering-country>.

¹² 'Mauritanie: une mission d'Amnesty International refoulée à l'aéroport', Le Figaro, 19 March 2019, <https://www.lefigaro.fr/flash-actu/mauritanie-une-mission-d-amnesty-international-refoulee-a-l-aeroport-20190319>.

¹³ 'Mauritanie: un expert des droits de l'homme exhorte le Parlement à rejeter le projet de loi relative aux ONGs qui menace la société', Office of the UN High Commissioner for Human Rights (OHCHR), 10 August 2015, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16302&LangID=F>.

representatives. Both recommendations were accepted. The government committed to “[e]stablish clear legal protections for human rights defenders and civil society organizations and abide by them.” However, the government has not implemented these recommendations.

- 3.2** Article 10 of the Constitution notes that the state must guarantee freedom of thought, opinion, expression and freedom of intellectual, artistic and scientific creation to the public and all individuals.¹⁴ Despite this constitutional provision, a wide range of restrictive laws, including article 306 of the Penal Code, the 2015 Cybercrime Law and the 1964 Law on Associations have been used against HRDs, bloggers and journalists to silence dissent.
- 3.3** On 13 February 2020, 14 HRDs were detained following a meeting at a guesthouse owned by a woman HRD (WHRD), Mekfoula Mint Brahim, president of Pour une Mauritanie Verte et Démocratique (PMVD, For a Green and Democratic Mauritania) in Nouakchott, on accusations of ‘participation in a non-authorized meeting’, among other charges.¹⁵ The meeting was organised by PMVD and Alliance pour la refondation de l’État mauritanien (AREM, Alliance for the refoundation of the Mauritanian State). The 14 were released on bail a day later but rearrested on 18 February 2020. Four HRDs, including WHRD Aminetou Mint El Moctar, president of the Association of Female Heads of Household, were released on bail the next day while 10 others remained in detention, accused of ‘belonging to a group that promotes secularism’ after their phones were searched. On 26 February 2020, three of the HRDs - Mekfoula Mint Brahim, Mini Brahim and Ahmeddou Nafee - were released without charge. Ahmed Amar and Cheikhani Cheikh were released without charge a few days earlier. According to Front Line Defenders, five HRDs remain in prison and have been charged: Outhmane Boubacar, Abderahmane Haddad and Ahmed Mouhamed Moukhtar were charged with blasphemy under article 306 the Penal Code, while Mohamed Haida and Mohamed Val Isaac were charged under the 2015 Cybercrime Law.¹⁶
- 3.4** While CIVICUS and ROADDH welcome the release of blogger Mohamed cheikhould Mkhaitir on 29 July 2019, they note with concern his arrest on 24 January 2014 and his sentencing to death on 25 December 2014 under Article 306 of the Penal Code for ‘blasphemy’ and ‘insulting the Prophet Muhammad’ for an article he wrote on the

¹⁴ Op. cit.

¹⁵ ‘Mauritania: Arbitrary detention of ten human rights defenders. Urgent appeal’, Front Line Defenders, 21 February 2020, https://www.frontlinedefenders.org/sites/default/files/ua_mauritania_mekfoula_mint_brahim_210220_eng.pdf; Radio France Internationale, 21 February 2020, op. cit.

¹⁶ ‘Five human rights defenders released while five others are charged’, Front Line Defenders, 28 February 2020, <https://www.frontlinedefenders.org/en/case/arbitrary-detention-ten-human-rights-defenders>.

Prophet Mohamed and the caste system.¹⁷ During his time in detention the state failed to uphold his rights to a free and fair trial. In November 2017, cheikhould Mkhaitir's case was commuted to two years in prison and a fine,¹⁸ but he remained in prison until 29 July 2019, serving over five years in jail.¹⁹

- 3.5** In the period since its last review, Mauritania has continued to detain, harass and intimidate HRDs and bloggers under restrictive laws. On 22 March 2019, bloggers Cheikh Jiddou and Abderrahmane Weddady were detained after commenting on a Facebook post condemning corruption.²⁰ They were accused of 'malicious accusation'. They were provisionally released on 3 June 2019 after having their travel and identification documents confiscated. Charges against them were finally dropped on 29 July 2019.²¹
- 3.6** Other HRDs have frequently been detained for expressing dissenting views, including calling for an end to slavery in Mauritania. Mauritania was the last country to abolish slavery in 1981 and in 2007 passed a law that made provisions for slaveholders to be punished. However, slavery still persists, targeting minority Afro-Mauritanians, the Haratine.²² Anti-slavery activists are frequently detained, harassed and intimidated by the state. IRA activists have faced constant intimidation. Between 29 June and 4 July 2016, 13 IRA members were arbitrarily detained for their anti-slavery advocacy.²³ The arrests occurred following a spontaneous protest against the forced eviction of families in the Nouakchott suburb of Ksarn on 29 June 2016, which sparked clashes with security officers. Those arrested included Moussa Bilal

¹⁷ 'Mauritania condemns a man to death for 'insulting the prophet'', Reuters, 25 December 2014, <https://in.reuters.com/article/mauritania-justice-execution/mauritania-condemns-man-to-death-for-insulting-the-prophet-idINKBN0K300X20141225>; 'Mauritanie: condamné à mort pour apostasie', Le Monde Afrique, 26 December 2014, https://www.lemonde.fr/afrique/article/2014/12/26/mauritanie-condamne-a-mort-pour-blaspheme_4546246_3212.html.

¹⁸ 'Mauritanie: deux ans de prison pour le blogueur condamné pour blasphème', Jeune Afrique, 8 November 2017, <https://www.jeuneafrique.com/491014/societe/mauritanie-la-peine-de-mort-a-nouveau-requise-contre-un-blogueur-condamne-pour-blaspheme>.

¹⁹ 'Mauritania blogger once given death penalty for 'blasphemy' freed', Al Jazeera, 30 July 2019, <https://www.aljazeera.com/news/2019/07/mauritania-blogger-death-penalty-blasphemy-freed-190730140440914.html>.

²⁰ 'Mauritanian bloggers face defamation charges for reporting on corruption', Global Voices Advox, 4 April 2019, <https://advox.globalvoices.org/2019/04/04/mauritanian-bloggers-face-defamation-charges-for-reporting-on-corruption>.

²¹ 'Mauritania: Further information: Charges against Mauritanian Bloggers Dropped: Cheikh Ould Jiddou and Abderrahmane Weddady', Amnesty International, 8 August 2019, <https://www.amnesty.org/en/documents/afr38/0848/2019/en>.

²² 'The unspeakable truth about slavery in Mauritania', The Guardian, 8 June 2018, <https://www.theguardian.com/global-development/2018/jun/08/the-unspeakable-truth-about-slavery-in-mauritania>.

²³ 'Nouvelles arrestations de militants anti-esclavage en Mauritanie', VOA Afrique, 4 July 2016, <https://www.voafrique.com/a/nouvelles-arrestations-de-militants-anti-esclavagistes-en-mauritanie-/3403647.html>; 'Mauritanie: Des experts de l'ONU préoccupés par la situation de militants des droits de l'homme', OHCHR, 19 October 2019, <https://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=20699&LangID=F>.

Bira, Amadou Tidjane Diop, Hamady Lehbouss and Abdellahi Matalla Saleck, who were arrested in Nouakchott and deny having participated in the protests. On 18 August 2016, the criminal court of Nouakchott condemned the activists to prison sentences ranging from three to 15 years on charges including ‘armed gathering’, ‘rebellion’ and ‘violence against law enforcement officers’ under the Penal Code and ‘membership and/or management of an unregistered organisation’ under the 1964 Law on Associations.²⁴ Three were acquitted and the sentences of others were reduced following an appeal on 18 November 2016; 10 activists were released from prison and returned to Nouakchott, while three were returned to Zouérat, which is over 700 kilometres’ distance from their families and lawyers.²⁵ IRA president Biram Dah Abeid was also arrested on 7 August 2018 on accusations of having threatened a journalist.²⁶ On 31 December 2018, he was sentenced to six months’ imprisonment, with four months suspended, for ‘attack on the integrity of others and threat to use violence’, and was released from prison.²⁷

- 3.7** On 20 March 2018, French-Moroccan photojournalist Seif Kousmate was arrested at the border with Senegal for his work documenting slavery. He was transferred to Nouakchott and held for three days; he was interrogated by officials. Following his arbitrary arrest, he was expelled from Mauritania on 24 March 2018. While his laptop and camera were returned, several of his memory cards were confiscated.²⁸
- 3.8** Similarly, on 28 April 2017, human rights lawyer Marie Foray and freelance journalist Tiphaine Gosse were asked to leave Mauritania for attempting to cover the practice of slavery. They were labelled as persona non grata. During investigation, Foray was subjected to sexual harassment and both faced threats of detainment from officials. Foray and Gosse returned to France on 2 May 2017.²⁹

²⁴ ‘Mauritanie: Poursuite de détention arbitraire et transfert de 13 membres de l’IRA-Mauritanie’, International Federation for Human Rights, 11 October 2016, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/mauritanie-poursuite-de-detention-arbitraire-et-transfert-de-13>.

²⁵ ‘Decision reached in appeal of 13 IRA-Mauritania members’ prison sentences’, Front Line Defenders, 30 November 2016, <https://www.frontlinedefenders.org/en/case/case-history-ira-mauritania>.

²⁶ ‘Mauritanie: arrestation de Biram Dah Abeid, président du mouvement IRA’, Radio France Internationale, 8 August 2018, <http://www.rfi.fr/fr/afrique/20180808-mauritanie-arrestation-biram-dah-abeid-president-mouvement-ira>.

²⁷ ‘Mauritanie: le député Biram Dah Abeid sort de prison’, Jeune Afrique, 1 January 2019, <https://www.jeuneafrique.com/697649/politique/mauritanie-le-depute-biram-ould-dah-ould-abeid-sort-de-prison>.

²⁸ ‘Un journaliste expulsé de Mauritanie pour un reportage sur l’esclavage’, VOA Afrique, 28 March 2018, <https://www.voaafric.com/a/un-journaliste-franco-marocain-expulse-de-mauritanie/4320632.html>; ‘Mauritania expels freelance photographer for investigating slavery’, Reporters Without Borders, 27 March 2018, <https://rsf.org/en/news/mauritania-expels-freelance-photographer-investigating-slavery>.

²⁹ ‘Esclavage en Mauritanie: «Les autorités sont dans l’hypocrisie et le déni»’, Le Monde Afrique, 16 May 2017, https://www.lemonde.fr/afrique/article/2017/05/16/esclavage-en-mauritanie-les-autorites-sont-dans-l-hypocrisie-et-le-deni_5128347_3212.html.

4. Freedom of expression, independence of the media and access to information

- 4.1** Under the 2nd UPR cycle, the government received one recommendation on the freedom of expression and access to information, including to “protect effectively freedom of expression of civil society, in particular for journalists and human rights defenders, so they can carry out their activities freely without hindrance, intimidation, harassment or risk of condemnation.” This recommendation was noted, and the government did not implement the recommendation.
- 4.2** Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Article 10 of the Constitution also guarantees the right to freedom of expression, opinion and thought.³⁰ However, in policy and practice, the restrictive legislative framework has been used against HRDs, journalists and bloggers who speak out or report on sensitive issues.
- 4.3** The freedom of expression in Mauritania is regulated by Law 2011-054 modifying certain provisions of the Ordinance 2006-017 on press freedom, which contains limitations. Article 21, for example, stipulates that newspapers and other written periodicals could be banned through a ministerial order by the Minister of Interior when they are “likely to undermine Islam or discredit the state, harm public interest or endanger public order and security.” A prison sentence of between six months and five years and a fine are foreseen for making “slandorous denunciations against one or more individuals, to justice, administrative or judicial police officers or to any authority having the power to act on it or to seize the competent authority” under article 348 of the Penal Code. Hefty fines of 500,000 to 1,000,000 Ouguiyas are foreseen for defamation of courts, armed and security forces and public administrations under article 38 of the Ordinance 2006-017.
- 4.4** A wide range of restrictive laws and amendments to laws has been enacted since Mauritania’s last UPR examination, containing broad and vague terminology, that could further restrict the freedom of expression and stifle dissent, including the amendments to the Penal Code, the Cybercrime Law.
- 4.5** On 27 April 2018, the National Assembly approved a draft law amending article 306 of Mauritania’s Penal Code, making the death penalty mandatory for apostasy-related crimes, namely ‘blasphemous speech’ and ‘sacrilegious acts’. Previously there was a provision that should those found guilty could ‘repent’ and be eligible for a more lenient sentence, including imprisonment and confiscation of property. Additionally, a prison sentence of up to two years and a fine of 600,000 Ouguiyas (approx. US\$16,000) is foreseen for ‘offending public indecency and Islamic values’

³⁰ Op. cit.

and for 'breaching Allah's prohibitions or assisting in their breach',³¹ further limiting the freedom of expression.

- 4.6** On 18 January 2018, the National Assembly approved the law on the criminalisation of discrimination, containing overly broad and vague provisions that could be used against HRDs and bloggers who speak out against ethnic and racial discrimination. For example, a prison sentence of up to five years is stipulated for 'promoting inflammatory speech that is contrary to the official doctrine of the Islamic Republic of Mauritania'. Similar concerns exist with regard to the Cybercrime Law. For example, under article 21, attacking the moral integrity of an individual by electronic means can lead to a prison sentence of five years and a fine of 500,000 Ouguiyas.³²
- 4.7** Following the presidential elections on 22 June 2019, the results of which were disputed by the political opposition, access to mobile internet was cut, followed by a near-complete internet blackout from 25 June 2019.³³ Internet connectivity partially returned on 3 July 2019.

5. Freedom of peaceful assembly

- 5.1** During Mauritania's examination under the 2nd UPR cycle, the government received one recommendation on the right to the freedom of assembly. The government accepted the recommendation to "[t]ake legislative and administrative measures to ensure the right of association and peaceful protest." However, as evidenced below, the government has failed to realise this recommendation adequately, as there are significant barriers to obtaining official permits to protest and the authorities have violently cracked down on peaceful protesters.
- 5.2** Article 10 of the Constitution formally protects the freedom of peaceful assembly, but it is often restricted, including through Law No. 73-008 of 23 January 1973 on public assemblies. Article 7 of the Law prohibits assemblies on public roads and article 4 prohibits assemblies that take place after 11pm. The Law also has ambiguous provisions limiting assemblies by 'political circles' and 'secret societies' that are not defined. Article 5 imposes cumbersome procedural burdens on organisers, including that protesters must establish a committee of three people responsible for maintaining law and order, and ensuring that any speech during the

³¹ 'Death Penalty: UN experts urge Mauritania to repeal anti-blasphemy law', OHCHR, 7 June 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23186&LangID=E>; 'NGOs protest as Mauritania creates "mandatory" death sentence for apostasy and blasphemy', Humanist International, 16 May 2018, <https://humanists.international/2018/05/ngos-protest-mauritania-creates-mandatory-death-sentence-apostasy-blasphemy>.

³² Amnesty International, 2018, pages 43-44, op. cit.

³³ 'Post-election internet shutdown in Mauritania following widespread mobile disruptions', NetBlocks, 25 June 2019, <https://netblocks.org/reports/post-election-internet-shutdown-in-mauritania-following-widespread-mobile-disruptions-JA6zmeAQ>.

assembly does not contravene public order and morals. Further, gatherings must receive approval at least three days prior.³⁴

- 5.3** These ambiguous requirements are often used to restrict free assembly or penalise those who assemble peacefully. Failure to adhere to the provisions of Law No. 73-008 include imprisonment from three to six months. However, no information is provided about the grounds on which authorities can deny permissions for public gatherings, and there are no provisions for an appeal process.³⁵ Article 101 of the Penal Code also limits the freedom of peaceful assembly by criminalising any unauthorised gathering that disturbs public peace, including unarmed gatherings. Penalties for violating these ambiguous provisions include prison sentences between two months and one year.³⁶
- 5.4** Protesters are also frequently subjected to police brutality and the disproportionate use of force during demonstrations. Protests broke out on 23 June 2019 following the declaration of victory by Ould Ghazouani in the presidential elections, in response to claims of rigged elections. In the period following the elections, the authorities reported that they had arrested around 100 people.³⁷ Protesters were accused of being foreign agents with intentions of destabilising the country.³⁸ According to human rights collective Forum National des Organisations de Droits Humains, arbitrary arrests took place in Nouakchott and in the regions, including of human rights activists, journalists, members of the political opposition and migrants from Côte d'Ivoire, the Gambia, Guinea, Mali and Senegal.³⁹ On 9 July 2019, activists Amadou Mamoudou Athie, Mamadou Abou Diallo, Moussa Diobayrou Konate, Amadou Koumba, Abou Lom and Oumar Doro Sy from the Living Together Coalition (CVE) were sentenced, in Kaédi, to six months in prison, of which four months were suspended, and fined 2,000 Ouiguiyas (approx. US\$53) on charges of 'violence against and assault of against forces and disturbing public order'.⁴⁰ There were several other arrests of CVE and IRA activists during the electoral period on charges that included participating in unauthorised demonstrations and inciting hatred and

³⁴ Amnesty International, 2018, page 23, op. cit.

³⁵ 'Etat des lieux des droits civils et politiques en Mauritanie', MENA Rights Group, 19 June 2019, <https://www.menarights.org/en/documents/mauritanie-rapport-alternatif>.

³⁶ Ibid.

³⁷ 'Mauritanie: une centaine d' «étrangers» arrêtés, Internet coupé', Le Monde Afrique, 26 June 2019, https://www.lemonde.fr/afrique/article/2019/06/26/mauritanie-une-centaine-d-etrangers-arretes-internet-coupe_5481440_3212.html.

³⁸ 'Mauritanie: l'opposition dénonce un «état de siège», le pouvoir appelle à confiance à la justice', Le Point, 26 June 2019, https://www.lepoint.fr/monde/mauritanie-l-opposition-denonce-un-etat-de-siege-26-06-2019-2321266_24.php.

³⁹ 'Mauritanie: les organisations des droits de l'homme appellent à la fin des arrestations arbitraires', Le360afrique.com, 6 July 2019, <https://afrique.le360.ma/mauritanie/politique/2019/07/06/27017-mauritanie-les-organisations-des-droits-de-lhomme-appellent-la-fin-des-arrestations>.

⁴⁰ 'Mauritanie: premières condamnations post-électorales des partisans de la coalition vivre ensemble', Le360afrique.com, 13 July 2019, <https://afrique.le360.ma/mauritanie/politique/2019/07/13/27087-mauritanie-premieres-condamnations-post-electorales-des-partisans-de-la-coalition-vivre>.

racism.⁴¹

- 5.5 On 21 July 2017, protests erupted during the voting period of the constitutional referendum to abolish the senate. Protests were met with excessive force, including the use of teargas and batons,⁴² after the authorities did not respond to the majority of requests for authorisation to hold demonstrations.⁴³ Reports indicate that during the protests, 12 senators and four journalists were placed under judicial control.⁴⁴ Senator Mohamed Ould Ghadda, who called for a boycott of the referendum, was detained on 10 August 2017 on charges of corruption and remains in arbitrary detention.⁴⁵
- 5.6 Following the arbitrary arrest of Biram Dah Abeid on 7 August 2018 (see 3.6), civil society activists organised a peaceful sit-in outside the National Assembly on 12 October 2018 to call for his release. This was met with police violence that left at least nine protesters injured, some with broken bones.⁴⁶
- 5.7 On 29 June 2016, protests by the Haratine ethnic group erupted in Nouakchott in response to plans to demolish an area in the capital. Following the protests, 13 members of IRA were detained with no reason being given and despite none of them being part of the protests (see 3.6).

6. Recommendations to the Government of Mauritania

CIVICUS and ROADDH call on the Government of Mauritania to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

⁴¹ 'Les derniers jours au pouvoir d'Aziz marqués par la répression', Mauriweb.info, 25 July 2019, <http://mauriweb.info/node/7123>

⁴² 'Mauritania votes to abolish senate by referendum', Al Jazeera, 7 August 2017, <https://www.aljazeera.com/news/2017/08/mauritania-votes-abolish-senate-referendum-170807003416088.html>.

⁴³ 'Mauritanie: Commentaire de la porte-parole du Bureau des droits de l'homme, Ravina Shamdasani', OHCHR, 3 August 2017, <https://www.ohchr.org/fr/NewsEvents/Pages/DisplayNews.aspx?NewsID=21933&LangID=F>.

⁴⁴ 'Amnesty International report 2017-2018. The state of the world's human rights', Amnesty International, 2018, <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>; 'Arrestation d'un Sénateur contestataire du référendum en Mauritanie', VOA Afrique, 11 August 2017, <https://www.voaafrrique.com/a/arrestation-d-un-senateur-contestataire-du-referendum-en-mauritanie/3981703.html>.

⁴⁵ 'Mauritania: Release Mohamed Ould Ghadda from arbitrary detention now, says UN expert', OHCHR, 13 July 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23379&LangID=E>.

⁴⁶ 'Mauritanie: un sit-in du mouvement IRA violemment réprimé', Radio France Internationale, 11 October 2018, <http://www.rfi.fr/fr/afrique/20181011-mauritanie-sit-in-mouvement-ira-violemment-reprime>.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made:

6.1 Freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Amend the 1964 Law on Associations to guarantee that undue restrictions on the freedom of association are removed in line with ICCPR articles 21 and 22.
- Remove all undue restrictions on the ability of CSOs to receive legal status and to receive international and domestic funding, in line with best practices articulated by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.
- Abolish criminal responsibility for organising and participating in the activities of non-registered organisations.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists and political activists.

6.2 The protection of HRDs

- Immediately and unconditionally release all HRDs detained for their human rights work and drop all charges against them, including those arrested and searched in February 2020.
- Cease all extra-legal intimidation of HRDs, including through arbitrary detentions and judicial harassment and ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.

- Initiate a consolidated process of repeal or amendment of all legalisation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders;
- Adopt, in consultation with CSOs, a law that protects HRDs and recognises their human rights work.
- Amend the 2018 law to amend the Penal Code, which mandates the death penalty for apostasy-related offences, in accordance with the ICCPR and the UN Declaration on Human Rights Defenders.
- Unconditionally and immediately release all HRDs, including journalists and bloggers, detained for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.

6.3 Freedom of expression, independence of the media and access to information

- Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards.
- Review Ordinance 2006-017 on press freedom, the Penal Code, the 2018 law criminalising discrimination and the 2015 Cybersecurity Law in order to ensure that all legislation is in line with the best practices and international standards in the area of the freedom of expression.
- Reform defamation legislation in conformity with ICCPR article 19.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive, including corruption, slavery practices and ethnic and racial discrimination.
- Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Enable unfettered access to online information resources by removing restrictions on access to domestic and international news websites, social media outlets and CSO websites.

- Refrain from adopting any laws providing for censorship or undue control over the content of the media.
- Refrain from censoring social and conventional media and ensure that the freedom of expression is safeguarded in all forms, including in the arts.
- Refrain from shutting down the internet and access to social media.

6.4 Freedom of peaceful assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report, which calls for procedures in which there is simple notification of assemblies being held, rather than explicit permission being needed to assemble.
- Amend Law No. 73-008 of 23 January 1973 in order to guarantee fully the right to the freedom of peaceful assembly and take steps to ensure that permits are granted transparently and an appeal process is set in place for those denied permission.
- Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Review and if necessary update existing human rights training for police and security forces with the assistance of independent CSOs to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.

6.5 Access to UN Special Procedures mandate holders

- Extend a standing invitation to all UN Special Procedure mandate holders and prioritize official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Working Group on Arbitrary Detention.

6.6 State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

