

## **I- INTRODUCTION AND SUMMARY OF KEY CONCERNS**

This submission concerns the situation for human rights defenders (HRDs) in Mauritania and covers developments from November 2015 to July 2020.

Since Mauritania’s last Universal Periodic Review (UPR) in 2015, HRDs have been operating in a hostile environment, facing extreme pressure, intimidation, restrictive laws and restrictions on freedom of peaceful assembly and association. In June 2019, Mohamed Ould Ghazouani won the presidential elections and assumed office in August of that year. Despite initial indications of a new openness towards civil society, the new president has not taken any significant action to strengthen respect for human rights or human rights defenders in Mauritania. Shortly after his election, the President met with several civil society actors to discuss the human rights situation in the country and call for the return of those who were living in exile to rebuild the country, but as of July 2020 human rights defenders confirmed that no reform or concrete actions had been taken to improve the situation.

Front Line Defenders has observed that the environment for human rights defence in Mauritania did not significantly change between 2015 and 2020. Throughout that period, human rights defenders faced threats, intimidation, bans on peaceful assemblies, excessive use of force to disperse peaceful gatherings, arbitrary detention and arrest.

During the period under review, the following issues were of concern to Front Line Defenders:

- (a) Administrative difficulties in registering organisations and repression of those not registered;
- (b) Judicial harassment, arbitrary arrest and detention of human rights defenders denouncing racial discrimination and slavery;
- (c) Restrictions on freedom of assembly;
- (d) Restrictive legislative framework

## **II. DEVELOPMENTS SINCE PREVIOUS UPR CYCLE**

Of five recommendations received relating to human rights defenders during its review in November 2015, Mauritania accepted two<sup>1</sup> and rejected three<sup>2</sup>. There is no evidence that any action has been taken on the two accepted recommendations, namely to “take legislative and administrative measures to ensure the right of association and peaceful protest” and to “establish

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1- 127.54 Take legislative and administrative measures to ensure the right of association and peaceful protest (Costa Rica); 127.55 Establish clear legal protections for human rights defenders and civil society organizations and abide by them (United States of America); [https://www.upr-info.org/sites/default/files/document/mauritania/session\\_23\\_-\\_november\\_2015/recommendations\\_and\\_pledges\\_mauritania\\_2016.pdf](https://www.upr-info.org/sites/default/files/document/mauritania/session_23_-_november_2015/recommendations_and_pledges_mauritania_2016.pdf)

2- These human rights defenders related recommendations did not enjoy the support of Mauritania 129.50; 129.52; 129.58; [https://www.upr-info.org/sites/default/files/document/mauritania/session\\_23\\_-\\_november\\_2015/recommendations\\_and\\_pledges\\_mauritania\\_2016.pdf](https://www.upr-info.org/sites/default/files/document/mauritania/session_23_-_november_2015/recommendations_and_pledges_mauritania_2016.pdf)

clear legal protections for human rights defenders and civil society organizations and abide by them”.

Freedoms of expression, association and peaceful assembly continued to be restricted in Mauritania during the period under review. Local and international NGOs expressed concerns about the obstacles to the creation and registration of some NGOs or associations. The authorities, under the former regime, withheld recognition from several associations that campaign on sensitive issues, including from IRA-Mauritania, The Collective of Widows and Orphans of the Humanitarian Passive<sup>3</sup> and the collective “Hands Off My Nationality”<sup>4</sup>.

Front Line Defenders continues to receive information on the persistence and practice of slavery in Mauritania, despite the adoption of a law<sup>5</sup> criminalizing and penalizing slavery in 2015.

### III. TARGETING OF HUMAN RIGHTS DEFENDERS

#### A- Administrative difficulties in registering organisations and repression of those not registered

In Mauritania, the creation of an association is subject to the express authorization of the State. This has resulted in a situation where numerous NGOs are not recognised but neither have they been given a valid reason as to why their registration continues to be blocked. Despite several declarations and commitments made by officials, no concrete action has been taken to adopt a law on the registration of associations. Human rights defenders and their organizations are subject to restrictions on freedom of association leading to bans of their activities, interference and dissolutions. Organizations who applied for recognition and registration as far back as 2010 are still not legally constituted.

**IRA-Mauritania** applied for recognition and registration in 2011. As of July 2020, it remains without registration and regularly faces limitations from the authorities while continuing to highlight slavery cases.

**The Collective of Widows and Orphans of the Humanitarian Passive** has been seeking registration since 2010 and despite three attempts in the past ten years, the organisation remains unrecognised. The authorities have twice demanded that the name of the organisation be changed when it was applying for registration, a request which the leaders refused. On 22nd July 2018, the leaders of the Collective and two other organizations<sup>6</sup> were subject to a travel ban in what was a clear act of reprisal for attempting to collaborate with UN human rights mechanisms. The five defenders had their travel documents confiscated at the Nouakchott-Oumtounsy International Airport as they were leaving to attend the 64th session of the UN Committee Against Torture in Geneva.

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3- The Collective of Widows and Orphans of Mauritania was created to advocate for the opening of investigations and criminal proceedings against the persons responsible for the extrajudicial executions committed between 1989 and 1991. As a result of an amnesty law of 1993, those responsible for these executions have not been tried.

4- The Collective “Hands off my nationality” was created amid the demonstrations that took place in September 2011 to denounce the practices deemed discriminatory to Black-Mauritanians in the framework of this population census.

5- Law 2015-031- 10 September 2015

6- Maimouna Alpha Sy, secretary general of the Widows' Collective, Aissata Anne, vice-president of the Widows' Collective, Aissata Diallo, spokesperson for the Widows' Collective, Sy Yaya Ousmane, in charge of external relations for the Collective of orphans, and Baba Traoré, vice-president of the Collective of the survivors,

**Touche pas à ma nationalité** (Hands Off My Nationality) has been trying to register as an NGO since August 2012. The organisation has been passed back and forth between the Interior Ministry and the police prefecture without any outcome. This situation prevents the NGOs from effectively conducting their work and their activities have been severely repressed.<sup>7</sup>

*B- Judicial harassment, arbitrary arrest and detention of human rights defenders denouncing racial discrimination and slavery.*

During the period under review, defenders regularly faced online and offline surveillance, travel bans, blacklisting for job opportunities, verbal assaults, defamation, smear campaigns, death threats, social exclusion, discrimination, and pressure on family members.

Front Line Defenders is deeply concerned by the pattern of reprisals against those denouncing ongoing racial discrimination and slavery practices, despite the 2015 adoption of a law criminalising slavery and slavery practices in Mauritania. Many human rights defenders working on those issues were subjected to arbitrary detentions and charged with incitement to violence and racial hatred, or blasphemy when denouncing human rights violations.

Between 29 June to 4 July 2016, thirteen members of **IRA-Mauritania**, were arrested in Nouakchott, and taken to different detention centres without being informed of the reasons for their arrests.<sup>8</sup> The arrests followed in the wake of riots which took place near Nouakchott on 29 June 2016, organised by the Haratine people, whose slum the authorities planned to destroy for an alternative development project. Despite the fact that no member of IRA-Mauritania participated in these riots, the authorities arrested them and sentenced them on 18 August 2016 on diverse counts related to the protests with sentences ranging from three to 15 years' imprisonment. Their charges included participation in an unrecognised organisation and incitement of a non-armed assembly with the goal of threatening public order. Following the hearing, ten members were transported back to Nouakchott and subsequently released, while three were kept in detention in Zouérat.

On 24 July 2017, founder and president of IRA-Mauritania, **Biram Dah Abeid** had his passport confiscated by the Mauritanian police in retaliation for his anti-slavery activities. The following year he was arbitrarily detained in Nouakchott and charged on 13 August 2018 with “incitement to violence and threats to people’s lives”. He was detained for five months and 12 of his colleagues, including his wife, were attacked by police during a peaceful sit-in asking for his release in front of the National Assembly<sup>9</sup>.

Human rights defenders who denounce ongoing slavery and discriminatory practices highlighted to Front Line Defenders that they have been subjected to intimidation and harassment while attending, and upon their return from, international events, including sessions at the African Commission for Human and People’s Rights.

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7- Security forces violently dispersed a demonstration organized by supporters of IRA-Mauritania on 29 October 2018 in Nouakchott. The demonstrations reportedly called for the release of IRA leader Biram Dah Abeid, who was arrested on August 7 on allegations of hate speech. <https://www.garda.com/crisis24/news-alerts/172176/mauritania-violent-demonstration-in-nouakchott-october-29-update-1>

8- <https://www.frontlinedefenders.org/en/case/case-history-ira-mauritania>

9- <https://www.frontlinedefenders.org/en/case/detention-anti-slavery-human-rights-defender-biram-dah-abeid>

In October 2019, **Seniyara Haidara**<sup>10</sup>, a woman human rights defender, was arrested after her return from the NGO Forum at the African Commission for Human and People's Rights, where she made an intervention denouncing the irregularities around the 2019 electoral process and prison conditions in the country. A complaint was filed against her by the police for "inciting racial hatred" and she was detained for a week and placed under judicial supervision with an obligation to report weekly at the office of the National Security Directorate.

Organizations including SOS Esclaves<sup>11</sup>, IRA- Mauritania and Touche pas à ma nationalité (Hands Off My Nationality) continue to be seen as opponents of the political regime as a result of their human rights work. They are regularly accused of portraying a bad image of Mauritania to the outside world while exposing racial discrimination and slavery.

On 13 April 2020, woman human rights defender **Mariem Cheikh**<sup>12</sup> criticised on social media the practice of slavery and continuing racial discrimination in Mauritania. She was arrested on the same day and charged with "racist comments through social media" by the West Nouakchott Public Prosecutor. Mariem Cheikh is a blogger well known for her posts denouncing the economic, cultural, and social exclusion of descendants of former slaves who are deprived of their basic human rights. She was provisionally released on 21 April and placed under judicial supervision with an obligation to report weekly to the office of the National Security Directorate.

### C- Restrictions on freedom of assembly

Although freedom of assembly is enshrined in article 10 of the Mauritanian Constitution, its exercise is increasingly difficult. Individuals and organizations must notify the authorities before staging a demonstration but in practice, all demonstrations are systematically prohibited or are suppressed by arbitrary arrests.

On 28 November 2017, five members of the Collective of Widows and Orphans of the Humanitarian Passive, including the secretary general of the organization, **Maimouna Alpha Sy**, were arrested in Kaedi while holding a commemoration protest to seek justice for the extrajudicial executions of their husbands and fathers committed by the authorities between 1989 and 1991 in the same city. They were released after spending five days in detention.

On 13 February 2020, Alliance pour la Refondation de la Mauritanie (Alliance for the Refoundation of the Mauritanian State) held a meeting in a guest house in Nouakchott owned by woman human rights defender Mekfoula Mint Brahim<sup>13</sup>. Later that day, police arrested 14 human rights defenders who attended the meeting, including **Mekfoula Mint Brahim, AREM members Mini Brahim, Cheikhani Cheikh, Abderahmane Haddad, Ahmed Mohamed Mokhtar, Ahmeddou Nafee, and Outhmane Boubacar, as well as Ahmed Amar, Mohamed Haida and**

10- Seniyara Haidara is also the President of the Association of Women Educators for the promotion of Human Rights (Association des Femmes Educatrices pour la Promotion des Droits Humains).

11- SOS Esclaves is a non-governmental organisation founded in 1995 by Mauritanian lawyer Boubacar Ould Messaoud, to tackle the issue of modern slavery.

12- <https://www.frontlinedefenders.org/en/case/judicial-harassment-woman-human-rights-defender-mariem-cheikh>

13- Mekfoula Mint Brahim is a woman human rights defender fighting against religious extremism and discriminatory practices in Mauritania, in particular the discrimination against women and members of the Haratine and sub-Saharan African communities. She is the President of *Pour une Mauritanie Verte et Démocratique* (For a Green and Democratic Mauritania), a human rights organisation founded in 2009, leading women's empowerment projects in rural areas. She is also a member of *Alliance pour la Refondation de l'Etat Mauritanien* (AREM), an organisation promoting good governance and fighting against impunity.

**Mohamed Val Isaac.** Four people were released on the same day and the remaining ten were taken into custody at the special unit of the judicial police of Nouakchott<sup>14</sup>. While eight people were released in the following weeks, as of July 2020 six<sup>15</sup> were still in detention on charges of blasphemy under article 306 of the criminal code and article 21 of the cybercrime bill.

#### D- Restrictive legislative framework

Mauritania does not have a dedicated human rights defenders protection law. Prosecutors use repressive legislation that includes criminal defamation and broad definitions of terrorism and “inciting racial hatred” to censor and prosecute critics for non-violent speech. Human rights defenders, journalists and bloggers are increasingly targeted for their work on online platforms.

On 20 January 2016, a **Cybercrime Bill**<sup>16</sup> was adopted. Human rights defenders and journalists raised concerns that this bill would allow them to be prosecuted for “almost anything published online”<sup>17</sup>. The bill provides for prison sentences and heavy fines for disseminating certain types of so-called politically sensitive content over the internet. Since the adoption of the bill, human rights defenders have informed Front Line Defenders that there has been a notable increase in self-censorship.

Human rights defenders, including bloggers and journalists, highlighting corruption and working on governance issues have been targeted on the basis of the Cybercrime bill. On 22 March 2019, authorities arrested two bloggers, **Abderrahmane Ould Weddady** and **Cheikh Ould Jeddou**, for Facebook posts criticizing corruption and accused them of knowingly spreading false information about Mauritanian funds allegedly frozen in the United Arab Emirates. The two were released on 3 June 2019 but their travel documents were confiscated

**A circular** dated from 11 February 2016 and distributed to hotels and conference centres in Nouakchott stated that it was “prohibited to organize any show, conference, ceremony, party or any other demonstration where the public is admitted without the prior authorization of the Hakem (prefect)”<sup>18</sup>. This has severely impacted on the ability of human rights defenders to organise trainings and workshops inside the country.

On 18 January 2018, the National Assembly in Mauritania passed an **anti-discrimination law** which contains repressive and vague provisions. According to human rights defenders, this law has a counter-productive effect as it creates more problems than it resolves. For instance, human rights defenders denouncing social inequalities and discrimination are now liable to prosecution under this law if the authorities judge that their comments are “inciting racism” or “promoting national disunity”.

On 27 April 2018, the National Assembly voted in a new criminal code, **Article 306** of which, provides for the death penalty for a range of offences, including, under certain conditions,

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14- <https://www.frontlinedefenders.org/en/case/arbitrary-detention-ten-human-rights-defenders>

15- Ahmed Mohamed Mokhtar, Outhmane Boubacar, Abderahmane Haddad, Mohamed Val Isaac, Mohamed Haida, Ahmed Amar

16- Law no 2016-007, 20<sup>th</sup> January 2016

17- Quote from HRD Hamady Lebhous during a meeting with Front Line Defenders on 10<sup>th</sup> February 2020.

18- Mauritania: "A sword hanging over our heads": The repression of activists speaking out against discrimination and slavery in Mauritania, Amnesty International 2018.

blasphemy, adultery, and homosexuality. This provision was tightened to maintain the death penalty for the crime of apostasy which now cannot be revoked in case of repentance, as in the previous version.

Traditional and harmful practices, early and forced marriage and female genital mutilation continue to be silently used against women and girls in Mauritania, especially in remote areas. The draconian, discriminatory and conservative provisions in the Mauritanian criminal code prevent women and girls from enjoying their rights and often stops human rights defenders from seeking justice in cases of sexual violence. For example, women reporting rape to the police, but who cannot prove a lack of consent, can be prosecuted and charged for “zina” (sex outside marriage) which is considered as adultery and punishable by the death penalty on the basis on the article 306 of criminal code.

There are no laws protecting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons from discrimination. Under sharia law as applied in the country, consensual same-sex sexual activity between men is punishable by death if witnessed by four individuals, and such activity between women is punishable by three months to two years in prison and a fine, according to articles 306 and 308 of the criminal code<sup>19</sup>. The severity of the stigma and legal penalties relating to the rights of LGBTI people has made defending those rights publicly virtually impossible.

#### **IV. RECOMMENDATIONS**

Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the Mauritanian authorities to prioritise the protection of human rights defenders and in doing so to:

- a) Adopt a human rights defenders protection law aiming at effectively protecting human rights defenders in Mauritania; ensure that this law includes special provisions for women human rights defenders; any future human rights defenders protection law should have an implementation mechanism led by a national and independent institution;
- b) Create the conditions for an inclusive dialogue with civil society organizations and adopt a law establishing the governance of associations and organizations and facilitate all administrative procedures for the prompt and transparent registration and authorization of human rights organizations without exception;
- c) Guarantee in all circumstances that all human rights defenders in Mauritania are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment and physical violence and ensure full respect for the UN Declaration on human rights defenders;

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19- Article 306: ‘Any person who has committed an outrage against public decency and Islamic morals or has desecrated sacred places or has helped to desecrate them... will be punished by a correctional punishment of three months to two years and a fine of 5,000 to 60,000 UM.’ Article 308: ‘Any adult Muslim who has committed an indecent act or an act against nature with an individual of the same sex will be punished to death by public stoning. If the act is between two women, they will be punished by the punishment established in paragraph one of Article 306.’

- d) Amend and/or remove, where applicable, all provisions in the cybercrime bill, the anti-discrimination law and the criminal code which are used to criminalise the work of human rights defenders; remove articles in the criminal code which are discriminatory to women and LGBTI persons.
- e) Ensure that immediate, thorough and impartial investigations into all reported cases of attacks against human rights defenders are carried out, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
- f) Ensure in particular that anti-slavery activists are able to carry out their work and that alleged cases of slavery brought to the attention of the authorities are effectively investigated;
- g) Drop the charges currently pending against human rights defenders, and quash the convictions of those who have already been sentenced, particularly Mariem Cheikh, Mekkoula Mint Brahim and her six co-accused.
- h) Accept and fully implement UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of human rights defenders at all levels.