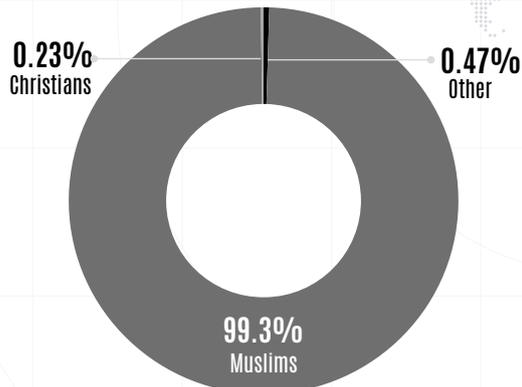




MAURITANIA

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Islamic Republic of Mauritania lying on Africa's west coast is mostly desert, sparsely populated, and one of the poorest countries in the world. The nation has been an Islamic Republic since it gained independence in 1960. Article 5 of the constitution¹ recognises Islam as the official religion of the state and its citizens.²

Mauritania is the only Islamic state in Africa after The Gambia became again a secular republic.³ This fact, and that its population is almost entirely Muslim, has a profound impact on everyday life in the country.

A report by the United Nations High Commissioner for Human Rights found that freedom of conscience and religion are not formally guaranteed in Mauritania, not even for Muslims;⁴ in fact, neither freedom is mentioned in the constitution. Non-discrimination the basis of religion is not mentioned either. Changing religion is treated as apostasy, which carries the death penalty.⁵ Article 23 holds that the country's president must be a Muslim.

The Ministry of Islamic Affairs and Traditional Education (MIATE) is responsible for "enacting and disseminating fatwas, fighting extremism, promoting research in Islamic studies, organizing the Hajj and Umrah pilgrimages, and monitoring mosques."⁶ The government selects six imams who serve on the High Council of Islam, advising the government on Islamic precepts and compliance of legislation to these.⁷

Mauritania's Penal Code was amended in 2018 and the death penalty was made mandatory in cases of blasphemy, without exceptions.⁸ (Before the amendment, Article 306 of the Penal Code only implemented the death penalty if the accused refused to show remorse or apologise; now that is no longer possible.)⁹ The law also includes imprisonment up to two years and a financial penalty up to 600,000 Ouguiyas (US\$15,940) for "offending public indecency and Islamic values" and for "breaching Allah's prohibitions" or assisting in their breach.¹⁰

The changes were made in response to the case of Mohamed Cheikh Ould Mkhaitir, a Mauritanian blogger who in 2014 wrote an article critical of Islam. He was initially sentenced to death, but on 9th November 2017, an appeals court in Nouadhibou reduced the sentence

to two years' imprisonment and a fine.¹¹ Devout Muslims in many cities of Mauritania took to the streets to protest the court's decision and demanded that the death sentence be imposed.¹² The last time the death penalty was carried out in the country was in 1987.¹³

Concerning education, both public and private schools are required to provide Islamic instruction for four hours a week. International schools are an exception, as they are not required to teach the Islamic religion.¹⁴

Officially, the traditionally nomadic population of Mauritania is almost 100 per cent Muslim, almost exclusively Sunni, and mostly organised in Sufi brotherhoods¹⁵ such as the Qadiriya, the Tijāniyyah and the Hamawiya.

The Christian population in Mauritania is estimated anywhere between 4500¹⁶ and 10,000.¹⁷ The exact number of ethnic Mauritanian Christians is unclear as in tribal culture, "leaving Islam is not only seen as religious betrayal, but also as a betrayal of the tribe and family."¹⁸ Consequently, the few non-Muslims in Mauritania have no real opportunity to live out their faith, at least not publicly. Shari'a (Islamic law) is applied to civil matters, particularly in family issues. Some offences and certain violations of Shari'a, are severely punished with flogging, stoning, and amputation.¹⁹

INCIDENTS AND DEVELOPMENTS

Mauritania has continued to restrict religious freedom during the reporting period. The authorities continued to reject calls from the international community to decriminalise apostasy and blasphemy, which are punishable by death.

This is exemplified by the aforementioned blasphemy case of Mohamed Ould Cheikh Mkhaitir, the blogger who was to be freed after his original death sentence was overturned in July 2019.²⁰ Although he had already served his two-year jail sentence, he remained in prison for "his own safety", according to authorities. After repeated international calls for his release, he was eventually freed and went into exile in Europe. He now lives in France.²¹

Presidential elections took place on 22nd June 2019. Incumbent President Mohamed Ould Abdel Aziz could not run because of term limitations; his ruling party's candidate, however, Mohamed Ould Ghazouani, won but the result was contested by several opposition can-

didates.²² Ghazouani is considered a firm ally of the former president and is likely to continue his policies.

In connection with the vote, Amnesty International published a Human Rights Manifesto on 3rd June 2019 for presidential candidates to sign.²³ The Manifesto called on the candidates to support freedom of expression and assembly, abolish slavery, end impunity for "perpetrators of abuses, torture, illegal detention, extrajudicial killings and mass expulsions", and more. Three out of six candidates signed it; Ghazouani refused. The latter's election campaign "also neglected to commit to improving the disastrous human rights situation in the country", Amnesty said.²⁴

Since 26th February 2020, eight defendants (five held in pretrial detention) stand accused of blasphemy and contempt of religion under article 306 of the Penal Code.²⁵ A conviction of the charges, which include "mocking God, his messenger and the Holy Book," and "creating, recording and publishing messages using an information system that affects the values of Islam", could result in the death penalty. These stem from their attendance at a meeting of the Alliance for the Refoundation of the Mauritanian State, which calls for "reforming Mauritania's public administration and health systems and rejects the country's caste system."²⁶

On 3rd June 2020, authorities arrested journalist and member of the Advertising Regulatory Authority Eby Ould Zeidane, regarding his Facebook post suggesting the traditional month of Ramadan should be "observed on fixed dates according to the Gregorian calendar, contrary to Muslim tradition."²⁷ On 8th June he was charged with blasphemy under article 306 of the penal code - which carries the death sentence - and under article 21 of the Cybercrime Law for "publishing leaflets that undermine the values of Islam."²⁸ "Zeidane was released on June 8, and on July 2 publicly repented his remarks after meetings with religious scholars and the Minister of Islamic Affairs."²⁹

Concerning jihadism and other forms of religiously motivated armed violence, the country has "proven remarkably resilient against it",³⁰ despite the dire situation in some of Mauritania's neighbours (jihadi groups have a strong presence in Mali for example) and the calls by al-Qaeda in the Islamic Maghreb (AQIM) to its followers to commit terrorist attacks across the Sahel (including Mauritania). Since one of the main priorities of the new president is maintaining security, no major

changes should be expected when it comes to armed jihadi groups.

Due to the coronavirus pandemic, places of worship were closed to avoid the spread of the virus. They reopened on 8th May 2020.³¹

PROSPECTS FOR RELIGIOUS FREEDOM

In light of the country's current situation, the new government is not likely to decriminalise apostasy and blasphemy, nor improve respect for human rights, including religious freedom. Prospects for the future of freedom of religion are therefore negative.

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