Mauritania: Treatment of sexual minorities by society and the authorities, including laws, state protection and support services (2009-March 2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Laws and Treatment of Sexual Minorities by the Authorities

Sexual acts between persons of the same sex are illegal for men and women in Mauritania (ILGA et al. [2010]; US 24 May 2012, 24). The Penal Code of Mauritania states the following: [translation] "Any Muslim of age who commits an indecent or unnatural act with a person of the same sex shall be punished by death by public stoning. In the case of two women, they shall be punished under the first paragraph of article 306" (Mauritania 1983, art. 308). Article 306 provides [translation] "a correctional sanction of three months to two years in prison and a fine of 5,000 to 60,000 UM (ouguiyas)" [5,000 ouguiyas = approximately 18 $ CAN (XE 4 Apr. 2013)] (Mauritania 1983).

According to the 2012, 2011 and 2010 editions of the Country Reports on Human Rights Practices published by the United States Department of State, no cases of sexual acts between two people of the same sex were prosecuted in 2011 (US 24 May 2012), 2010 (ibid. 8 Apr. 2011) or 2009 (ibid. 11 Mar. 2010). The International and Strategic Relations Institute (Institut de relations internationales et stratégiques, IRIS), a private group of analysts created in France in 1991 (IRIS n.d.), indicated in its report on sexual orientation and gender identity in the world (Orientation sexuelle et identité de genre à travers le monde) that the laws related to homosexual practices in Mauritania is [translation] "rarely or never applied" (IRIS Nov. 2012, 43). Likewise, in the Universal Periodic Review of the United Nations Human Rights Council, the Mauritanian delegation indicated that [UN English version] "[a]s with the death penalty, corporal punishment had never been practised or carried out. The provisions of Islamic law and special criminal legislation allowed for alternative sentences" (United Nations 4 Jan. 2011, para. 74). Information on those alternative sentences could not be found among the sources consulted by the Research Directorate within the time constraints for this Response.

Nevertheless, in its 2011 Annual Report, Amnesty International (AI) stated the following:

[AI English version]

Individuals faced arbitrary arrest, harassment and discrimination because of their suspected homosexual activity. In November, 14 men were arrested and accused of being homosexuals; they remained held in Dar Naim prison. (AI 2012)

The Mauritanian daily L'Authentique reported that 13 people suspected of being homosexuals were arrested in November 2011 for offending public decency, and that they were granted conditional release after spending [translation] "a few weeks" in Dar Naim prison (12 Dec. 2011). Information on the fate of the
individuals arrested or on the treatment of sexual minorities in Mauritania by the authorities could not be found among the sources consulted by the Research Directorate within the time constraints for this Response.

2. Attitude of the Society

According to the 2012, 2011 and 2010 editions of Country Reports, between 2009 and 2011, there was no information indicating that society was violent toward or discriminated against sexual minorities (US 24 May 2012, 24; ibid. 8 Apr. 2011, 26; ibid. 11 Mar. 2010). The report published by IRIS noted that, in Mauritania, homosexuality is somewhat tolerated in urban settings, but that it is still taboo (IRIS Nov. 2012, 30).

However, the organization "Non à la débauche" launched a campaign in August 2012 for the [translation] "eradication of networks of homosexuals and prostitution" in Mauritania (Le Calame 8 Aug. 2012; ANI Aug. 2012; Panapress 9 Aug. 2012). The organization [translation] "objects to too much tolerance of 'these criminals, enemies of virtue who must answer for their crimes'" (ibid.; Le Calame 8 Aug. 2012). Additional information on that campaign could not be found among the sources consulted by the Research Directorate within the time constraints for this Response.

The Gay Star News website, launched in January 2012 by two journalists, each with 10 years' experience, and whose headquarters are located in the United Kingdom (Gay Star News 7 Dec. 2011), reported that a gay Maritanian had been "ostracized from his village, stoned and stabbed with a knife in his stomach; he almost died;" the article did not provide that date of the incident (ibid. 28 Aug. 2012). Additional information on that incident and in that regard could not be found among the sources consulted by the Research Directorate within the time constraints for this Response.

In correspondence sent to the Research Directorate, a representative of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) stated that ILGA does not have any LGBTI [lesbian, gay, bisexual or transgender or intersex persons] contact in Mauritania, the impossibility of gathering and organising a group, even for social purposes, is generally an indicator of the general state of homophobia in a country. (ILGA 21 Mar. 2013)

Country Reports for 2011 also noted that there were no organizations advocating for sexual orientation or gender-identity rights, but added that there were no legal impediments to the operation of such groups (US 24 May 2012, 24-25). Additional information on the services available to sexual minorities in Mauritania could not be found among the sources consulted by the Research Directorate within the time constraints for this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References


International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). 21 March 2013. Correspondence sent to the Research Directorate by a representative.


**Additional Sources Consulted**

**Oral sources:** Attempts made to reach representatives of the African Men for Sexual Health and Rights, a lawyer from the Mauritian Barr and the Ligue mauritanienne des droits de l'homme were unsuccessful. Representatives of the following organizations were unable to provide any information: Columbia Law School's Sexuality and Gender Law Clinic, International Gay and Lesbian Human Rights Commission, United Nations Development Programme in Mauritania. A professor from the University of Ottawa and representatives of the Association mauritanienne des droits de l'homme were unable to respond with the time constraints for this Response.

**Internet sites, including:** *Africa Confidential*; *Afrik.com*; Agence mauritanienne d'information; Al Jazeera; AllAfrica.com; ARC International; Belgium – Conseil du contentieux des étrangers; British Broadcasting Corporation; ecol.net; *The Economist*; Factiva; Fahamu Refugee Programme; GlobalGayz; Human Rights Watch; Magharebia; Mauritania.mr; Mauritania – ministère de la Justice, ministère de l’Intérieur; MenEngage; Observatory for the Protection of Human Rights Defenders; World Organization Against Torture; Pink News; United Kingdom – Home Office; *Slate*; European Union – Agency for Fundamental Rights; United Nations – UN High Commissioner for Human Rights, Refworld, Integrated Regional Information Networks; United States – USAID.

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