



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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The Board		17 September 2009
About the Board	<b>MRT103236.E</b>	
Biographies		
Organization Chart	Mauritania: Treatment of men who have fathered a child out of wedlock; manner in which honour may be restored to all persons concerned; state protection available; whether the situation is different if the man is of a lower social class than the woman (2005 - August 2009)	
Employment		
Legal and Policy		
References	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
Publications		
Tribunal		
Refugee Protection Division		
Immigration Division		
Immigration Appeal Division	Information on honour crimes in Mauritania was scarce among the sources consulted by the Research Directorate. PopulationData.Net, a website on population statistics, which gathers data from various sources (PopulationData.net n.d.), classifies Mauritania among the countries where honour crimes have been reported (ibid. 21 June 2006).	
Decisions	<b>Legislation</b>	
Forms		
Statistics	According to Article 307 of the Criminal Code of Mauritania, which came into force on 29 February 1984,	
Research		
Research Program	[translation]	
National Documentation Packages	[a]ny adult Muslim, man or woman, who is convicted of having deliberately committed the crime of <i>zina</i> [in Islamic law, "extramarital sex and premarital sex" (Islamopedia n.d.)], and where the crime has been either acknowledged by (4) four witnesses, confessed by the accused or, in the case of a woman, revealed by her state of pregnancy, will be sentenced, if he or she is single, to publicly receive a (100) hundred lashes and to one year imprisonment.	
Issue Papers and Country Fact Sheets		
Responses to Information Requests	...	
Recent Research		
Media Centre		
News	However, death sentence by stoning, <i>Tajoum</i> , will be applied if the culprit is married or divorced. (Mauritania 29 Feb. 1984, Art. 307)	
Information Sheets		
Media Relations		
Proactive Disclosure		
	In 28 August 2009 correspondence with the Research Directorate, a lawyer practising in Mauritania since 1981 indicated that he is not aware of any man being convicted of adultery. The Research Directorate found one case reported by a Nouakchott newspaper where a woman was convicted of adultery and infanticide; she was sentenced to a prison term and 100 lashes ( <i>Journal Authentique</i> 21 July 2009). In another case, a couple was arrested for being suspected of adultery (Riminfo.net 26 July 2009). Furthermore, a representative of the Mauritanian	

association for mother and child health (Association mauritanienne pour la santé de la mère et de l'enfant, AMSME) declared in a 8 May 2009 article of the United Nations (UN) Integrated Regional Information Networks (IRIN) that in 2009, seven women were jailed for committing adultery. Further reports of people being arrested, convicted or sentenced for committing adultery in Mauritania could not be found among the sources consulted by the Research Directorate.

### **Treatment of men who have fathered a child out of wedlock**

In 28 August 2009 correspondence with the Research Directorate, the Lawyer indicated that in cases of adultery, the family of the accused would avoid making the matter public and would rather try to hide it, so the affair would not be reported to the authorities. He added that even though social disapproval exists in such situations, especially in [translation] "very conservative families," he was not aware of the risks that a man who would have fathered a child out of wedlock could face (Lawyer 28 Aug. 2009). According to a lawyer quoted in a 13 May 2008 IRIN article, even in cases of rape, the matter would "'often just end with a settlement between the family of the perpetrator and the victim'." A March 2005 report by the AMSME states that most rape victims do not complain to the authorities (25); in fact, many of them risk being accused of committing adultery instead of being protected by the authorities (UN 8 May 2009; *ibid.* 13 May 2008; *Le Calame* 10 June 2008). Further information on the treatment of men who have fathered a child out of wedlock could not be found among the sources consulted by the Research Directorate.

### **State protection available**

Specific information on state protection available to men who have fathered a child out of wedlock could not be found among the sources consulted by the Research Directorate. However, the United States (US) Department of State's *Country Reports on Human Rights Practices for 2008* indicates that while domestic violence is illegal in Mauritania, the law is not effectively enforced by the government and there are very few convictions (US 25 Feb. 2009, Sec. 5).

Information on whether the situation would be different if the man is of a lower social class than the woman could not be found among the sources consulted by the Research Directorate.

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

Association mauritanienne pour la santé de la mère et de l'enfant (AMSME). March 2005. *La lutte contre les violences sexuelles à l'égard des femmes à Nouakchott - État des lieux et perspectives*. (United Nations Population Fund, UNFPA in Mauritania) <<http://mauritania.unfpa.org/docs/pdf/popdev/etudeviolence.pdf>> [Accessed 10 Aug. 2009]

*Le Calame* [Nouakchott, Mauritania]. 10 June 2008. "Viols: le phénomène prend de l'ampleur." [Accessed 1 Sept. 2009]

Islamopedia. N.d. "Word: 'Zina'." <<http://islamopediaonline.org/definition.php?gid=152>> [Accessed 18 Aug. 2009]

*Journal Authentique* [Nouakchott, Mauritania]. 21 July 2009. Abou Cissé. "Elle accouche dans les toilettes et tue son bébé." [Accessed 21 Aug. 2009]

Lawyer in Nouakchott, Mauritania. 28 August 2009. Correspondance sent to the Research Directorate.

Mauritania. 29 February 1984. *Ordonnance 83-162 du 09 juillet 1983 portant institution d'un Code Pénal*. (Droit-Afrique.com) <<http://www.droit-afrique.com/images/textes/Mauritanie/Mauritanie%20-%20Code%20penal.pdf>> [Accessed 18 Aug. 2009]

PopulationData.net. 21 June 2006. "Crimes d'honneur: 5 000 femmes victimes par an dans le monde." <[http://www.populationdata.net/droits\\_humains/crimes-d-honneur.php](http://www.populationdata.net/droits_humains/crimes-d-honneur.php)> [Accessed 26 Aug. 2009]

\_\_\_\_\_. N.d. "À propos de nous." [Accessed 31 Aug. 2009]

Riminfo.net. 26 July 2009. Sada Mbodj. "Mauritanie: Adultère ... il surprend sa femme avec son frère." <[http://www.riminfo.net/MAURITANIE-Adultere-il-surprend-sa-femme-avec-son-frere\\_a1059.html](http://www.riminfo.net/MAURITANIE-Adultere-il-surprend-sa-femme-avec-son-frere_a1059.html)> [Accessed 21 Aug. 2009]

United Nations (UN). 8 May 2009. Integrated Regional Information Networks (IRIN). "Mauritania: Rape Victims Seek Justice, Find Jail." <<http://www.irinnews.org/Report.aspx?ReportId=84302>> [Accessed 10 Aug. 2009]

\_\_\_\_\_. 18 May 2008. Integrated Regional Information Networks (IRIN). "Mauritania: Justice not Working for Rape Victims." <<http://www.irinnews.org/Report.aspx?ReportId=78182>> [Accessed 18 Aug. 2009]

United States (US). 25 February 2009. Department of State. "Mauritania." *Country Reports on Human Rights Practices for 2008*. <<http://www.state.gov/g/drl/rls/hrrpt/2008/af/119013.htm>> [Accessed 10 Aug. 2009]

#### Additional Sources Consulted

**Oral sources:** Three lawyers in Mauritania and a representative from the United Nations Development Programme (UNDP) could not provide information on this subject. The Director of the Association mauritanienne des droits de l'homme (AMDH), the Director of the Commissariat aux droits de l'homme, à l'action humanitaire et à la société civile in Mauritania, representatives from the Commission for the Defence of Human Rights in Mauritania, the United Nations Children's Fund (UNICEF) Mauritania, and the United Nations Development Programme (UNDP), a professor at the Université de Nouakchott and two lawyers in Mauritania did not respond within the time constraints of this Response.

**Internet sites, including:** Afrik.com, AllAfrica.com, Amnesty International (AI), Association mauritanienne des droits de l'homme (AMDH), European Country of Origin Information Network (ecoi.net), Fédération internationale des ligues des droits de l'homme (FIDH), Freedom House, Human Rights Watch, Islamic Human Rights Commission (IHRC), Office of the United Nations High Commissioner for Refugees (UNHCR) Refworld, United Kingdom (UK) Home Office, U.S. Committee for Refugees and Immigrants (USCRI), Women Living Under Muslim Laws (WLUML).

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