

**Submission to the UN Committee on Economic,
Social and Cultural Rights at the 49th session during the consideration of the Initial report
of Mauritania**

**Minority Rights Group International,
Anti-Slavery International & SOS-Esclaves
3rd September 2012**



Introduction:

1. Minority Rights Group International (MRG), Anti-Slavery International and SOS-Esclaves welcome the opportunity to provide information to assist the Committee on Economic, Social and Cultural Rights (the Committee) for the consideration of Mauritania's Initial report. This report draws on and supplement the information submitted to the pre-sessional working group in November 2011.
2. MRG is a Non-Governmental Organisation (NGO) working to secure the rights of ethnic, religious and linguistic minorities worldwide, and to promote cooperation and understanding between communities. MRG has consultative status at the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights. MRG is registered as a charity in the United Kingdom.
3. Anti-Slavery International, founded in 1839, is committed to eliminating all forms of slavery throughout the world. Slavery, servitude and forced labour are violations of individual freedoms, which deny millions of people their basic dignity and fundamental human rights. Anti-Slavery International works at local, national and international levels around the world to eradicate slavery, for example by undertaking research on slavery practices; lobbying governments and intergovernmental agencies to take action to end and prevent the practice, and supporting local organisations that work to eradicate slavery through awareness-raising, advocacy and assistance to victims of slavery.
4. SOS Esclaves (SOS Slaves) has been leading the fight against slavery in Mauritania for over 14 years. It seeks to expose the realities of the practice, challenge its widespread acceptance and defend the rights of those seeking to escape slavery. It also works to end discrimination faced by people of slave descent.
5. The information set out below is based on the research and work of MRG, Anti-Slavery International and SOS-Esclaves regarding the slavery practices in Mauritania which we believe constitute a violation of the prohibition of non-discrimination (Article 2, paragraph 2), Equal rights of men and women (article 3), the right to work (Article 6, paragraph 1), the right to just and favourable conditions of work (Article 7), the right to marry (Article 10, paragraph 1), the right of the child to be free from economic and social exploitation (Article 10, paragraph 3), the right to adequate standard of living (Article 11), the right to health (Article 12) and the right to education (Article 13).

Article 2, paragraph 2 – Non-discrimination:

6. The economy and the vast majority of the administrative state in Mauritania are controlled by an ethnic group named the Maures, who are also known as the White Maures, the Berber Arabs or the Beidan. Historically they raided, enslaved and assimilated people from a range of sedentary black ethnic groups along the Senegal River, who are known today as the Haratine or the Black Maures. The term 'Haratine' is a euphemism among the Berber Arabs to refer to slaves and people of slave descent. As they are descended from slaves, the Haratine are the group most likely to be living in slavery in Mauritania today, even though slavery affects all groups in Mauritania. More than half of the Haratine community are estimated to live in slavery, through domestic servitude and bonded or forced labour¹. This is despite the adoption of the 2007 Anti-Slavery Law prohibiting slavery and related discrimination in Mauritania² which criminalised slavery and slavery apologists but which has suffered from lack of implementation. After a visit to Mauritania in 2009, the Special Rapporteur on Contemporary Forms of Slavery was unequivocal in qualifying the situations she encountered in Mauritania as slavery, stating that it results in the 'social death of many thousands of women and men'³.
7. By preventing individual choice, it is submitted that the practice of slavery in Mauritania violates the whole range of human rights of those affected. The Haratine who are no longer in slavery (the majority) face discrimination related to their status as descendants of slaves and have limited access to and even less control over resources such as land, education, water and health services.
8. Discrimination towards the Haratine also manifested itself in the nationwide census carried out in 2011 by the government. This census was conducted in a discriminatory manner with the result that most Haratine were excluded from registration. One of the requirements to be registered in the census, for instance, is the prior registration of both parents. However, this requirement is often difficult or impossible for people of slave descent, especially those whose parents or mother was enslaved. Many Black Mauritians attempting to register through the census have had their Mauritanian origins called into question and have been subjected to

¹ UNPO (2012) Haratin, The Mauritanian Citizens Shackled by Slavery, Briefing note: <http://www.unpo.org/downloads/376.pdf>

² Loi n° 2007 – 048 du 3 septembre 2007 portant incrimination de l'esclavage et réprimant les pratiques esclavagistes

³ Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnura Shahinian, Addendum, Mission to Mauritania, para. 39, UN Doc. A/HRC/15/20/Add.2 (24 August 2010).

humiliating and unnecessary tests,⁴ including such issues as the ability to cite a particular verse from the Qur'an, to speak the Hassaniya language and to recognise a key figure from presidential circles. In response to a demonstration protesting the alleged racist census in 2011, the government of Mauritania arrested 13 people⁵. The peaceful demonstration was dispersed by the police who reportedly exercised excessive force.

9. To date, the implementation of the 2007 anti-slavery law has been almost non-existent. Different cases supported by SOS-Esclaves, MRG and Anti-Slavery International reflect the lack of will at the political and judicial level to enforce the law criminalising slavery.
10. In November 2011, in the first successful prosecution under the 2007 anti-slavery legislation Ahmed Ould Haassine was found guilty of slavery of two young brothers, Said and Yarg. The master was sentenced to two years' imprisonment and ordered to pay compensation (1,350,000 MRO (approx. 4100 Euros)). An appeal was immediately filed on behalf of the two children (the civil party), because the sentence and the damages awarded were not considered commensurate with what the boys had experienced; indeed, recommended sentences for the crime of slavery are 5-10 years. The State Prosecutor did not appeal the lenient ruling immediately; he only filed an appeal after the lawyer representing Said & Yarg personally intervened. Less than four months later, the convicted slave-owner was released on bail for the sum of 200 000 MRO (approx. 537 euros). At no point was the children's lawyer informed of the request for bail, despite the potential risks for the boys. The decision made on 23 March 2012 only became known to the boys' lawyer on 2 April 2012 is inconsistent with the fact that the civil party must be informed at all stages of the process.
11. The judge also found guilty Said and Yarg's mother, Salka Mint Mbarke, who was given a suspended sentence of one year's imprisonment. It was contended that she had supported the master and his family in holding her children in slavery. The mother displayed what can be called a 'slave' mentality: in her mind, the boys' slavery was normal and right and she was not in a position to challenge their treatment at the hands of the master. The prosecution of the boys' mother and her conviction show a disturbing lack of understanding of the affect of slavery on individuals and their capacity to separate themselves from their master or mistress's interests.

⁴ SOS-Esclaves, AMDH, AFCF (2011) Note d'information

⁵ Forum des Organisations nationales des droits de l'homme (FONADH) Declaration, 19 September 2011.

12. The case of Rabi'a, Minetou and Nana, three sisters held in slavery in Nouadhibou exemplifies the delays and the lack of respect for the procedures and deadlines within the Mauritanian justice system. The case has been at the Supreme Court level since August 2011. Initially sent by the investigating judge to the Criminal Court, the decision was appealed by the defence but subsequently confirmed by the Appeal Court. The defence then sought recourse to the Supreme Court and the case is now pending at this level. Furthermore, the victims were originally told that the mistress was arrested and was placed in jail pending the outcome of the court case. However, investigations by SOS-Eslaves and the lawyer revealed that there were no prisons for women in the region and that, the mistress had in fact been released on bail. Similarly, a third case concerning Oum Elkheir was brought to the criminal court in 2010 and is still pending before the court in Adrar. Despite repeated requests for meetings and inquiries made by SOS-Eslaves and the lawyer, the General Prosecutor has still not responded.

Article 3 – Equal rights of men and women:

13. Steps forward have been made in terms of promoting the rights of women, most notably the adoption of a law on equal pay, the instigation of quotas on electoral lists, the national strategy on women's rights, the creation of the Ministry for Women, etc.,. Despite this, discrimination on the basis of gender impedes women's ability to fully enjoy their economic, social and cultural rights. At the same time, ongoing inequality in the sphere of economic, social and cultural rights contributes to the continuing subordination of women and makes them more vulnerable to violence, exploitation and other form of abuses. Fulfilling the rights of women and men can be a powerful tool to not only ensure that basic needs are met, but that unequal power relations between women and men are transformed.

14. The disadvantages facing women is further entrenched when women and girls belong to a minority community. They face discrimination on the basis of their gender, their belonging to a minority group and as minority women. For instance, female Haratine are one of the most marginalised demographics in Mauritanian today⁶. They are virtually absent from the educational system, formal and decent employment, politics and the legal system.

Article 6, paragraph 1 and Article 7– The right to work which one freely chooses and the right to just and favourable conditions of work:

⁶ UNPO (2012) Haratin, The Mauritanian Citizens Shackled by Slavery, Briefing note: <http://www.unpo.org/downloads/376.pdf>

15. In Mauritania, the status of 'slave' is inherited from one's mother. The Haratine are a social group of people known to be the descendants of slaves. Today, virtually all cases of slavery in Mauritania involve Haratine whose ancestors were enslaved. Those actually living in slavery are essentially 'owned' by their masters and are typically forced to follow their masters' orders and work for no pay throughout their lives. Men primarily herd cattle or work on their masters' farmland, while women are mostly engaged in domestic work, carrying and nursing the master's children and often shepherding animals. Girls and boys start work for their masters at a very young age. Their domestic duties include drawing water from wells, collecting firewood, cooking, washing clothes, cleaning, caring for the children of their master, and setting up and moving tents.
16. The female slaves who live in their masters' home are rarely allowed out and generally work from sunrise to after sunset. A former slave, Kheidama, told SOS-Esclaves: *'I was born a slave. My three sisters and my brother were all given away to our mother's master when we were young. My mother died a slave. It was my job to look after the family's animals all day long... I never took a break and I was never allowed to rest.'* This reflects the experience of many people in slavery in Mauritania who are forced to work for their masters all their lives.
17. Slavery makes Haratine women and girls particularly vulnerable to sexual violence. La *Confédération libre des travailleurs de Mauritanie* reports that slave girls are likely to suffer sexual violence and rape by their masters⁷. Many children are also born from a slave mother and male master, as a result of sexual violence. The conditions they live and work in (para. 16) makes it virtually impossible for these women to report sexual violence and seek support. A recent study from the Ministry of Social Affairs and Family reports that 1 in 5 girls working as domestic workers confirmed suffering from sexual violence⁸.
18. The practice of slavery in Mauritania violates not only the right to work of those who are still considered the property of their masters but also of those who manage to escape or who have been freed. Due to Mauritania's stratified society, those who are former slaves or descendants of slaves still live under the stigma of their slave status and are ostracised within society. Employment opportunities are more limited for the Haratine since they generally have less education and certain professions are viewed as the reserve of the elite classes. They typically work in the services of the elite in roles such as porters, night watchmen or domestic workers. Having generally

⁷ US Department of labor's bureau of international labor affairs (2010), available at: <http://www.unhcr.org/refworld/pdfid/4e8c3985d.pdf>

⁸ MASEF (2009) Études sur les pires formes du travail des enfants en Mauritanie, p.10

less education than men, but also bearing the brunt of care work makes it even more difficult for Haratine women to engage in paid work, or access training for better employment. They are often trapped in informal work, without any protections or decent wages. This further places them at greater risk of violence.

19. The African Commission on Human and Peoples' Rights has expressed the view that unremunerated work is not in accordance with Article 23 (3) of the Universal Declaration of Human Rights, Article 5 of the African Charter on Human and Peoples' Rights as well as Article 7 of the ICESCR⁹. It further emphasised that unremunerated work 'is tantamount to a violation of the right to respect for the dignity inherent in the human being.'¹⁰

Article 10, paragraph 1 - The right to marry:

20. Slaves are considered to be the property of their masters. Consequently, the age at which female slaves are allowed to marry is decided by their masters, and they are typically forced to marry the person of their master's choosing. Even when the masters allow their slaves to marry, there are often restrictions imposed by the masters that limit the freedom of the couple. In one case followed by SOS-Esclaves, a former slave named Moina was allowed to marry her cousin. However, her husband later divorced her as she was not allowed to leave her master's home. A similar situation was also experienced by Jabhalla, a young slave who took care of her master's animals. She wanted to marry and asked for her master's permission. The master agreed yet told Jabhalla that, even as a married woman, she should remain at his home and serve him as usual.

21. The UN Special Rapporteur on Contemporary Forms of Slavery has voiced concern about this issue; in her report on Mauritania¹¹, she describes how the master can force separation or divorce between married slaves. She strongly emphasises that this practice is 'in direct violation of international human rights instruments to which Mauritania is a party', referring to, *inter alia*, Article 10 of the ICESCR¹².

22. The violation of the right to marry also manifests itself when action is taken to prevent any marriage between a person of slave status and a person from the

⁹ African Commission on Human and Peoples' Rights, Comm. No. 54/91, 61/91, 98/93, 164/97 and 210/98, para. 135.

¹⁰ *Id.*

¹¹ Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnura Shahinian, Addendum, Mission to Mauritania, para. 39, UN Doc. A/HRC/15/20/Add.2 (24 August 2010).

¹² *Id.*, see the footnote on para. 40.

nobility. While there are no official laws against intermarriage, couples usually face intense pressure and challenges from their families and communities and receive little support from State institutions. Article 10, paragraph 1, does not provide the scope of this right in detail, but according to the Universal Declaration of Human Rights, 'men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and found a family.'¹³

Article 10, paragraph 3 - The right of the child to be free from economic and social exploitation:

23. Enslaved people usually work for their masters from early childhood; they are in slavery because they were born to an enslaved mother. In Mauritanian society any children of slaves are naturally considered to be the property of the masters as well. As noted earlier, tasks assigned to children include washing dishes, washing clothes and taking care of their masters' animals. Since the masters see both child and adult slaves as their possessions, they may also be rented out, loaned or given away, especially as gifts in marriage. In its concluding observations on Mauritania, the Committee on the Rights of the Child expressed serious concern 'over reports indicating the continued existence of caste based slavery, which has a particular impact on girls in domestic service and boys forced to beg by *marabouts*.'¹⁴

Article 11, paragraph 1 and article 12 - The right to food and water and the right to health

24. MRG, Anti-Slavery International and SOS-Eslaves are aware that, among the other violations inherent in the practice of slavery, enslaved people are rarely given adequate and nutritious food by their masters. Many victims of slavery reported to ASI and SOS that they only received scraps or leftovers that were not sufficient to fulfil their dietary needs. The Committee on Economic and Social Rights' General Comment No. 12 emphasises that the right to food does not merely mean the availability of food but, more importantly, that the food is 'sufficient to satisfy the dietary needs of individuals'¹⁵. The food available, therefore, should contain 'a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation.'¹⁶

¹³ Universal Declaration of Human Rights, Article 16 (1).

¹⁴ Concluding observations on Mauritania, para. 36, Committee on the Rights of the Child, UN Doc. CRC/C/MRT/CO/2.

¹⁵ General Comment No. 12 on the right to food, para. 8, Committee on the Economic, Social and Cultural Rights, UN Doc. E/C/12/1999/5.

¹⁶ *Id.*, para. 9.

25. In addition to inadequate food, customary traditions prevent slaves from rights over resources such as land and water sources. Recent research led by Anti-Slavery International and SOS-Esclaves demonstrated that land reforms instigated in the 1980s to end discriminatory practice in land allocation, actually reinforced the position and ownership of influential elites (mostly Maur and foreign businesses). Ordinary Maur and Afro-Mauritanian communities were dispossessed of their land and marginalised communities, such as Haratine groups, were not made aware of the opportunity to apply for land and thus hardly benefited from the reform¹⁷. This reform has led to conflicts that persist today.
26. The denial of access to nutritious food and water does not constitute merely a violation of the right to adequate standard of living as stipulated in Article 11 paragraph 1 of the ICESCR, but also of the right to health guaranteed in Article 12. Food, nutrition and water are underlying determinants of health¹⁸ and a failure to provide these basic needs constitutes the violation to the minimum core obligation in the right to health¹⁹.
27. Although the practice of Female Genital Mutilation (FGM) has not been made illegal in Mauritania, the country has ratified several conventions rejecting FGM (amongst others: CEDAW, Maputo Protocol, CRC, etc.). Current figures shows 71%²⁰ of women have been cut in Mauritania. These include Haratine women²¹, although no data disaggregated by ethnicity are available. The health implications of FGM have been largely documented (bleeding, long-term risks related to pregnancy, disability, etc.) and can affect Haratine women even more severely given their limited access to health services.

Article 13 - The right to education

28. Enslaved people start working for their masters at a very young age and therefore have no access to even basic levels of education. Furthermore, people of slave descent typically have limited access to education, as the UN Special Rapporteur on Contemporary Forms of Slavery stated in her report on Mauritania²².

¹⁷ Anti-Slavery International (2011) Programme de prévention et de résolutions des conflits fonciers intercommunautaires en Mauritanie

¹⁸ General Comment No. 14 on the right to the highest attainable standard of health, para. 11, Committee on the Economic Social and Cultural Rights, UN Doc. E/CN.4/2000/4.

¹⁹ *Id.*, para. 43 (b) and (c).

²⁰ GIZ/ BMZ (2011) Female Genital Mutilation in Mauritania, available at: <http://www.giz.de/Themen/de/SID-B3D140A9-FA5058EC/dokumente/giz-fgm-EN-mauritania-2011.pdf>

²¹ UNPO (2012) Haratin, The Mauritanian Citizens Shackled by Slavery, Briefing note: <http://www.unpo.org/downloads/376.pdf>

²² *Id.*, para. 53.

29. Said Ould Salka, 13 year-old former slave, was referred to SOS-Esclaves in April 2011. He was held in slavery after his mother gave him to her master. He used to work shepherding his master's sheep and camels. During the time he was enslaved, he was mistreated by his master and did not receive any education whatsoever. He could not study secretly - even though he wanted to - because he was too afraid of his master. Said did not receive any payment for his work for his master. His 9-year old brother, Yarg Ould Salka, was also a slave responsible for cleaning, cooking and taking care of his master's sheep. Like Said, he was denied education. When his aunt offered that he stay with her so that he could attend school, he refused, fearing that his master would beat him.
30. Since slaves are denied education, they do not acquire any skills which would enable them to undertake work other than domestic servitude or tasks relating to cattle-herding or agriculture. This has the effect of discouraging slaves from escaping from their masters, and even when they have managed to escape slavery or are freed, it is difficult for them to find paid work. They usually enter into similar work under exploitative arrangements.

Recommendations:

31. MRG, Anti-Slavery International and SOS-Esclaves urge the government of Mauritania to:
- a) Take all possible measures to eradicate the practice of slavery, which is the root cause of the socio-economic rights violations highlighted above, including by full implementation of the law prohibiting slavery;
 - b) to ensure that water, education, medical treatment and other basic needs are accessible to all, including former slaves and people considered of slave descent, without discrimination. When people file complaints relating to the denial of access to basic needs because of their slave status, the relevant authorities should conduct prompt, impartial, independent and effective investigation of such complaints. Where it is found that discrimination has taken place, those who are responsible for committing such practices should be proportionately punished according to law and the victims should be granted appropriate remedies;
 - c) to adopt special measures to address the substantive inequality between people of slave descent and other citizens in Mauritanian society. These should include, but are not limited to, the establishment of free education and programmes aimed at socio-economic empowerment and integration. The government needs to ensure that such special measures are pursued until *de facto* equality has been realised;
 - d) to take into account the specific discrimination encountered by women and girls from Haratine communities, on the basis of their gender, by developing special

measures. This will ensure that women benefit from these measures on an equal footing to men.

- e) to collect regularly data disaggregated by sex and ethnicity, to ensure that policy and programmes, as well as special measures are informed by sound information on the specific situation of female and male, of various ethnic groups, age groups, etc.
- f) to develop and implement public awareness-raising campaigns on equality, non-discrimination and the anti-slavery law. Nationwide training for police as well as administrative and judicial authorities is also necessary. The government of Mauritania and its officials must refrain from any discriminatory practice towards the Haratine community, and conduct the current census in a manner which does not exclude Haratine, or Black Mauritians, from registration;
- g) to ensure that those of slave descent are free to marry with their full consent. Practices prohibiting a person of slave descent to marry a Maur should be abolished;
- h) to make appropriate amendments to the law criminalising slavery and slavery-like practices (Law No. 048-2007). The burden of proof in slavery cases should be imposed on the alleged perpetrator, rather than the victim. Non-governmental organizations should be granted a *locus standi* status to enable them to bring charges and pursue cases on behalf of victims;
- i) to ensure that proper and effective investigations over the cases on slavery take place and result in the punishment of the convicted perpetrators. Anti-Slavery International has received several reports regarding the failure of the relevant authorities in Mauritania to respond appropriately to the legal proceedings initiated by the slavery victims towards their masters;
- j) to domesticate CERD and CEDAW, as these would strengthen the legal and policy framework against all forms of discrimination;
- k) to establish an Agency with a multi-faceted approach to ending slavery. It should be endowed with the capacity to undertake research on the nature, extent and causes of slavery and slavery-like practices in Mauritania. The Agency should be well-equipped to identify and assess the needs of victims of slavery, as well as the challenges faced by people of slave descent. It must be given sufficient resources to allow it to provide for the diverse needs of victims of slavery efficiently and effectively (including psychological assistance, education, housing, access to land, vocational training and legal support) in order to help them live independently.

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