

# UPR of MAURITANIA – 37<sup>th</sup> session – January 2021

## Fact sheet on the situation of slavery in Mauritania

### OVERVIEW OF SLAVERY IN MAURITANIA

Of the 200 recommendations received by Mauritania during its latest UPR in November 2015, 39 concerned slavery and racial discrimination. The Mauritanian government supported 35 while 4 were "noted".

The Government has not made sufficient progress in implementing these supported recommendations. The practice of slavery persists, and the 2015 Anti-Slavery Law is not being adequately enforced.

From 2015 to December 2020, to our knowledge, just ten 'slave owners' were convicted of slavery in six separate cases, despite numerous complaints lodged with law enforcement. Although there were several other convictions of 'slave owners', they were charged and convicted of crimes other than slavery, which carry lesser penalties.

Victims and survivors of slavery do not experience access to protection, justice and remedy. Those who escape slavery remain in extreme poverty in the absence of adequate support and rehabilitation measures by the State. They experience substantial difficulties in obtaining identification cards, which hinders their ability to access already-limited State services. This also makes them vulnerable to a return to their 'masters' or exploitative work.

### 1. SLAVERY AND DISCRIMINATION

The Mauritanian population is made up of several ethnic groups. The Arabic-speaking Beidans, also known as white Moors, dominate the country's administration, military, justice system, business, land and other resources. The slave-owning class of Beidans have, since time immemorial, enslaved Black Africans from sub-Saharan ethnic groups and these slaves were assimilated into Moorish culture. The population of slave descent is a separate group known as the Haratines (also known as Black Moors). They face **discrimination, marginalization, and exclusion** because they are perceived as belonging to the slave class.

**Many Haratines are still held in slavery today.** Those who live under the direct control of their owners suffer various forms of **exploitation, violence, are treated as objects of property, and do not receive remuneration** for work.

There is still no official data on the number of people who remain in slavery. The ILO Bridge project qualitative study on 'working relations that may result in a risk of forced labor' is underway, but a quantitative study has yet to be agreed to by the Government.

*Collect detailed data on the nature and incidence of slavery in Mauritania and establish procedures for monitoring and evaluating implementation of efforts to end slavery.*

### 2. THE GOVERNMENT DENIES THAT SLAVERY EXISTS

**The authorities persist in denying the continued existence of slavery.** After the election of President Ghazouani, there was some hope among anti-slavery organizations that his government would be willing to address the continued existence of slavery in a substantial way. While it appears that President Ghazouani is more willing to meet with anti-slavery organizations than his predecessor was, there has been very little concrete action taken on the part of his government to combat the existing practice of slavery. Promising signs such as the appointment of a Haratine Prime Minister and discourses on the need for greater inclusion and social cohesion have not yet translated into policy changes.

We regret that the creation in 2016 of a national day for the fight against slavery on March 6 was not accompanied by official recognition of the existence and persistence of the practice. Without recognizing the continued existence of slavery, the government cannot meaningfully combat this practice.

*Officially recognize the continued existence of the practice of slavery in Mauritania, not just as a relic of a past and bygone practice.*

### 3. THE ANTI-SLAVERY LAW AND THE LACK OF IMPLEMENTATION

We regret that the 2015 Anti-Slavery Law criminalizing the practice of slavery is still **not fully implemented**. The Special Courts on Slavery established in 2015 are **still not fully functional**. The perpetrators of slavery still enjoy **relative impunity**. We understand that no slave owners are currently in prison, with those convicted either on bail whilst appealing sentences or having been tried *in absentia*.

Repeated and unjustified delays in the proceedings suggest a **lack of willingness to expose slave owners to any criminal liability**. In 2017 the African Committee of Experts on the Rights and Welfare of the Child ruled that the Mauritanian government's continued failure to hold slave owners accountable and to protect child victims of slavery was violating several rights contained in the African Charter<sup>1</sup>. Despite this, in May 2018, the Mauritanian Supreme Court upheld an appeal court ruling of this same case, which **sentenced the slave 'master' to no more than two years in prison**.

<sup>1</sup> African Union, African Committee of Experts on the Rights and Welfare of the Child (ACERWC), Decision n° 003/2017 on Communication n° 007/Com/003/2015, accessible at: <https://acerwc.africa/wp-content/uploads/2018/13/ACERWC%20Decision%20Final%20ON%20Mauritania.pdf>

*Strengthen the judicial response to slavery cases through the development and implementation of trainings across the country for police, gendarmes and administrative and judicial authorities.*

*Create a position of special prosecutor focused on slavery cases, endowed with financial and human resources.*

*Strictly enforce anti-slavery laws to ensure that slave owners are investigated, prosecuted, and receive and serve sentences commensurate with the crime, in accordance with articles 18 and 21 of the law 031/2015.*

#### 4. THE NATIONAL AGENCY "TAAZOUR"

The National Agency for the Fight against the Legacy of Slavery, Integration and the Fight against Poverty, (called "Tadamoun"), established in 2013, **did very little, if anything, to fight slavery**. In June 2020, the Tadamoun agency was replaced by the "Tazour" agency (Agency for national solidarity and the fight against exclusion). No specific explanation has been given for this replacement, and the mandate of the new agency does not expressly include the fight against slavery or against its 'legacy'. The signatory organizations are concerned that changes in the titles and mandates of these types of agencies prevent the effective review of their records and distract attention towards yet another new initiative that external observers are expected to welcome.

*Strengthen the Tazour Agency by involving independent members of civil society in its administration, the design of its plans, the targeting of its beneficiaries and its solidarity policies. In particular, civil society organizations working for the eradication of slavery should be involved.*

*In accordance with the 2014 roadmap to eradicate slavery, Tazour should be more specific in its agenda concerning the legacy and practice of slavery.*

#### 5. DISCRIMINATION AND RACISM

The Haratines and the Black Mauritians face widespread discrimination in practice vis-à-vis the white Moors, including in terms of participation in political life, access to work, education, health and housing. Women belonging to minority groups are victims of multiple discriminations, based on both their gender and their ethnic identity. The Haratine population represents around 40% of the Mauritanian population,<sup>2</sup> and accounts for 85% of the illiterate population of the country, while over 90% of dockworkers, domestic workers and laborers in low-skilled, low-income jobs are Haratine.<sup>3</sup> **The Haratine community suffers from limited access to certain services and resources** and are **under-represented** in political and religious institutions as well as in the justice system. There are currently only 17 Members of Parliament who are Haratine, out of a total of 159 seats.

Discrimination against Haratines and Black Mauritians also manifests itself in the national census, which is conducted in a discriminatory manner that **leaves many Haratines and Black Mauritians excluded and unregistered**. Consequently, persons who are not registered cannot go to school beyond primary

education, cannot access many government benefits, cannot vote, and generally cannot own land.

Extremely worrying for a state that claims to seek equality and reconciliation, is the fact that no prosecution has ever been initiated against those responsible for the arbitrary killings, spoliations, deportations, torture and arbitrary detentions committed against the Black Mauritanian population under the Ould Taya government between 1989 and 1991. This silence and failure to address what is known as "*passif humanitaire*" has de facto contributed to **the creation of a culture of impunity for racial discrimination**.

*Adopt special measures to facilitate the civil registration of Haratines and Black Mauritians and ensure the census does not leave anyone behind.*

*Take the necessary measures to repeal the amnesty law of 1993 that prevents justice and reconciliation for the crimes committed as part of the "passif humanitaire".*

*Take measures to promote better representation of minorities, including women belonging to minorities, in government, parliament and other public institutions.*

*Reform the recent law of January 2018 to combat discrimination, in order to bring it into line with international and regional standards for the protection of fundamental rights.*

#### 6. ACCESS TO EDUCATION FOR CHILDREN IN SLAVERY AND CHILDREN OF SLAVE DESCENT

Despite recommendations accepted during the previous UPR, **many children continue to face serious violations of their fundamental rights**. Children in slavery are considered to be the property of their 'masters' and can be rented, loaned, given as wedding gifts or inherited by the children of the slave owner. **Since children in slavery do not have access to education, they cannot acquire the skills** that would enable them to undertake work other than domestic servitude or tasks related to ranching or farming. This has the **effect of dissuading slaves from running away from their 'masters'**, and even if they manage to escape slavery, they face poverty and destitution.

*The State should economically support survivors of slavery, especially children, and facilitate their access to education and their civil registration.*

#### 7. THE SITUATION OF HUMAN RIGHTS DEFENDERS (HRD)

Between 2018 and 2020, there **were acts of intimidation, aggression and judicial harassment against HRDs**, as well as restrictions on freedom of expression, association and assembly, which HRDs were the targets of. Anti-slavery activists are particularly concerned by these abuses.

The penal code and laws relating to the criminalization of discrimination, cybercrime, the fight against terrorism, freedom of the press, and the law on associations use overly broad and vague language, which makes it possible for law-enforcement, judicial and political authorities to use these laws to **restrict the civic space for HRDs, or even to criminalize their activities**.

<sup>2</sup> Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples - Mauritania*, April 2018, accessible at <https://www.refworld.org/docid/4954ce5623.html>.

<sup>3</sup> "Manifeste pour les droits politiques, économiques et sociaux des Haratines au sein d'une Mauritanie unie, égalitaire et réconciliée avec elle-même", April 2013, Nouakchott.

The **National Human Rights Institution** of Mauritania, the *Commission Nationale des Droits de l'Homme* (CNDH), is not an independent and impartial body working to promote and protect human rights, and it has been downgraded from A to B status under the Paris Principle in 2018.

*Guarantee the right to freedom of association and freedom of expression. Ensure that human rights defenders and journalists can carry out their legitimate and peaceful activities, including monitoring and documenting human rights violations, without threats to their safety and without fear of attack or retaliation.*

*Immediately and unconditionally release all HRDs detained for the exercise of their rights to freedom of expression, association or peaceful assembly, and drop all charges against them.*

*Strengthen and ensure the independence of the National Human Rights Commission, to ensure its compliance with the Paris Principles.*

*Amend all laws and policies that restrict the activities of human rights defenders such as law n ° 2010-035 of July 21, 2010 relating to the fight against terrorism and law n ° 2016-007 of January 20, 2016 relating to cybercrime.*

## 8. COVID-19 AND SLAVERY

As of December 7<sup>th</sup>, Mauritania has recorded over 9500 Covid-19 cases. The authorities have not rigorously imposed containment and distancing measures, especially in public places such as markets and mosques which remain unsupervised. Travel restrictions have made it **more difficult for anti-slavery NGOs to access slaves and former slaves in remote areas**, many of whom have lacked access to information about how to protect themselves from the pandemic. The suspension of activities has also negatively affected rehabilitation programmes, leaving recently released slaves more vulnerable.

*The State must take action to prevent a growth in all forms of slavery as a consequence of the economic and labour market disruption caused by the Covid-19 pandemic, and measures must be put in place to prevent the spread of the virus.*

*The State must take action to ensure the continued functioning of anti-slavery measures, which have been disrupted during the pandemic, including identification, release, and victim care and support measures.*