

**Alternative Report submitted to the  
UN Human Rights Committee  
at the 107<sup>th</sup> Session during the consideration of the 1<sup>st</sup> Periodic Report  
of the Islamic Republic of Mauritania**



**Jointly Submitted by:**

Unrepresented Nations and Peoples Organization

**In collaboration with:**

Initiative de Résurgence du Mouvement Abolitionniste en Mauritanie

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## Section A: Introduction to the Report

### Unrepresented Nations and Peoples Organization

This alternative report was submitted by the Unrepresented Nations and Peoples Organization (UNPO) on the occasion of the 107<sup>th</sup> Session of the United Nations Human Rights Committee (henceforth, “the Committee”) during which the first Periodical Report of the Islamic Republic of Mauritania (henceforth, “Mauritania” or the “State”) will be considered.

The Unrepresented Nations and Peoples Organization is a democratic, international membership organization. Its Members are indigenous peoples, occupied nations, minorities and independent States or territories who have joined to protect their human and cultural rights, preserve their environments and find non-violent solutions to conflicts that affect them.

### Methodology

The framework of this report will comment upon relevant articles of the International Covenant on Civil and Political Rights sequentially. The final section of the report raises questions that should be raised and recommendations regarding concerns which are intended to inform the discussions taking place within the International Covenant on Civil and Political Rights (henceforth, “CCPR” or “the Covenant”) and between the Country Report Task Forces and the Mauritanian delegation at the 107<sup>th</sup> Session.

This alternative report will focus on the situation of the Haratin population in Mauritania and the Mauritanian government’s compliance with and implementation of the provisions in the International Covenant as it affects this particular group. The major issue dealt with in this report is the continued existence and widespread practice of slavery in Mauritania.

The Hague, February 2013

## Section B: Introduction to the Haratin

The Haratin are an ethnic minority group of Black African origin known as “Black Moors”. They are located in the Sahel zone covering Mauritania, Sahara, Mali and Algeria. The Haratin constitute the largest ethnic group in Mauritania and the most politically and economically marginalized in what remains a society deeply stratified by race and class.

Mauritania has a history of slavery going back hundreds of years. Following the 1905 law abolishing slavery in Mauritania, the Black Moors gradually started being freed and were commonly referred to as Haratin. The word ‘Haratin’ is derived from the Arabic word for freedom, as they are perceived by the rest of society as freed slaves.<sup>1</sup>

After the colonial period, increasing urbanization and migration appeared which, to a certain extent, reduced the slave system. Nouakchott, the capital of Mauritania, became to some degree a safe haven for escaped or freed slaves.

In 1974, an emancipation movement known as El Hor [freedom] was spawned out of this small community of freed or escaped slaves. Regrettably, the movement’s focus on redress of social issues and justice brought it in direct confrontation with the government. This confrontation culminated in widespread arrests and torture as well as the expulsion of many Haratin from the country.

At the beginning of 1980 Mohamad Khouna Ould Haidallah came into power through a military coup. While the new government appeared at first to sympathize with the situation of the Haratin and other minority groups, a 1981 law abolishing slavery proved to be completely ineffective. Slavery was not a criminal offense in Mauritania until 2007, nonetheless the lack of enforcement of the 2007 law criminalizing slavery indicates that slavery is not in reality criminalized. To date, only one legal case against a slave owner has been successfully prosecuted.<sup>2</sup>

Despite repeated attempts to abolish slavery in 1905, 1981 and the criminalization of slavery in 2007, the practice is still common in Mauritania. The Haratin still suffer from discrimination, marginalization and exclusion<sup>3</sup>, approximately 50% of the Haratin community languishes in conditions of de facto slavery through domestic servitude and bonded or forced labor. It is estimated that 90% of these modern-day slaves are women.

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<sup>1</sup> UN Human Rights Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, Mission to Mauritania, 24 August 2010, A/HRC/15/20/Add.2, nr. 12, p. 6.

<sup>2</sup> John D. Sutter, Slavery’s last stronghold, <http://edition.cnn.com/interactive/2012/03/world/mauritania.slaverys.last.stronghold/index.html>

<sup>3</sup> UN Human Rights Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, Mission to Mauritania, 24 August 2010, A/HRC/15/20/Add.2, nr. 12, p. 6.

This abhorrent practice prevents people from leading a dignified life, taking away their freedom to participate politically and to decide their cultural and economic direction and destiny

There is a pressing need to uphold Haratin rights as guaranteed by national and international laws. Only in this way may it be possible to improve the situation of the Haratin so that they can participate as full citizens in the political and economic life of Mauritania.<sup>4</sup>

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<sup>4</sup> UNPO Briefing note, Haratin: The Mauritanian Citizens Shackled by Slavery, 16 February 2012, [www.unpo.org](http://www.unpo.org).

## Section C: Compliance with the ICCPR

### Article 1.1 – Right to self-determination

***“Article 1.1 - All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”***

Self-determination denotes the extent to which all people can fully participate in decisions regarding the political, economic and cultural set of laws by which their society operates.

Apart from some empty references to general principles that can be found in the Mauritanian Constitution and in international declarations and charters, the review on self-determination in the Mauritanian State report to the ICCPR Committee is blank. The Mauritanian State report to the ICCPR completely avoids discussing the right of self-determination in practice and does not address the possibility of economic, political, social or cultural devolution to the Haratin, or any other subgroups or divisions.<sup>5</sup>

Nevertheless, since independence, Mauritania has been ruled by a succession of military dictatorships and single-party regimes that have vehemently denied the continuance of slavery and done little or nothing to end it. However, the presidential election in 2007 accomplished a peaceful transition from military rule to constitutional rule. Indirect elections of one-third of the seats in the Senate were held in the same year<sup>6</sup>.

Despite this peaceful transition, **the Haratin remain marginalized and underrepresented in political and public positions in Mauritania, which clearly holds a violation of article 1 of the Covenant.** Particularly unrepresentative are the offices of the National Assembly, where only 5 Haratin out of a possible 95 hold seats [which equals 5,26%] and out of the 56 senator only one is Haratin [which equals 1,79%]. The 27-member Cabinet of Foreign Governments only includes three Haratin<sup>7</sup> [which equals 11,11% of the population], out of 13 regional governors only two are Haratin [which equals 15,38%] and out of 53 regional prefects only 3 are Haratin [which equals 5,66%]<sup>8</sup>.

On a positive note, some former slaves have been able to pursue political ambitions. Messaoud Ould Boulkheir, a former slave and President of the National Assembly since April 2007, competed in the 2009 Presidential election and came out second with 16,29% of the votes whereas General Aziz received 52.58%, the turnout was estimated to be 25%.

<sup>5</sup> UN Human Rights Committee, Initial report of the state Mauritania, CCPR/C/MRT/1, nr. 77–83, p 14.

<sup>6</sup> US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2011, Mauritania Section 3.

<sup>7</sup> *Ibid.*

<sup>8</sup> UNPO website member information on Haratin.

Considering that the Haratin make up 40% of the Mauritanian population, it is clear that the political representation and participation of the Haratin, both on local and on national level, is marginal. This disenfranchisement is reinforced by the general alienation of Mauritanian citizens from their political system, reflected in the low turnouts for successive elections.

The Haratin in particular are confronted with **three fundamental vote-obstructions**, which lay at the root of this underrepresentation. For a start, many Haratin do not enjoy suffrage. The Haratin who do are often forced to vote for their masters' desirable candidate. Third, the Haratin are deprived of adequate education.

- Many Haratin are unable to vote due to not having formal identification papers. Few Haratin possess identification, such as birth certificates, since slaves' births are usually not registered. Many Haratin therefore do not enjoy suffrage. Moreover in May 2011, President Aziz publicly ordered a nationwide census, which aimed to systematize national identity cards and finalize the voter list<sup>9</sup>. The census only recognizes four ethnic classifications that can appear on the IDs: Moorish, Soninké, Fulani and Wolof. Currently there is no Haratin option on the proposed 2012 National Census.

The national census in Mauritania has highlighted the racial problems that remain in the country.

Many Mauritians have claimed that this census will cause the marginalization of the Haratin. Therefore since September 2011, there have been continuing demonstrations against the census and the exclusion of the Haratin and other ethnic minorities, arguing that it will increase racial discrimination and deprive many Haratin of their citizenship. The Haratin fear that the government will not recognize their identity, not permit their self-identification and they fear that they will be treated as stateless people<sup>10</sup>.

In addition, many Haratin witnessed census agents discriminating against them by forcing them to do additional tests to prove their nationality. This inability to identify themselves in official data not only makes it difficult to provide for accurate numbers of Haratin in Mauritania, but they are therefore also marginalized through being effectively rendered 'invisible'.<sup>11</sup>

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<sup>9</sup> Freedom House, Freedom in the World 2012 - Mauritania, 27 August 2012, <http://www.unhcr.org/refworld/docid/504494e2c.html>.

<sup>10</sup> As it has happened before, during a 1989-1990 border war with Senegal, tens of thousands of black Mauritians were accused of being Senegalese and deported to mostly Senegal and Mali under the regime of President Maaouiya Ould Taya; their IDs were taken and they will never be able to be registered.

<sup>11</sup> Shirley Akrasah, "Don't Touch My Nationality": Mauritania and Its Allegedly Racist Census, 2012, <http://sites.davidson.edu/cis485/?p=3516>

Even though the Mauritanian government claims the goal of the national census is to include all Mauritians, no matter their background or ethnicity, the national census might lead to manipulation of the data, all the more so as Mauritania has an unresolved history of racial conflict.

- Subsequently, the Haratin also experience discrimination in voting as a result of their former or current enslaved status. The Haratin tenants or slaves are threatened with eviction by their masters should they not vote for their masters' desired candidate<sup>12</sup>.

The Elections by municipal councils to fill another one-third of the seats in the Senate, also in 2009, resulted in a win for the Union for the Republic, the President's political party. Opposition and independent candidates denounced what they characterized as heavy pressure on the municipal councilors to vote for majority party candidates and on independent candidates to withdraw. Authorities did not investigate these complaints<sup>13</sup>.

- Finally, another barrier to vote is the lack of sufficient education for the Haratin. According to the 2010 report on Mauritania by the United Nations Educational, Scientific and Cultural Organization Institute for Statistics, 41.95% of the Mauritians older than 15 are illiterate<sup>14</sup>. The majority of these illiterates are Haratin, which prevents them from following political developments and from meaningful participation.

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<sup>12</sup> UNPO website member information on the Haratin, [www.unpo.org](http://www.unpo.org).

<sup>13</sup> US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2011, Mauritania Section 3.

<sup>14</sup> United Nations Educational, Scientific and Cultural Organization, Institute for Statistics, General profile – Mauritania 2010, [http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=124&IF\\_Language=eng&BR\\_Country=4780&BR\\_Region=40525](http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=124&IF_Language=eng&BR_Country=4780&BR_Region=40525).

## Article 8 – Prohibition on slavery

***“Article 8 - No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.***

***No one shall be held in servitude.***

***No one shall be required to perform forced or compulsory labour”***

The conditions of slavery that continue to exist in Mauritania are a clear violation of article 8 of the Covenant. The State Party is largely responsible for the continued existence of slavery in Mauritania, particularly the lack of effective measures against the practice of slavery, forced labor and domestic servitude, and the absence of policies and programs aimed at helping victims of slavery to reintegrate into society.

Over the last century, slavery in Mauritania has theoretically been legally abolished several times: in 1905 by the French colonial authorities; in 1961 after the Universal Declaration of Human Rights was incorporated into the Mauritanian Constitution; in 1969 with the Ministry Act no.8 to combat slavery practices, after the 1981 Abolition of Slavery Act, and in 2003 with the law no.025/2003 against human trade and sexual abuse. The adoption on 3 September 2007 of the Slavery Act criminalizing slavery and punishing slavery-like practices was a crucial moment in the approach to this issue in Mauritania. Recently, in 2012, the regime released another law about the repression of slavery practices and torture.

However, despite these legal measures, the practice of slavery continues to be widespread in Mauritania. In the report on her visit to Mauritania in 2010, the Special Rapporteur on contemporary forms of slavery noted that *“The absence of alternative livelihoods and protection from high levels of illiteracy, limited information, combined with the separation of families, and methods of control used by masters that include the use of religion have resulted in a deep-rooted acceptance of their inherited slavery status... de facto slavery in Mauritania continues to be a slow, invisible process which results in the “social death” of many thousands of women and men.”*

***The enslavement affects almost exclusively the Haratin.***

It is very difficult to know how many people live in slavery today. Mauritanian anti-slavery NGOs estimate that around 500 000 Haratin are enslaved or live in slavery-like situations. In Mauritania discriminatory attitudes form part of the basis of slavery. As a result the vast majority of the Haratin continue to live as slaves.

Contemporary slavery in Mauritania exists both in rural and urban areas, although it is more common in rural areas. In urban areas many Haratin families are living independently of their masters, yet are still forced to provide free labor. On the other hand slavery in rural areas is the most pernicious in the sense that it is more difficult to escape: rural slaves are

less likely to have any sort of marketable skill, and more likely to live in total isolation from modern ideas or lifestyles<sup>15</sup>.

The illiteracy of the Haratin hinders their opportunities to advance their social mobility. Many Haratin are unable to read the laws in place supposedly to protect them, or are completely unaware of the abolishment and illegality of slavery<sup>16</sup>. There are limited opportunities to secure education, landownership, healthcare or employment as these are usually dominated by current or former slave owners.

Women and children are the most affected by these practices of contemporary slavery<sup>17</sup>.

### ***“Former” slaves***

Due to the country’s caste-based society, former slaves or descendants of former slaves, are still stigmatized as part of the “slave class” and are ostracized from society. Former slaves often end up in service and manual labor positions in urban areas. Even when they rise above their strata, former slaves still experience discrimination, because socially people are still stigmatized and ostracized for being slaves or former slaves. This has a deep impact on their psyche.

The UN Special Rapporteur mentions two examples. First, there are cases in which White Moors actively became obstacles to the development of the Haratin; namely, white Moors refused to pay Haratin bricklayers and preferred to pay a higher price for foreigners. Secondly the UN Special Rapporteur reports on how White Moors prevented a group of Haratin who had received money from the World Food Programme from building boreholes by stealing their materials and challenging their occupancy of the land<sup>18</sup>.

Slavery in Mauritania has devastating effects on slaves and their descendants. Slaves remain dependent on their masters’ families. They usually receive no education and have no chance to learn skills with which to support themselves<sup>19</sup>. Former slaves and descendants of slaves are pushed into working for their old masters in exchange for some combination of money, lodging, food, and medical care; or without remuneration in order to retain access to land they traditionally farmed. Individuals in these subservient circumstances are vulnerable to abuse<sup>20</sup>.

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<sup>15</sup> UNPO Newsdesk, “Haratin: Slavery Remains a Problem in Mauritania”, [www.unpo.org/article/1375](http://www.unpo.org/article/1375).

<sup>16</sup> UNPO Briefing note, Haratin: The Mauritanian Citizens Shackled by Slavery, 16 Februari 2012, [www.unpo.org](http://www.unpo.org).

<sup>17</sup> *Infra*, Article 2.1 – 26 ICCPR.

<sup>18</sup> UN Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, August 2010, nr. 51-53, p. 13.

<sup>19</sup> UNPO Newsdesk, “Haratin: Slavery Remains a Problem in Mauritania”, [www.unpo.org/article/1375](http://www.unpo.org/article/1375).

<sup>20</sup> US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2011, Mauritania Section 7.

## ***Shortcomings of the 2007 Anti-Slavery Act***

While the approval of the 2007 Anti-Slavery Act was a landmark in the struggle to address slavery in Mauritania, several shortcomings exist.

The Act only focuses on the individual criminal responsibility of slave-owners, which means that any search for civil reparation or compensation for the victims of slavery is impossible<sup>21</sup>.

The burden of proof lies with the victim; it is they who have to demonstrate that they are slaves. The Act does not allow any human rights organization to file a civil or criminal case on behalf of the victim. Yet, the nature of descent-based slavery in Mauritania is such that victims have been indoctrinated over generations into accepting their status as possessions of their masters and it is therefore extremely difficult for them to pursue their own legal challenges against their masters in court. An investigation cannot be pursued unless a slave files a complaint. As a result victims are easily intimidated. As many slaves are illiterate, they are also unable to complete the official procedure necessary for filing a complaint.

The nature of descent-based slavery in Mauritania is such that victims have been indoctrinated over generations into accepting their status as possessions of their masters and it is therefore extremely difficult for them to pursue their own legal challenges against their masters in court.

In addition, some slavery-related practices such as forced marriage; serfdom and debt bondage are not included as offences in the Act.

The Act does not indicate any rehabilitation program, which would provide alternative means of livelihood for former slaves<sup>22</sup>.

The 2007 Anti-Slavery Act criminalizing slavery does not account for the inextricable link between discrimination and slavery in Mauritania; the Haratin in particular continue to experience legal and social discrimination, which acts as an informal barrier to their escape from slavery.

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<sup>21</sup> UN Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, August 2010, nr. 85, p. 18.

<sup>22</sup> UN Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, August 2010, nr. 88, p. 19.

## Article 2.1 & 26 – Non-discrimination

***“Article 2.1 – Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”***

**“Article 26 – All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”**

Article 1 of the Mauritanian Constitution “guarantees equality before the law to all of its citizens without distinction as to origin, race, sex or social condition”. Despite this provision is it principally the Haratin who suffer from slavery, in particular Haratin women and children. They face difficulties and could be compelled to remain in a condition of servitude, performing domestic duties, tending fields, or herding animals without remuneration. 90% of the Mauritanian slaves are Haratin women or children.

Female Haratin slaves suffer triple discrimination, first as women, secondly as mothers, and thirdly as slaves. Female Haratin slaves continue to be one of the most marginalized demographics of Mauritanian society due to their near complete lack of participation in education, employment, politics and the legal system. Their children are considered the property of the master, and the children are often given away to different tribes or relatives of the master. Moreover, many children from a slave mother and male master are born as a result of sexual violence, a frequent abuse especially targeting young female slaves, by their masters as well as his friends and family<sup>23</sup>.

A large number of children in Mauritania are enslaved, often from a very young age, working more than fourteen hours a day. For young girls work particularly includes domestic servitude and for young boys street begging, herding and manual labor. As a result, child slaves grow up never knowing their family and are denied the support that a family network can provide.

Mauritanian labor law provides that children can work in the non-agricultural sector from the age of 14 and children under the age of 13 can only work in the agricultural sector if the Minister of Labor grants an exception owing to local circumstances. However, the Special Rapporteur heard reports of children younger than 13 years working in all sectors<sup>24</sup>.

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<sup>23</sup> Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, August 2010, nr. 38.

<sup>24</sup> UN Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, August 2010, nr. 42.

Officially six years of school attendance are mandatory, however most Haratin children do not receive any education. The majority of the schools in Haratin areas are closed because of a lack of teachers. The administration has not taken any action to improve the situation.

The enforcement of these child protection laws is inadequate. There are no existing mechanisms to exchange information among agencies; there is no specific mechanism to make complaints other than labor inspectors or the Special Police Brigade for Minors<sup>25</sup>.

Moreover, the State party blocks attempts by victims to make official complaints of slavery in Mauritanian courts. This is particularly true when the allegations involve public officials or others in positions of power. Mauritanian activists state that the harassment of abolitionists as well as the reluctance of the government to implement anti-slavery laws and to prosecute slave-masters, results from high-level government officials themselves owning slaves<sup>26</sup>.

**Men, women and children who are slaves are denied their right to family life because of widespread discrimination. This is in direct violation of international human rights instruments to which Mauritania is a party<sup>27</sup>.**

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<sup>25</sup> US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2011, Mauritania Section 7.

<sup>26</sup> UNPO website member information on the Haratin, [www.unpo.org](http://www.unpo.org)

<sup>27</sup> UN Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, August 2010, nr. 40.

## Article 2.2 & 2.3 - Implementation

***“Article 2.2 - Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.***

***Article 2.3 - Each State Party to the present Covenant undertakes:***

***(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;***

***(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;***

***(c) To ensure that the competent authorities shall enforce such remedies when granted.”***

### ***State Party’s Policy***

The Mauritanian government has no data on the nature and incidence of slavery in Mauritania, which creates further hurdles to properly address slavery.

Despite the UN Report of the Special Rapporteur on contemporary forms of slavery, a number of officials, politicians and leaders continue to deny or trivialize the existence of slavery. Authorities argue that the practice of slavery no longer exists because Mauritania has legally abolished and criminalized slavery.

According to Brahim Ould M’Bareck Ould Med El Moctar, Minister of Rural Development, *“(...) in Mauritania, freedom is total: freedom of thought, equality – of all men and women of Mauritania. Equality for all people. There is a phenomenon (...) that has existed in Mauritania that has existed in other countries, which is slavery. And it is abolished in all communities, and criminalized today by our government. **Therefore, there is absolutely no more problem of that in Mauritania.** In all cases, especially with this government, this is in the past.”*<sup>28</sup>

### ***Absence of implementation of the 2007 Anti-Slavery Act***

The UN Special Rapporteur on contemporary forms of slavery pointed out that the absence of the implementation of the law is not only due to the shortcomings of the 2007 Anti-

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<sup>28</sup> Slavery in Mauritania – Progress report, Anti-Slavery International – UNPO – STP, December 2012, p 4.

Slavery Act, but also to the strong reluctance by the police and courts to follow up the allegations of slavery. According to the UN Special Rapporteur, magistrates did not apply the 2007 Anti-Slavery Act because they did not want to be seen as breaking ranks or ostracizing by their kin<sup>29</sup>.

This impunity is highlighted by the fact that, since 2007, only one slave owner has successfully been prosecuted and convicted under the Anti-Slavery Act. On April 13<sup>th</sup> 2011, the government tried its first case under this law. The defendants were acquitted the same day. On November 20<sup>th</sup> 2011 the first conviction for slavery was obtained in the case of two enslaved youths. The master received a sentence of two years' imprisonment and his family members received suspended sentences. They were also ordered to pay a fine. The mother of the two youths received a one-year suspended sentence<sup>30</sup>. The government also prosecuted an alleged slaveholder using the lesser charge of child exploitation, and on January 16 2012, a court convicted her and prescribed a jail sentence. However, In March 2012, the Nouakchott Court of Appeals acquitted her<sup>31</sup>.

The IRA reported that a charge of human trafficking brought against a man who had rented a woman from her masters was ruled to be a work related conflict by the judge. The slaveholder was considered to have simply paid the wrong person for the labor, as he had paid the woman's master instead of her<sup>32</sup>.

The IRA described another example of absurd impunity, namely when a Mauritanian judge defended persistently the complete legality of slavery and boasted about owning 25 slaves himself. When anti-slavery activists reported this incident to the police, the latter responded by humiliating and insulting the activists. As for the complaints against the judge, there has not been an investigation<sup>33</sup>.

The government's Program to Eradicate the Effects of Slavery, which began in 2009, has continued during the year. Its goals were to reduce poverty among the 44,750 former slaves in the Assaba, Brakna, Gorgol, and Hodh Chargui regions and improve their access to water, health, education, and income-generating opportunities. However, the program's activities were reduced during the year after former human rights commissioner Ould Daddeh was arrested along with and senior-level staff, including its coordinator and its financial director, on findings of corruption in a government inspection. NGOs maintained that the commissioner was arrested for political reasons<sup>34</sup>.

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<sup>29</sup> UN Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, August 2010, nr. 94, p. 19.

<sup>30</sup> US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2011, Mauritania Section 7.

<sup>31</sup> *Ibid.*

<sup>32</sup> Slavery in Mauritania – Progress report, Anti-Slavery International – UNPO – STP, December 2012, p 6.

<sup>33</sup> UNPO Newsdesk, "Absurd Impunity When Judge Brags About Slavery", [www.unpo.org/article/15358](http://www.unpo.org/article/15358)

<sup>34</sup> UNPO website member information on the Haratin, [www.unpo.org](http://www.unpo.org).

The government also continued its collaborative program with the UN on conflict prevention aimed at promoting democratic values and the rights of marginalized populations, including former slaves. According to the NGO SOS Esclaves, these programs focused on fighting poverty and the effects of slavery rather than the practice of slavery itself<sup>35</sup>.

**Despite the announcements about the application of the law criminalizing slavery, the Mauritanian government fails to eradicate slavery. Moreover it poignantly seems that they play an active role in its persistence.**

### ***Lack of assistance for the victims of slavery***

The government of Mauritania provides no support for programs to assist victims to file complaints on slavery. However without assistance and protection, the chances for a slave to be freed are minimal, taking into account the illiteracy and the lack of education among the slaves and in particular among the Haratin. Even though the Special Rapporteur on contemporary forms of slavery has recommended that the 2007 Anti-Slavery Act be amended and include provisions that would provide victims with assistance and compensation, the State Party has not taken any action on this matter. Without victim protection and as long as the law requires individuals to report and prove their enslavement themselves, prosecutions against slaveholders will remain minimal.

### ***Child labor***

Enforcement of the child protection laws is also inadequate. There are no mechanisms for exchanging information; the State party blocks attempts by victims to make official complaints of slavery in Mauritanian courts. This is particularly true when the allegations involve public officials or others in positions of power. Mauritanian activists state that the harassment of abolitionists as well as the unwillingness of the government to implement anti-slavery laws and to prosecute slave owners is the result of high-level government officials themselves owning slaves<sup>36</sup>.

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<sup>35</sup> *Ibid*

<sup>36</sup> *Ibid*

## Article 21 & 22 – Right of assembly and association

***“Article 21 – The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”***

***“Article 22 Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.***

***2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.***

***3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.”***

Freedom of Assembly: The 1991 Mauritanian Constitution provides for freedom of assembly. The law requires that organizers apply to the local prefect for permission to hold large meetings or assemblies. The authorities have generally granted this permission but on some occasions denied it in circumstances that suggested the application of a political criterion<sup>37</sup>.

On several occasions the security forces violently dispersed unauthorized demonstrations organized by the Youth of February 25, a group seeking political, social, and economic reforms, and the Do Not Touch My Nationality movement, which was protesting against the national census<sup>38</sup>. During protests organized in March and April by the Youth of February 25, police responded to stone-throwing protesters with tear gas and batons. In June, police also violently dispersed a demonstration organized by activists constituting the Do Not Touch My Nationality movement in Kaedi on September 24<sup>th</sup> 2011. On September 27<sup>th</sup> 2011, police violently dispersed a Do Not Touch My Nationality protest in Maghama, resulting in the fatal shooting of one protester. Following the death in Maghama, demonstrators burned tires and a vehicle in Nouakchott on September 29<sup>th</sup> 2011, before being violently dispersed by the police. A subsequent demonstration on October 8 was authorized and took place peacefully. Two protesters were reportedly injured in a clash with police during a November 28

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<sup>37</sup> US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2011, Mauritania Section 2.

<sup>38</sup> *Ibid.*

demonstration in Nouakchott, authorized for a certain area, when protesters attempted to assemble in an unauthorized location near the presidency<sup>39</sup>.

Freedom of Association: The law provides for freedom of association, and the government generally respected this right.

All political parties and local NGOs must register with the Ministry of the Interior. There are approximately 78 accredited political parties and NGOs, and they generally function openly, issuing public statements and choosing their own leadership. The government generally does not prevent unrecognized political parties or NGOs from functioning<sup>40</sup>. However, the IRA continues to be unrecognized by the Mauritanian government.

On August 4 2011, according to Amnesty International, authorities arrested four antislavery activists, members of the IRA, for participating in a protest against the alleged enslavement of a 10-year-old girl. The four men were charged with “unauthorized gathering” and “rebellion” and were given six-month suspended sentences by a Nouakchott court. Another participant whom police detained alleged that police had kicked and punched him<sup>41</sup>.

In December 2011 eight human rights activists were arrested and beaten at a police station in Nouakchott after exposing the case of two young girls forced to work as servants. After being brought to the police station, the girls were separated from the activists for questioning. The group’s leader, Mr. Biram Dah Abeid, petitioned the officials to allow him to be present with the girls during the questioning. When they denied his request, the activists protested outside of the police station, prompting the police to beat and arrest them. Those detained were charged with “assaulting agents” and “obstructing public order” as well as being members of an unrecognized organization – despite repeated attempts to register, the IRA continues to be unrecognized by the government. Three of the men, including Mr. Biram Dah Abeid, were sentenced to one year in prison, (six month suspended) in January 2011. Amnesty International considered the eight detainees to be prisoners of conscience.<sup>42</sup>

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<sup>39</sup> US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2011, Mauritania Section 2; Freedom House, Freedom in the World 2012 - Mauritania, 27 August 2012, available at: <http://www.unhcr.org/refworld/docid/504494e2c.html>.

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> Amnesty International, Annual Report on Human Rights in the Islamic Republic of Mauritania, 2011, <http://www.amnesty.org/en/region/mauritania/report-2011>

## Article 27 – Protection of minorities

**“ Article 27 - In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”**

The term “minority” does not appear in the body of the Mauritanian legislation. The preamble to the Constitution does, however, refer to this notion indirectly when it states: “Aware of the need for closer ties with brother peoples, the Mauritanian people, a Muslim, Arab and African people, proclaims that it will strive to achieve the unity of the Greater Maghreb, the Arab nation and Africa, and to consolidate peace in the world.” This implies that the Mauritanian people are made up of an Arab and an African component. This view is borne out by article 6 which reads “the national languages are Arabic, Fulani, Soninké and Wolof; the official language is Arabic”<sup>43</sup>.

Ethnic minorities face governmental discrimination. The inconsistent issuance of national identification cards, which were required for voting, effectively disenfranchised many members of southern minority groups. Racial and cultural tension and discrimination also arose from the geographic and cultural divides between Moors and Afro-Mauritanians. The Moors are divided among numerous ethno-linguistic tribal and clan groups and further distinguished as either White Moor or Black Moor, although it was often difficult to distinguish between the two by skin color. White Moor tribes and clans, many of whom are dark-skinned after centuries of intermarriage with Berbers and sub-Saharan African groups, dominated positions in government and business. The Haratin remained politically and economically weaker than White Moors. Afro-Mauritanian ethnic groups, which include the Halpulaar (the largest non-Moor group), Wolof, and Soninke, are concentrated in the South and urban areas. Afro-Mauritanians were underrepresented in the government and military<sup>44</sup>.

The Constitution designates Arabic as the official language and Arabic, Pulaar, Soninke, and Wolof as the country’s national languages. The government continued to encourage French and Arabic bilingualism within the school system, as opposed to earlier efforts at “arabization.” Ethnic rivalry contributed to political divisions and tensions. Some political parties tended to have readily identifiable ethnic bases, although political coalitions among parties were increasingly important. Haratin and Afro-Mauritanians continued to be underrepresented in mid- to high-level public and private sector jobs<sup>45</sup>.

There are numerous reports of land disputes between Haratin, Afro-Mauritanians, and White Moors. According to human rights activists and press reports, local authorities

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<sup>43</sup> State Report ICCPR Islamic Republic of Mauritania, 2012, nr 210.

<sup>44</sup> US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2011, Mauritania Section 6.

<sup>45</sup> *Ibid.*

allowed Moors to expropriate land occupied by former slaves and Afro-Mauritanians or to obstruct access to water and pastures<sup>46</sup>.

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<sup>46</sup> US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2011, Mauritania Section 6.

## Section D: Recommendations

1. *Ensure full representation of the Haratin in the government, parliament and other public institutions;*
2. *Fully investigate the allegations of heavy pressure on the voters during the municipal council elections of 2009;*
3. *Combat discrimination based on caste or ethnicity in the education system, the media and government institutions, including through legal means and by establishing awareness raising campaigns to combat racist stereotypes;*
4. *Collect data on the nature and incidence of slavery in Mauritania, and ensure that this data is disaggregated along ethnic lines;*
5. *Adopt constructive policies to guarantee universal access to education and improve the literacy rate, especially for minority groups lacking educational opportunities;*
6. *Investigate and prosecute allegations of slavery practices, including bonded or forced labor and domestic servitude, as well as the gender-based violence attached to it;*
7. *Adopt a clearer definition of slavery within the law that would include contemporary forms of slavery;*
8. *Allow third parties to file cases on behalf of the victims of slavery practices;*
9. *Train police, prosecutors, and judicial authorities in the handling of victims of slavery practices, especially on how to create a safe, supportive, and gender-sensitive environment for victims to seek legal services;*
10. *Compensate adequately the victims of slavery practices, including through vocational training and micro-finance schemes;*
11. *Create a fund specific to slaves and former slaves to facilitate access to justice and implement community-based outreach programs to improve understanding of their legal rights;*
12. *Respect the freedom of peaceful assembly and association of anti-slavery organizations;*
13. *Allow the Initiative de Résurgence du Mouvement Abolitionniste en Mauritanie to legally register as an NGO.*