**Submission to the United Nations Committee of the United Nations' Convention on the Rights of the Child (CRC)**

Islamic Republic of Mauritania

**79th Session, September 2018**

**SUBMITTED BY:**



Unrepresented Nations and Peoples Organization (UNPO)

The Unrepresented Nations and Peoples Organization (UNPO) is an international, nonviolent and democratic membership organisation. Its Members are indigenous peoples, minorities, unrecognised States and occupied territories that have joined together to defend their political, social and cultural rights, to preserve their environments and to promote their right to self-determination.

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The Sahel Foundation is a not-for-profit organisation based in Mauritania, where it advocates for the respect of human rights, as well as promoting education and civil peace for all Mauritanians.

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**I. Introduction to the Report**

This alternative report was compiled and submitted by UNPO and Fondation Sahel on the occasion of the 79th session of the CRC (henceforth, “the Convention”). UNPO is an international membership organization devoted to the promotion of democracy, non-violence, human rights, tolerance and environmental protection among indigenous peoples, oppressed communities and minority groups worldwide. UNPO would like to thank all those whose data and information contributed to the creation of the report.

This report evaluates the compliance of the Islamic Republic of Mauritania (henceforth, “Mauritania” or “the State”) with the Convention and the implementation of the provisions of the Convention, with special regard to the case of the Haratin community. It focuses in particular on the education of Mauritanian children, and the impact of discrimination against the Haratin on their ability to access and complete their schooling.

Following a brief introduction to the Haratin community, this report will make use of specific articles of the Convention, commenting on their implementation by the government and on the effect that failures to adequately implement them has on Haratin children. The final section of the report offers recommendations for the Mauritanian government on how to move forward in rectifying the discrimination and human rights violations suffered by Haratin children, with hopes this will prove useful during the discussion between the Committee and the delegation of Mauritania at the 79th session.

**II: Background**

Mauritania is a diverse country where different groups such as Wolof, Soniké, Pulaar, Arabs, Berbers and Haratin live. The Haratin are Mauritania’s largest minority, making up approximately 40% of the population with an estimated 1,355,000 individuals belonging to the community[[1]](#footnote-1). Despite their number they are effectively second class citizens in the country, which has maintained strict social hierarchies based on ethnic and racial appurtenance. As Black Moors, Haratin are historically descended from West Africans conquered and enslaved by the White Moors or Beydans[[2]](#footnote-2), composed of mixed Berber and Arab tribes, who still control most of Mauritania’s high-ranking posts.

The official language of Mauritania is Arabic, but much of the population – including the Haratin also speak Hassaniyya (a hybrid of Arabic and Beber), despite the government discouraging literacy in non-Arabic languages[[3]](#footnote-3). Near the capital of Nouakchott, they are the largest demographic inhabiting the city’s slums; in the rural parts of the country, their villages (or *adwaba*) are some of the most isolated even considering Mauritania’s remote geography. As discussed in this report, the Haratin are routinely denied an education, making it difficult for even freed slaves to find employment. They also struggle to access healthcare, politics and legal aid.

Despite their name coming from the Arabic for ‘freedom’, a significant part of the Haratin population live in de facto slavery[[4]](#footnote-4). What is more, even those who have technically been freed often remain dependent on their former masters and as such are unable to fully take their place in Mauritanian society as equal citizens. Traditionally the men work on farms and the women do domestic labour. They also face severe discrimination, especially women and children.

Despite recent legislation outlawing slavery, criminalising the practice and even making slavery a crime against humanity, these are not enforced and the government resists attempts by NGOs and individuals to tackle the issue. However, local rights groups estimate that up to 20% of the Haratin population is enslaved, with one in two forced to work on farms or in homes with no possibility of freedom, education or pay5. The overwhelming majority of slaves are Haratin women and children who are “inherited” by slave-owning families from one generation to the next. Considering 50.5[[5]](#footnote-5)% of the Mauritania population are children, more actions should be taken to protect this important part of society.

Even Haratin who have been freed face persistent discrimination in the areas of education, healthcare, land rights, employment and political participation. Furthermore, antislavery activists are targeted by violence, intimidation and death threats and are frequently arrested, beaten and harassed by the authorities whilst engaging in peaceful initiatives.

**III: Compliance with the Convention on the Rights of the Child**

1. ***Administrative obstacles to education***

Mauritania ratified the Convention on the Rights of the Child in 1991. According to Article 7

*“1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents.*

*2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.”*

It is common in the Haratin community for women to have children out of wedlock, or if married to only perform a religious ceremony with no civic registration. Children born with absent fathers are regularly denied identity cards as the government will refuse to provide a birth certificate if there is no father to declare the child. The fact the system does not allow for a child to obtain a certificate under their mother’s name is direct discrimination toward the children and their mothers[[6]](#footnote-6).

According to Article 28.1 of the Convention,

*“States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:*

*(a) Make primary education compulsory and available free to all;*

*(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;*

*(c) Make higher education accessible to all on the basis of capacity by every appropriate means;*

*(d) Make educational and vocational information and guidance available and accessible to all children;*

*(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.”*

In 2001, Mauritania made primary education compulsory for all children aged 6 to 14[[7]](#footnote-7); a free public school system is also in place, and supposed to provide an education to all children of age. In 2017, the government estimated that 80.4% of children attended primary school, with 35% passing the “concours” examination that would allow them to attend secondary school[[8]](#footnote-8). There are also distinctions of wealth in access to education: in 2015 UNICEF estimated that while 85% of children under 5 from wealthy families were enrolled in primary school, only 40% of their poorer counterparts were[[9]](#footnote-9).

However, when looking exclusively at Haratin children the statistics are markedly different: in 2013 around 80% of Haratin children did not finish primary school, with only 5% going on to secondary school[[10]](#footnote-10). There is little to indicate that matters have improved since. With two-thirds of the 1,500,000 illiterates in the country born into the Haratin community[[11]](#footnote-11), even as Mauritania’s general literacy levels increase, they run the risk of being left behind. A consequence of this inequality of education is that under 5% of this community successfully reaches higher education, and of those, under 2% attend the elite “grandes écoles” that would give them access to the country’s higher offices[[12]](#footnote-12). This, in turn, condemns the Haratin to obscurity as they have few to no representatives to advocate on their behalf from positions of power.

In 2011 the Mauritanian government announced a “biometric” census which they hope will allow them to facilitate reforms. Enrolment in the census provides citizens with a national identity card and a national identification number, which can then be used to access services such as healthcare. To enrol them in school, a child’s parent(s) or guardian(s) must therefore produce: the child’s birth certificate; a copy of their national identity card (or failing that, a death certificate); and a copy of the parents’ birth certificate. Without these documents, children cannot officially be enrolled in public schools; even if they find a lenient headmaster, they will be unable to sit national examinations necessary for completing their education and moving onto greater education. This last restriction was reiterated as recently as 2016 by the State[[13]](#footnote-13).

There have been protests against this new system, as many have found the bureaucracy confusing and difficult to manoeuver. It also fails to reflect the realities of rural life, where births, marriages and deaths have only recently started being registered in any official capacity. Human Rights Watch recently published a report on the consequences of the system on Mauritanian children’s education. Of the 15 families they spoke to about their difficulties enrolling their children, most were Haratin. Although HRW did not explicitly connect these facts, this is unsurprising: for victims of descent-based slavery, it is extremely difficult to provide documentation of any kind, let alone enough to obtain a national identity card. And if the parents cannot obtain proof of their identity, then their child cannot either. According to a recent survey by the Sahel Foundation, there are 4,000 and 2,000 unregistered children just in the suburbs of Nouakchott and Nouadhibou, respectively.

Although the government promises alternatives for people who have lost or never obtained the required documentation, such as travelling to your birth village to declare your child before a tribunal, the reality is these are often next to impossible to achieve for those with limited time and resources. The alternative therefore becomes to enrol children in private schools for a fee – an expense which is not an option for most families. In effect, the census is a discriminatory policy in that it predominantly affects minorities such as the Haratin, who do not have the ability nor the means to enrol their children into schools.

1. ***Discrimination as an obstacle to education***

The Haratin’s disadvantages in matters of education, however, predate the implementation of the State’s new census. They are in great part caused by the discriminations faced by the community, which clearly contradicts Article 2.2 of the Convention:

*“States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.”*

Unfortunately, as was mentioned earlier, Haratin are considered second-class citizens in Mauritania. They are “less than”, a status that is only consolidated by their lack of education, which in return reinforces stereotypes of stupidity and justifies their subaltern position in society. This position also finds justification in a distortion of Islam, which continues to be promoted in alleged “Muslim law” texts that the State does not ban despite their racist and discriminatory content[[14]](#footnote-14). These texts, which can be used in Islamic schooling, undermine the value of the education received both by Beydan children – who are taught to unquestioningly accept their superior social standing – and Haratin children – who learn that the discriminations and injustices they endure are supposedly the natural order of things.

Discrimination also prevents Haratin children from proper access to schools and educational materials. Many of the adwaba that Haratin communities live in are in remote, rural areas – an isolation which makes it difficult for children to go to school. The recently set-up Tadamoun agency, which aims to assist communities burdened by poverty and the aftereffects of slavery, has been constructing schools in some of these areas in an effort to improve access to schooling. However, once the schools are built they struggle to staff them: the isolated location and the ethnicity of the majority of the students means teachers often refuse to be allocated a position there. As a result, many schools are understaffed: in the village of Ndiago for example, although the official number of teachers should be nine (9), only three (3) positions have been filled[[15]](#footnote-15). Another example from 2001 reveals that in the village of Daghveg (Boghé), after an American volunteer organisation helped build a school, the local hakem (prefect) refused to affect a teacher there[[16]](#footnote-16), for which he received no sanction. According to the Sahel Foundation, between 0-10% of students in these schools pass their final year examinations.

It is also worth noting that UN Special Rapporteur on extreme poverty and human rights Professor Philip Alston, upon visiting an (unopened) school built by Tadamoun, expressed his concern at the viability of its decision to build on a grand scale instead of using its funds to repair currently dilapidated schools and attract teachers to rural, poorer regions[[17]](#footnote-17). Though the desire to build new schools is commendable, the risk of these turning into empty, symbolic gestures with no real impact on the education of Haratin children is real.

Discrimination and lack of education often lead to criminality; considering Mauritania’s age of criminal responsibility starts at seven (7) years old, the consequence has been that many children find themselves incarcerated and, even more worryingly, detained in the same prisons as adults. Article 40.4 of the Convention states the need for: “a *variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.”*

Following a visit to several Mauritanian prisons, a 2015 HRW report described the prisons as "schools for the graduation of criminals." The lack of rehabilitation programmes in Mauritanian prisons and detention centres, combined with the lack of drug rehabilitation centres, has led to severe drug problems within prisons to the extent that incarcerated children are increasingly likely to become addicts during their stay. Although Mauritanian law does not permit detention of minors for more than six months pending trial, this time period is often not respected, which further places children at risk[[18]](#footnote-18).

1. ***Slavery as an obstacle to education***

Article 32.1 of the Convention states: *“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development”.*

According to the 2016 National Human Rights Commission report, over a quarter of children aged fifteen to seventeen (15-17) years old are working, with approximately 300,000 children younger than fifteen (15) at risk of violence, exploitation, discrimination, abuse and neglect[[19]](#footnote-19). Mauritania’s Labour Code sets the minimum age for employment at 14; however, this limit is commonly ignored and children below that age often end up performing domestic labour, cattle grazing in villages and plying a trade in cities. In urban environments, children are also sent out to beg with Pulaar children being the most vulnerable to this type of exploitation[[20]](#footnote-20).

Slavery qualifies as a form of economic exploitation, as well as work that prevents children from obtaining their education. Mauritania was the last nation in the world to legally abolish slavery, in 1981 (ordonnance n. 081-234). However, it was only criminalised in 2007, with the Anti-Slavery Act (law n. 2007–048) – which also made it an offence to deprive a child of schooling. In 2015, the Mauritanian parliament adopted a new law which deemed slavery a crime against humanity, and increased prison sentences from five to ten (5-10) years to twenty (20).

There is therefore a legal framework in which to prosecute slave-owners; however, the reality is that these laws have remained more theory than practice. The 2007 law inadequately defines slavery, as well as requiring victims of slavery to lodge a legal complaint themselves before prosecution can begin. There are no provisions made for the fact that many slaves are uneducated and illiterate, and so often unable to make a complaint without assistance. The law also fails to account for the fact that a large number of those enslaved are also children, who have been separated from their families.

However, in 2011 a landmark case was brought against the El Hassine family for their enslavement of Said and Yarg Ould Salem. The two brothers were also deprived of schooling, yet the only member of the family who was found guilty of this charge was not adequately punished for the crime. The original sentencing was so light that NGOs Minority Rights Group and SOS Esclaves brought the case before the African Committee of Experts on the Rights and Welfare of the Child. In December 2017, the Committee confirmed that Mauritania had failed to take adequate measures to prevent, prosecute and remedy children’s slavery[[21]](#footnote-21).

Furthermore, the Committee noted that even after escaping slavery, it took four (4) years for the Salem brothers to be enrolled in school – unable to attend public school due to lack of identity documentation, they were eventually enrolled in a private school. This showed a failure on the part of the State to adequately remedy the victims’ situation and facilitate the process of obtaining identity papers for those whose conditions make it difficult to obtain the required paperwork. In short, while enslaved the Salem boys were unable to attend school; once freed, they were still denied an education because the system failed to take account of the impact of slavery on their situation.

Said and Yarg Ould Salem’s case is not an isolated one, though it is one of the first to be prosecuted successfully.

**Section IV: Conclusion**

Despite having ratified the Convention on the Rights of the Child, Mauritania has not put in place sufficient measures to protect children’s rights. It has tried to promote their right to education in making education free and compulsory for 8 years, but has fallen short in ensuring public schools can be easily accessed by all. According to the report of the Arab League Educational, Cultural and Scientific Organization (ALECSO), illiteracy reached 42% in 2014. The 2011 biometric census has proven an additional obstacle to many families in enrolling their children in school, especially for Haratin children whose enslaved ancestors were unable to register themselves and whose descendants continue to suffer the consequences.

The State has also failed to take adequate measures to prevent discrimination from occurring in society, which in turn puts Haratin children at a disadvantage compared to their peers. Stereotypes and spurious theories of a ‘natural’ social order where Haratin are inherently inferior to their Beydan counterparts maintain a climate in which the former are discriminated against regularly. This affects their education as teachers are unwilling to take up positions in public schools located in Haratin-populated areas, as well as influencing the content of their teachings in private, koranic schools.

Lastly Haratin children are, with women, the most affected by modern day slavery. This fundamentally affects their right to an education as well as their right to be free from economic exploitation, with insufficient preventive and reparative measures being implemented by the State. Our conclusion is therefore that Haratin children faced additional discriminations and obstacles in exercising their right to education compared to other Mauritanian children.

**Section V: Recommendations**

1. UNPO urges Mauritania to implement additional measures to facilitate the acquisition of national identity papers for members of the Haratin community, taking into account their history and disadvantages in obtaining the required proofs.
2. UNPO encourages the State to create temporary school enrolment mechanisms for children – especially Haratin – whose parents or guardians have as yet been unable to obtain the appropriate documentation, so as not to penalize their education.
3. UNPO stresses the importance of implementing the State’s existing anti-slavery legislation, with condemnations including the maximum prison sentences and fines for the convicted. It also urges the State to fast-track slavery cases to ensure minimal distress to victims and highlight its commitment to the issue.
4. UNPO urges Mauritania to recognise slavery as an enduring issue in the country, and to build upon its existing anti-slavery legislation, liaising with abolitionist NGOs to create pathways and systems to support victims throughout the legal process and in rebuilding their lives thereafter.
5. UNPO recommends the creation of ‘priority education zones’ in the poorer regions, with separate budgets, scholarships and policies. With these should be included such programmes as evening classes offered to illiterate teenagers and adults who were unable to complete their education as children.

1. <http://unpo.org/members/13228> [↑](#footnote-ref-1)
2. Also spelled Beyhdan, Beydhan, etc. [↑](#footnote-ref-2)
3. <https://www.ethnologue.com/language/mey> [↑](#footnote-ref-3)
4. There are no official statistics regarding slavery in Mauritania, but local rights groups estimate at 20-50% of Haratin are enslaved. [↑](#footnote-ref-4)
5. <http://mctll.com/net/2018/04/01/نص-تقرير-المرصد-الموريتاني-لحقوق-الإن/> [↑](#footnote-ref-5)
6. <https://www.maghrebvoices.com/a/428355.html> [↑](#footnote-ref-6)
7. Law n° 2001-054, 19 July 2001. [↑](#footnote-ref-7)
8. <http://www.education.gov.mr/IMG/pdf/annuaire_2016-2017.pdf> pp.9, 69. [↑](#footnote-ref-8)
9. <https://www.hrw.org/fr/news/2018/03/29/mauritanie-des-obstacles-administratifs-empechent-des-enfants-daller-lecole> [↑](#footnote-ref-9)
10. <https://haratine.com/Site/?p=6291> [↑](#footnote-ref-10)
11. *Ibid*. [↑](#footnote-ref-11)
12. *Ibid.* [↑](#footnote-ref-12)
13. <http://www.education.gov.mr/IMG/pdf/annuaire_2016-2017.pdf> pp.9, 69. [↑](#footnote-ref-13)
14. <http://www.iramauritanie.org/2018/04/mauritanie-a-quoi-servait-il-de-bruler-les-livres-de-linfamie/> [↑](#footnote-ref-14)
15. <http://www.iramauritanie.org/2018/01/rencontre-de-bda-avec-la-frange-des-mauritaniens-actifs-dans-la-peche-artisanale/> [↑](#footnote-ref-15)
16. <http://www.haratine.com/Site/ancien/interview21.htm> [↑](#footnote-ref-16)
17. <https://www.ohchr.org/fr/NewsEvents/Pages/DisplayNews.aspx?NewsID=19948&LangID=F> [↑](#footnote-ref-17)
18. <http://mctll.com/net/2018/04/01/نص-تقرير-المرصد-الموريتاني-لحقوق-الإن/> [↑](#footnote-ref-18)
19. *Ibid.* [↑](#footnote-ref-19)
20. *Ibid.* [↑](#footnote-ref-20)
21. <http://www.acerwc.org/the-committee-has-ruled-on-the-communication-against-mauritania/> [↑](#footnote-ref-21)