

Joint submission to the UN Office of the High Commissioner for Human Rights for the consideration of the 2nd Universal Periodic Review of the Islamic Republic of Mauritania during the 23rd Session

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I. Introduction

This report, submitted by the Unrepresented Nations and Peoples Organization (UNPO) in coordination with Initiative pour la Résurgence du Mouvement Abolitionniste Mauritanie (IRA-Mauritanie) on the occasion of the 23rd session of the Universal Periodic Review, during which the Islamic Republic of Mauritania is under consideration, will focus on the main human rights violations occurring in the country, with a special emphasis on the situation of minority groups, and particularly the Haratin. First, the report will open with a brief introduction to the Haratin. Second, it will outline the main human rights violations taking place in Mauritania in the context of the international human rights treaties signed and ratified by Mauritania, with a particular focus on the violations suffered by the Haratin people. Third, it will present a series of recommendations aimed to facilitate constructive discussions during the 23rd Session of the UPR.

Haratin

The Haratins constitute the largest ethnic component in Mauritania, but remain nonetheless the most economically and politically marginalized group. While originating from Sub-Saharan Africa, their culture and religion have over centuries been influenced and shaped by Northern African countries. The Haratins inhabit the Sahel zone which covers Mauritania, Western Sahara, Mali and Algeria.

Mauritanian society is deeply stratified by race and class. The population is composed of approximately 70% "Moors", or Arabic-speaking Africans, who are further divided into Beidane (20%) and Haratin (50%), and of 30% non-Arabic-speaking Africans, namely Wolof, Bambara, Toucouleur, Fula, Serer and Soninke. The Haratin are also referred to as "Black Moors", as opposed to the Beidane, who are commonly known as "White Moors".

The Haratin have been enslaved since the invasion of their territory by Arab Berbers in the 8th century. Although slavery became a criminal offense by law in 2007 and defined as a crime against humanity through the Constitution in 2012, the current Mauritanian Anti-Slavery law is not enforced. In practice, it remains very difficult for slaves to emancipate from their masters because of the multiple barriers they face in finding proper jobs and integrating society. With little – if any – support from public institutions, life as a freed slave is very harsh and the prosecution of slave-owners is rare. There has only been one conviction for slavery in December 2011 and the convict was only sentenced to six months. As of today, about half of the Haratin population is enslaved, and it seems clear that, despite slavery being *de jure* a crime, this has no practical implications for the slaves and their masters.

Moreover, anti-slavery activists face harsh repression by the Mauritanian Government. In 1974, the emancipation movement El Hor entered in direct confrontation with the Government on social issues and justice. The Government replicated with widespread arrests, torture and expulsion. Nowadays, IRA-Mauritanie faces the same threats. Mr Biram Dah Abeid, founder and president of the Movement and winner of the 2013 UN Human Rights Prize, together with several fellow activists, is currently detained as a consequence of his non-violent struggle against slavery.

Moreover, the Haratin are subject to economic dependency toward their masters, making their emancipation more difficult. This economic dependency has to do with the discrimination that the Haratin face in their everyday life, and is present in all fields, including education, employment, bank loans and healthcare. The Haratin are also prevented from voting and participating in political life, mainly due to the fact that a portion of the Haratin do not have ID cards. As a consequence, they lack proper representation in decision-making bodies and are often not even aware of their rights. In addition to this, in some cases when slaves are formally “set free” after having been slaves for most of their life, they do not have the skills or knowledge necessary to find a job and sustain themselves independently. As the Government does not provide enough support to former slaves, many of them end up falling back into conditions of *de facto* enslavement.

II. Human Rights Issues

While from a legal point of view the Islamic Republic of Mauritania has over the past few years taken commendable measures towards ending slavery, it seems that in practice there are little to no significant signs of improvement in the routine violations of the Haratin’s rights. Although there are measures in place to address some of the consequences of slavery, political will to combat the root causes is largely lacking, as the Government’s denial of the very existence of slavery bears witness of. The institutionalized discrimination faced by the Haratin prevents them from recovering their freedom, as they are economically dependent on those who enslave them. Those who attempt to fight pacifically for human rights in Mauritania are often imprisoned and suffer unacceptable treatment in detention centres. Freedom of assembly and association is still not guaranteed by the Mauritanian Government.

1. Slavery

Despite its ratification in 2005 of the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (PPSPT) – supplementing the United Nations Convention against Transnational Organized Crime – figures show that in 2014, as well as in 2013, Mauritania was the country with the highest prevalence of slavery in the world. At least 4% of its population is currently enslaved, which

corresponds to approximately 155,600 people¹. Mauritania is clearly violating the principle according to which no one shall be held in slavery (ICCPR, art. 8; PPSPT).

Although slavery has been abolished three times in Mauritania (1905; 1961; 1981), it was not until 2007 that the holding of slaves was officially criminalized following international pressure. The law carries a term of between five and ten years of imprisonment for masters and two years for being an apologist of slavery.

So far, the first and only conviction under the 2007 Anti-Slavery Law was issued in December 2011. In spite of the 2007 Law, the Mauritanian authorities have long held the opinion that the cases are merely the "last vestiges of slavery"²; a view not witnessed on the ground by NGOs and civil society groups, which deem it an existing and serious problem. A significant part of the population still postulates the legality of slavery, due to the dominance of the Maliki interpretation of Islamic jurisprudence, or Shariah Law. Whenever there are ambiguities or conflicts between Islamic and statute law, which includes the 2007 Law, under the Mauritanian Constitution, the former takes precedence over the latter. The Government has added reservations to any provision contained in the international human rights instruments it has signed up to, that is contradictory to Shariah Law or to Mauritania's Constitution.

In March 2013, the President of Mauritania established a National Agency to Fight against the Vestiges of Slavery, Integration, and Fight against Poverty. This agency was tasked to outline a National Plan of Action, which was formally adopted in March 2014. During this same month, a special Tribunal was established to prosecute crimes of slavery. Since its creation, however, it has not prosecuted a single case of slavery and some field sources even suggest there is no evidence the Tribunal even exists³. The most recent case of slavery was discovered in December 2014 within the family of a minister who is currently still in function.

As far as assistance to victims is concerned, third-parties are not permitted to file complaints on behalf of slaves, who are often uneducated and illiterate. This significantly hampers the vital work of NGOs and civil society to assist in preventing this prevalent practice⁴.

Slaves in Mauritania are not trafficked and are rarely bought or sold. Most of them rather inherit their status through their mothers and thus work for the same families for generations, becoming psychologically bonded to their masters. Centuries of tradition have come to justify slavery even in the slaves' own minds.

¹ Walk Free Foundation (2014). The Global Slavery Index 2014. Retrieved from: https://d3mj66ag90b5fy.cloudfront.net/wp-content/uploads/2014/11/Global_Slavery_Index_2014_final_lowres.pdf

² Open Society Foundations (2011). Ending Slavery in Mauritania Needs Deeper Engagement. Retrieved from: <http://www.opensocietyfoundations.org/voices/ending-slavery-mauritania-needs-deeper-engagement>

³ Walk Free Foundation (2014). The Global Slavery Index 2014. Retrieved from: https://d3mj66ag90b5fy.cloudfront.net/wp-content/uploads/2014/11/Global_Slavery_Index_2014_final_lowres.pdf

⁴ Ibid.

The living conditions of today's slaves in Mauritania are often similar to those faced by slaves in the previous century. They perform household chores, work in subsistence agriculture or herd cattle, goats or camels. Their masters keep them untrained in specific skills or tasks, and uneducated, so that they would have no possibilities to survive if freed. They have no possibility to find a job, which contradicts their right to work (ICESCR, art. 6) and their right to just and favourable conditions of work (ICESCR, art. 7). They are even deprived of the right to marry freely. Their masters usually arrange marriages and women and girls are regularly subject to sexual violence. In 2008, Association des Femmes Chefs de Famille (AFCF) documented 202 cases of girl domestic workers who have fallen victim to sexual abuse⁵. Slaves born from master-slave relationships are either given to the masters' wives or to other relatives as a present, or sold.

Several slaves have managed to escape in the past, although punishments for attempting to escape can be very harsh. However, as already described, with almost no support from public institutions, life as a freed slave is sometimes just as hard, if not harder, than life as a slave.

2. Discrimination

The discrimination from which the Haratin suffer is mainly State-induced. Therefore, this violates their right to non-discrimination before the law (ICCPR, art. 2.1 and art. 26). At the national level, 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". However, despite this provision, it is principally the Haratin who suffer from slavery, in particular Haratin women and children who are the most vulnerable. According to some estimates, 90% of the Mauritanian slaves are Haratin women or children⁶.

Haratin women suffer from a triple discrimination: for being Haratins, women and sometimes mothers. Moreover, the 2001 Family Code makes it clear that women are still legally considered as perpetual minors. When enslaved, Haratin women are subjected to forced marriages, lack control over their fertility and suffer from sexual abuse, rape and sexual exploitation. The impact of customary practices has a big impact on women. They are also deprived of family benefits as slaves and their children in most cases automatically belong to their masters.

⁵ Association Mauritanienne des Droits de l'Homme & Association des Femmes Chefs de Famille. Africa for Women's Rights – Mauritania. Retrieved from:

http://www.africa4womensrights.org/public/Dossier_of_Claims/Mauritania-UK.pdf

⁶ UNPO (2013). Alternative Report submitted to the UN Human Rights Committee at the 107th Session during the consideration of the 1st Periodic Report of the Islamic Republic of Mauritania. Retrieved from:

http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MRT/INT_CCPR_NGO_MRT_1_4506_E.pdf

Yet, according to the Mauritanian Government, "There is no such thing as racism towards women of non-Arab descent"⁷. The Constitution proclaims gender equality but does not give a definition of discrimination. Similarly, it does not give a definition of specific crimes which women are particularly subjected to, such as rape⁸. This has led to perpetrators rarely being convicted and judges replacing allegations of rape with accusations of adultery. The Mauritanian Government has declared that actions have recently been taken towards an inscription of this crime in the Constitution⁹. Nonetheless, no measures seem to have been undertaken to train the judges to apply these rules. As for the 2001 Family Code, it considers women as perpetual minors, preventing them from enjoying their status as rights holders (in violation of the provisions of the CEDAW). In Court, moreover, the testimony of two women is necessary to equal that of one man¹⁰.

A large number of children in Mauritania are enslaved, often from birth or from a very young age and already during their childhood they are expected to work more than 14 hours a day. For young girls, work particularly includes domestic servitude, while for boys it usually involves street begging, herding and manual labour. As a result, child slaves grow up never knowing their family and are denied the support that a family network can provide. The enforcement of 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 labour inspectors or the Special Police Brigade for Minors¹¹.

Overall, 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 party¹².

Other types of discrimination are suffered by the Haratins as well: Sources on the ground report that persons of Haratin descent are systematically discriminated against in processes of attributing land for housing purposes. With the complicity of Mauritanian authorities, Haratins are given land parcels that are often isolated while

⁷CEDAW/C/MRT/Q/2-3/Add.1, Answer to the List of Issue by Mauritania (2014). Translation from the French: « Il n'existe pas de racisme à l'égard des femmes qui ne sont pas de souche arabe. » Retrieved from :

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPPRiCAqhKb7yhsgOTxO5cLIZ0CwAvhyns%2byL73Se1Ck34GffsZTuUoU4oJU6LE7D7G7KKP2CkitexbivY9DTfBpEkn7DHIHmB8g53ICVChCMhEhCxMjk4Jr%2b8MkOnO6zxFXBHjSJ4sWYJlQ%3d%3d>

⁸ CEDAW/C/MRT/2-3, Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women – Combined second and third periodic reports of States parties – Mauritania (2013). Retrieved from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/413/87/PDF/G1341387.pdf>

⁹ Ibid.

¹⁰ NCBuy. Mauritania Human Rights Report. Retrieved from:

<http://www.ncbuy.com/reference/country/humanrights.html?code=mr&sec=5>

¹¹ US Department of State, Bureau of Democracy, Human Rights and Labor (2011). Country Reports on Human Rights Practices, Mauritania. Retrieved from:

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

¹² Gulnara Shahinian (2010). UN Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. Retrieved from:

http://www2.ohchr.org/english/issues/slavery/rapporteur/docs/A.HRC.15.20.Add.2_en.pdf

more popular land parcels are allocated to non-Haratin. Protests against this system of land allocation have at times been met harshly by the authorities: for instance, IRA-members Boubacar Yatma and Hanana Mboirick are currently imprisoned for this very cause. Haratin are also discriminated against in school. There are reportedly almost no Haratin in military schools and there have been reported cases whereby Haratin students who succeed at competitive examinations have been rejected without a valid reason. The Haratin are also absent from the media and banking industries, with all TV and press groups being overseen by Arab Berbers and giving no representation to the Haratin, which represent half of the country's population.

As of today, the Haratin are not recognized as a constituent group within the population, nor is there any official recognition of them suffering from racism and discrimination. They are not even able to self-identify as Haratin, which is one of the prerequisites for self-determination (ICCPR, art. 1). Since they are not recognized as a minority group, they cannot enjoy the rights to which minorities are entitled, such as the right to enjoy their own culture, the right to profess and practice their own religion, and the right to use their own language (ICCPR, art. 27).

3. Human Rights Activists

Anti-slavery activists in Mauritania have been subject to repeated acts of harassment and intimidation by the authorities. At the end of October and beginning of November 2014, at least four IRA-Mauritania members were arrested for publicly defending the IRA during religious celebrations in Nouakchott¹³. During the celebrations, religious clerics openly threatened the IRA and its President Mr Biram Dah Abeid.

Similarly, on the morning of 11 November 2014, Mr Abeid and at least eight other anti-slavery activists, including the Vice-President of IRA-Mauritania and the President of the anti-slavery NGO Kawtal, were arrested following a peaceful march against slavery¹⁴. The activists had been campaigning with the Caravan of Liberty, passing in the village of Chgara when the Mauritanian gendarmerie, on the order of the local Governor, used tear gas and stun grenades to stop them. The activists were assaulted by the police before being arrested and taken to prison in the regional capital, Rosso. The headquarters of IRA-Mauritania in Nouakchott were subsequently closed down by the police, who accused the NGO of spreading hatred. The spokesperson for the organization, Dr Saad Ould Louleyd, was also arrested.

On 24 December 2014, 28-year-old blogger Mr Mohamed Cheikh Ould Mkhaitir was sentenced to death for publishing an article about the caste system and slavery in

¹³ Biram Dah Abeid (2014). Guerre du pêche et enlèvements de militants anti-esclavagistes en Mauritanie, Note d'alerte. Retrieved from: <http://biramdahabeid.org/note-dalerte-guerre-du-preche-et-enlevements-de-militants-anti-esclavagistes-en-mauritanie>

¹⁴ Bulletin 4 de la caravane (2014). Retrieved from: <http://biramdahabeid.org/bulletin-4-de-la-caravane>

Mauritania¹⁵. He was accused of insulting the Prophet, which he denied, but no lawyer accepted to defend him during his hearing.

Since then, the Mauritanian authorities have arrested several other anti-slavery activists, including high-ranking IRA members. Approximately 14 campaigners are allegedly currently imprisoned.

After several delays, on 15 January 2015, the criminal court in Rosso announced its verdict in the case against the nine anti-slavery activists arrested in November 2014, including Mr Abeid¹⁶. Whereas two thirds of the activists were acquitted, Mr Abeid, Mr Brahim Bilal Ramdhane and Mr Djiby Sow were sentenced to two years in prison for inciting violence, disturbing public order, offending a member of the authorities and being members of an unregistered organization.

4. Torture and Other Ill-treatment

According to Amnesty International torture is often used in Mauritanian prisons to extract "confessions" or to punish detainees¹⁷. Women, children, homosexuals, political prisoners and prisoners convicted of common law offences are particularly subject to such ill-treatment. The use of torture is facilitated by the law, which authorizes the police to hold suspects in custody for up to 45 days if they are believed to be a threat to national security. The use of such methods by Mauritanian authorities is a violation of the 1987 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Mauritania ratified in 2004.

Anti-slavery activists have also been victims of ill-treatment in the course of their detentions. A delegation of lawyers and NGO officials was able to visit the anti-slavery detainees on 19 November 2014 and underlined the fact that the conditions endured by the activists were much degraded. The latter reportedly had to spend their nights standing because of the humid heat and the small size of the overcrowded cells¹⁸. According to the OHCHR, "in general, the conditions of detention... do not comply with the minimum international standards, most particularly the detention units and their ventilation¹⁹." On 17 February 2015, in a letter to the Prosecutor of the West Nouakchott Court, the lawyers of Mr Loueid and his fellow activists reported that their clients were being subjected to torture, despised and humiliated. According to this same

¹⁵ Mariella Villasante Cervello (2015). La condamnation à mort de Mohamed Cheikh Ould Mkhaitir: un cas de dysfonctionnement de la justice mauritanienne. Retrieved from:

http://www.cridem.org/C_Info.php?article=666751

¹⁶ Le verdict de la honte (2015). Retrieved from:

<http://biramdahabeid.org/le-verdict-de-la-honte>

¹⁷ Amnesty International (2015). The state of the world's human rights. Retrieved from:

http://www.amnestyusa.org/pdfs/AIR15_English.pdf

¹⁸ Bulletin 11 de la Caravane (2014). Retrieved from:

<http://biramdahabeid.org/bulletin-11-de-la-caravane/>

¹⁹ Office of the High Commissioner for Human Rights (2014). Information note on Mauritania. Retrieved from:

<http://unpo.org/downloads/1156.pdf>

letter, they spent most of their time with their hands handcuffed behind their backs and their legs tied²⁰.

5. Freedom of Assembly and Association

Mauritania continues to fail in upholding the rights of peaceful assembly (ICCPR, art. 21) and freedom of association (ICCPR, art. 22) of its citizens. All demonstrations in support of the imprisoned anti-slavery activists have been severely repressed by the Mauritanian authorities; the ones that took place right after the incarceration of the anti-slavery activists were dispersed using tear gas. More recently, on 19 January 2015, UNPO was informed by local sources that a sit-in protest organized by IRA-Mauritania and the anti-slavery organization Kawtal was once again violently suppressed by the police. Several activists were reportedly beaten, abducted and dropped off kilometres away from the protest.

According to Ms Irabiha Mint Abdel Wedoud, president of the Commission Nationale des Droits de l'Homme de Mauritanie (CNDH), "Mauritania's bad image results from a counter-productive use of the freedom of press and expression by organisations and movements that are politically off the rails²¹." Referring to the imprisonment of Mr Abeid, she declared that he was "condemned, after his trial, for manifest facts of public disorder offence, assault on security forces and refusal to comply with law orders²²." She added that NGOs, especially international ones, have a partisan stand on this issue. This demonstrates a refusal by the Mauritanian authorities to thoroughly investigate and address accusations of unjust treatment of human rights activists.

III. Recommendations

Given the above-mentioned human rights situation in the Islamic Republic of Mauritania, the Unrepresented Nations and Peoples Organization and the Initiative pour la Résurgence du Mouvement Abolitionniste Mauritanie urge the Government of Mauritania to consider the following recommendations:

1. *Allow an independent investigation mission to collect detailed data on the nature and incidence of slavery in Mauritania in order to make possible the monitoring of efforts to eradicate slavery;*
2. *Establish an independent investigation commission in order to ensure an effective implementation of the Roadmap to end slavery;*
3. *Urgently run public awareness-raising campaigns in order to change the public attitude towards slavery across the different levels of society, including mosques*

²⁰ Les prisons de Nouakchott continuent à être le théâtre de tortures (2015). Retrieved from : <http://biramdahabeid.org/les-prisons-de-nouakchott-continuent-a-etre-le-theatre-de-tortures/>

²¹ Irabiha Mint Abdel Wedoud (2015). Retrieved from: <http://www.cndh.mr/index.php/113-irabiha-mint-abdel-weddoud-presidente-de-la-commission-nationale-des-droits-de-l-homme-dans-une-interview-exclusive>

²² Ibid.

and religious schools. Victims of slavery must be made aware of laws and policies available for the pursuit of legal action against their "masters". Nationwide training for the police, as well as administrative and judicial authorities must also be carried out, in order to ensure that they pursue the cases of slavery brought to their attention efficiently and effectively;

- 4. Amend article 15 of the 2007 Slavery Act to allow Mauritanian human rights organisations to denounce violations of the law, assist the victims and act as civil parties. Due to the psychological state of slavery victims and the nature of descent-based slavery in Mauritania, human rights organisations should be allowed to bring charges and pursue cases on behalf of victims;*
- 5. Create a special "brigade" to act as the policing arm of the court in order to ensure the effectiveness of the special Tribunal to prosecute crimes of slavery. This entity would be able to locate and make the prosecution of alleged slave-owners possible in situations in which the police and judiciary claim that they are otherwise unable to get involved;*
- 6. Ensure that alleged slave-owners are not released on bail, as this appears to be used as a strategy to unofficially release and ensure impunity;*
- 7. Take urgent measures to promote a higher representation of the marginalized Haratin ethnic group, including women, in the Government, Parliament, Judiciary and other public institutions;*
- 8. Implement laws against early and forced marriage and Female Genital Mutilation in Mauritania;*
- 9. Put an immediate end to torture and ill-treatment of all prisoners, including prisoners of conscience, and ban the use of torture as an instrument to extract "confessions" from detainees, in compliance with the 1987 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;*
- 10. Ensure freedom of assembly and association to all Mauritanian citizens, as guaranteed by international law instruments, also when the protest or the statement aims to denounce human rights violations.*