



JUST ATONEMENT INC.

justice  
hope peace unity equal opportunity  
golden age  
progress sustainability democracy freedom  
human rights harmony civilization

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Just Atonement Inc. (JAI) incites transformative social change by empowering lawyers and law students with the opportunities, training and means to defend democracy, human rights, and a livable planet.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of the Islamic Republic of Mauritania.

***Summary of Conclusions***

1. Mauritania is particularly vulnerable to the impacts of climate change. The country must take appropriate measures along with other countries in the West Africa Sahel region to address climate change as soon as possible since its economy is dependent primarily on natural sources. Climate vulnerability is intertwined with rapid population growth, as well as humanitarian crises because of drought, flooding, food security, epidemics, and violent conflicts.
2. Threat from terrorism by violent extremist groups is ubiquitous in the West Africa Sahel region.



3. The persistence of slavery and discrimination should immediately be addressed. Even though the country has officially forbidden slavery, it must take additional measures to ensure the enforcement of these laws.
4. Freedom of expression is restricted, especially on subjects concerning slavery, discrimination, and criticizing the government. The laws restrict the activity of international and regional human rights organizations.
5. Mauritania's government is unstable and government officials are biased against certain ethnic, racial, and sexual minorities.

### *Analysis*

#### *Impacts of Climate on Human Rights in the Country*

6. Mauritania suffers from many structural and social problems. It is projected that the temperature increases in the West Africa Sahel are 1.5 times higher than in the rest of the world. According to the World Bank, climate change threatens significant droughts. **The breakdown and collapse of the Earth's climate system is imminent and may have already commenced.** There is now increased risk of flooding, sea-level rise, and dangerous winds. The most apparent effect of the climate change in Mauritania is desertification since three-quarters of its territory is composed of Saharan desert. Rising sea levels, erosion of coastal zones, and devastating floods are significant dangers in years to come. The majority of the population will be exposed to drought and rainfall variability.
7. In Mauritania, climate change has implications on a wide range of rights, mainly the right to life. Article 6 of the International Covenant on Civil and Political Rights (ICCPR) protects the right to life of all human beings. States must protect life and therefore, take measures that benefit society's general condition, including environmental degradation, climate change, and sustainable development.
8. Other rights that will be implicated by climate change in Mauritania are the right to adequate food, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination and the right to safe drinking water and sanitation. The economy of Mauritania is largely based on climate-sensitive sectors like crop and livestock agriculture and fisheries. Changing rainfall patterns is therefore a critical problem for the economy at large. Climate change will also increase food insecurity and malnutrition. Further, human settlements will also be impacted by sea-level rise and related issues. Climate change may also trigger new conflicts and forced migration.
9. Children in the situation of extreme poverty will be affected disproportionately by climate change. Mauritania recognizes the right of the child to the enjoyment of the highest attainable standard of health. Article 24 of the Convention on the Rights of the Child provides that state parties will take appropriate measures "to combat disease and



malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution.” The African Charter on the Rights and Welfare of the Child also affirms children’s right to enjoy the best attainable state of physical, mental, and spiritual health.

10. According to a recent report released by the United Nations Development Programme, climate change hazards such as droughts and sea-level rise could expose men and women to new risks. For instance, water scarcity could expose women to an increased risk of gender-based violence.
11. Mauritania’s submissions to UNFCCC through the Nationally Determined Contributions (NDC) document describes the country’s commitments about GHG mitigations and adaptation. Mauritania is a party of the Paris Climate Agreement and aims to reduce its greenhouse gas emission by 22.3% by 2030. It is also a part of the Adaptation to Climate and Coastal Change project, funded by the United Nations and Global Environment Facility. Overall, Mauritania is obliged under its international obligations to provide the enjoyment of a safe, healthy, and sustainable environment to its people.

#### *Impacts of War/Conflict on Human Rights*

12. The Insurgency in the Maghreb is an ongoing conflict that refers to terrorist activity in the Maghreb and Shal region of North Africa.
13. Terrorism is one of the critical drivers of conflict in Mauritania. Mauritania is a part of the Sahel region, which has porous borders. Because of this, terrorists operate across borders easily. Groups associated with Jamaat Nusrat al-Islam wal Muslimeer (JNIM) JNIM – formed in March 2017 following the merger of Al Qaida in the Islamic Maghreb, Ansar-al-Dine and al-Murabitun – are the main threats to the safety of people, especially tourists, humanitarian aid workers, and journalists.
14. These terrorist groups kidnap civilians, foreigners, and government officials. Even though Mauritanian authorities have taken some security measures, they have not been enough to mitigate the threat and protect the population from terrorism. This situation is likely a violation of Article 7 of ICCPR, which states that no person “shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” The Office of the High Commissioner for Human Rights has recognized the duty of States to protect those living within their jurisdictions from terrorism.
15. Even though the leading causes of these conflicts are political and historical, it is also interlinked with climate change, since competition over scarce resources such as land and water is related to displacement from conflict throughout the Sahel region. The insufficiency of resources has an impact on intercommunity and regional conflict.



16. These regional conflicts are against the United Nation's main purposes, mainly the purpose of maintaining international peace and security, as recognized in Article 1 of the UN Charter. States located in the Sahel region should address serious security concerns such as terrorism.

*Slavery, Discrimination, and Freedom of Speech*

17. There has been a border dispute with Senegal in 1989, which resulted in the expulsion of non-Arabic speaking black Mauritanian citizens. As a result of this dispute, discrimination against ethnic and racial minorities continues today in Mauritania.
18. Caste-based slavery persists in Mauritania with impunity even though the authorities deny its existence. According to the findings of the Global Slavery Index, there are approximately 90,000 people in Mauritania who are living in modern slavery, which is approximately 2.4% of the population<sup>1</sup>. It is especially minority groups like Afro-Mauritanians and Haratines that suffer from slavery and discrimination. One in two Haratines is forced to work with no possibility of freedom. These discriminatory attitudes also provide the context for further marginalization of minorities.
19. Even though slavery was abolished in 1981 and many subsequent laws were enacted to prohibit it, slavery is still not eliminated in Mauritania. Three specialized courts were created in 2015 to prosecute crimes related to slavery, but this initiative has not been sufficient. These courts have heard a minimal number of cases compared to the population subject to "modern slavery", which is 18% of the Mauritanian population. A 2019 US State Department Trafficking in Persons Report confirmed that Mauritania did not convict any alleged trafficker either.
20. Mauritania has lost its trade preference benefits from the US under the African Growth and Opportunity Act (AGOA) because it "has made insufficient progress toward combating forced labor, in particular the scourge of hereditary slavery.... [and] continues to restrict the ability of civil society to work freely to address anti-slavery issues."
21. In Mauritania, slavery is rooted within the society and the status passes from generation to generation. Individuals are assigned to a "slave caste" from birth. In addition to this, anti-slavery activists are tortured and sentenced to prison. Anti-slavery associations are banned and demonstrations are violently and harshly repressed. According to Biram Dah Abeid, Mauritania's leading anti-slavery activist, "Mauritania is a country where black citizens do not have value."
22. A wide range of international instruments, including Article 8 of the ICCPR, provides that slavery and the slave-trade shall be prohibited. Article 1 of the UDHR recognizes that "all human beings are born free and equal in dignity and rights." Regionally, the African Charter on Human and People's Rights affirms the right to freedom from slavery.

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<sup>1</sup> <https://www.globalslaveryindex.org/2018/data/country-data/mauritania/>



23. Freedom of speech is restricted, especially to discourage crisis on slavery and discrimination based on caste. An anti-discrimination law adopted in 2017 in Mauritania provides that “Whoever encourages an incendiary discourse against the official rite of the Islamic Republic of Mauritania shall be punished by one to five years in prison.” Two bloggers who posted on Facebook their criticism on Mauritian leaders, including the former President Abdel Aziz, were arrested on March 22, 2019, and charges were dropped on July 29.
24. Mauritania is a state party to the ICCPR and therefore is required to protect freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds.

#### *Corruption and Status of Democratic Mechanisms*

25. Mauritania is an Islamic republic that has a history of military rule and shifting governments.
26. Mohamed Ould Ghazouani won presidential elections in June 2019. There were protests over the victory of Ghazouani and Mauritanian authorities arbitrarily arrested pro-opposition leaders and activists. Some of these activists and leaders were sentenced to prison, but Mauritania authorities released all of them in November.
27. In addition to this, mobile and fixed-line internet service were suspended by the Mauritanian authorities after the ruling party’s candidate declared victory. As a result of this blockage, human rights defenders, journalists, and opposition members could not freely access or exchange information.
28. United Nations Convention against Corruption promotes “integrity, accountability and proper management of public affairs and public property.” Mauritania suffers from corruption on many levels of its political organization.
29. The judiciary is very politicized and underfinanced. On many occasions, the Mauritanian government has used courts to restrict the freedom of speech of the opposition and other minorities. Many human rights activists, bloggers, and political opposition were prosecuted and sentenced to jail under criminal defamation and blasphemy laws.
30. Abuse of power by law enforcement has been reported frequently. Arbitrary detention is widespread in Mauritania. This practice violates Article 9 of the ICCPR and the UDHR, which provide “no one shall be subjected to arbitrary arrest or detention.” For instance, eight men were arrested because of a video showing them celebrate a birthday party. Subsequently, a Mauritanian court on January 30, 2020 sentenced these men to prison for “committing indecent acts.” According to a report of Human Rights Watch, these men were arrested by the police and convicted by the court on a discriminatory basis. As reported by the UN Working Group on Arbitrary Detention, arrests based on sexual orientation are de facto human rights violations.



31. On several occasions, authorities have kept on holding people in solitary and arbitrary detention even though Mauritanian courts have reduced their sentences.
32. The police have used excessive force and intimidation against protests and freedom of speech. For example, there were student demonstrations in Nouakchott against a 2018 law that prohibited university enrollments, which had a disparate impact on low-income communities. During these protests, police used excessive force, and dozens of students were wounded.
33. Further, international human rights organizations and anti-slavery groups face difficulties when trying to obtain legal status from the Mauritanian government. An Amnesty International delegation was barred access in March 2019. Many restrictions are being imposed on the activity of these organizations. Under the 1964 Law of Associations, associations need to obtain permission from the Ministry of Interior who has broad discretion to refuse permission on vague grounds.
34. The ICCPR recognizes the right to freedom of association and the right of peaceful assembly and Mauritania currently is in violation of these rights.

### *Recommendations*

35. Mauritania is vulnerable to climate change with its substantial population growth and recurring challenges related to environmental degradation, poverty and political instability. Its readiness to improve resilience is very low. Mauritania must aim to work together with other countries in its region to strengthen climate resilience and to fight climate change effectively. While addressing this issue, Mauritania must aim to protect minorities that are disproportionately affected by climate change, such as women and children.
36. International financing may be needed to strengthen the ability of Mauritanian authorities to fight climate disruptions. Mauritanian authorities should be educated by experts on different sources of financing, such as loans and direct funding. Interaction on the international level should be facilitated in order to help the least developed countries and developed countries should be pressured to address climate change.
37. As a state party to numerous conventions prohibiting discrimination, including the International Convention on the Elimination of All Forms of Racial Discrimination, Mauritania should address the persistence of slavery immediately. The UN should make financial aid conditional on the immediate elimination of slavery. Further, the Mauritanian government should raise awareness and shift public opinion on slavery by educating the public.
38. Systemic solutions are necessary to address corruption and slavery because, aside from cultural traditions, discrimination is rooted in the State's main institutions, particularly the armed forces and justice system. Even though Mauritania has adopted a code of ethics for public servants, it has not been enough to eliminate corruption. Previously



marginalized communities should be included within political processes.

39. Mauritania could create an independent body with the UN's support to increase the neutrality of state actors and hold all the levels accountable to the public.
40. Mauritania should implement more effective counter-terrorism measures at the national level. Also, the country should increase international cooperation for the fight against terrorism.
41. Mauritania could consider using UN Counter-terrorism mechanisms or private dispute resolution to avoid violence in settling the regional conflicts with terrorist groups. For instance, the Irish Republican Army (IRA) has entered into the peace talks with the government of Northern Ireland in 1997. The Independent International Commission on Decommissioning (composed of government officials from Canada, Finland, and the US) was established to guide the parties through the peacemaking process. This example shows that Mauritania should enter into dialogue with terrorist groups since this is an important counter-terrorism tool.
42. Mauritania could use community mediation to resolve local disputes. This method is used in Nepal. For example, a national NGO successfully resolved more than 200 disputes of various natures in a year. Mauritanian NGOs could engage in local mediation programs.
43. Mauritania should grant access to international human rights organizations to the country and protect the freedom of expression by revoking restrictive laws.

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### **Acknowledgement**

*This submission was prepared by Dave Inder Comar (Stanford 2001; Stanford 2002; NYU School of Law 2005) and Ece Yagci (Paris 1 Panthéon-Sorbonne University 2019; Columbia Law School and Paris 1 Panthéon-Sorbonne University 2022)*