



Unrepresented Nations and Peoples Organization (UNPO)
&
The Initiative for the Resurgence of the Abolitionist Movement (IRA)

Joint submission to the Office of the High Commissioner for Human Rights
Universal Periodic Review, 37th Session: Islamic Republic of Mauritania

THE HARATIN OF MAURITANIA

*

The Unrepresented Nations and Peoples Organization (UNPO) (www.unpo.org) is a membership-based organization created in 1991 to empower the voice of unrepresented and marginalized peoples around the world and to protect their basic human rights. The peoples represented in UNPO's membership are all united by a common condition: they are denied equal representation before institutions of national or international governance. As a result, their opportunity to participate in the national or international arena is limited, and they find it difficult to realize their rights to civil and political participation and to control their economic interests, social and cultural development. UNPO acts independently of its members and works on the problems of unrepresented peoples in the world. To this end, it is a non-governmental organization registered in the Netherlands, established as a "Public Interest Organization" under the law of the Kingdom of the Netherlands.

UNPO's members include **the Initiative for the Resurgence of the Abolitionist Movement (IRA) in Mauritania** (since 2011) (www.iramauritania.org). Founded in 2008 to unite anti-slavery activist and coordinate abolitionist actions, the IRA is an organization whose aim is to challenge and raise awareness among the public authorities and partners about the social, economic and political situation in the country. It is part of a dynamic of defending human rights, denouncing and fighting against injustice, particularly in its human and social dimensions.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
REPORT.....	2
A. SLAVERY	2
i. Failures to implement the law	2
ii. Ingrained support for slavery.....	3
B. GENDER-BASED VIOLENCE	4
C. DISCRIMINATION	5
i. Public Participation.....	5
ii. Access to justice	6
iii. Land ownership	6
D. REPRESSION	7
i. Freedom of association.....	7
ii. Freedom of peaceful assembly	7
iii. Freedom of Expression and Opinion	7
iv. Arbitrary arrests and detentions.....	8
RECOMMENDATIONS	10

EXECUTIVE SUMMARY

1. This report examines the current state of human rights in Mauritania focused specifically on the realization of the human rights of the Haratin people and progress made since the last Universal Periodic Review (UPR) of Mauritania.
2. The population is made up of three major ethnic groupings: on the one hand the Arabic-speaking groups including the Bidhân or “Arab-Berbers”, Arabic speaking peoples of mixed Arab and Berber origin, and the Haratin, the indigenous population of northwestern regions of the Sahara that form the largest ethnolinguist group in Mauritania (some 40% of the population); and on the other hand, non-Arabic-speaking ethnic communities such as the Wolof, Soninké, Haalpulaar. The Haratin ethnic group, the focus of this report, were historically enslaved in Mauritania and today continue to deal with the legacy of slavery in various different forms.
3. **Slavery:** Slavery continues to exist in Mauritania with Haratin women and children particularly impacted. While there has been significant progress in ending slavery by law, slavery practices persist, with strong indications of counter-actions by former slave owners and the justice system to held perpetuate slavery in other forms and to return freed or escaped slaves to their former captors. That more antislavery activists have been imprisoned in the past years than those perpetuating slavery is testament to how ingrained slavery is to the fabric of those who control Mauritanian government and society.
4. **Gender-Based Violence:** Hand-in-hand with slavery is the persistence of gender-based violence and marginalization of women and girls in Mauritania, especially from the Haratin community. Attempts to pass a law on gender-based violence have been consistently withdrawn by the government.
5. **Discrimination:** The Haratin continue to be discriminated against in all walks of life. The lack of equal opportunities to participate in public life and to own property present significant barriers to ever being able to successfully move beyond the legacy of slavery in the country. Tentative efforts to encourage greater participation in government service under President Mohamed Ould Abdel Aziz have been halted nearly entirely since the election of President Mohamed Ould Ghazouani in 2019. The elections themselves were characterized by systematic efforts to exclude Haratin from engaging on an equal basis in Mauritanian political life and to repress any who sought to engage. Beyond public participation, land ownership remains highly uneven with former slaves struggling markedly to obtain title to good, productive land. A lack of access to official documents, including identity documents operates as another major barrier to resolving the underlying injustices in Mauritanian society.
6. **Repression:** Repression of Haratin and antislavery activists is widespread. Arbitrary arrests and detentions are increasing and torture and ill-treatment of the detained is repeated and regular. Public protests are regularly curtailed and those who engage in speech that is critical of the government are harassed and intimidated (if they aren’t arrested and detained). Antislavery NGOs, including IRA-Mauritania continue to be summarily denied the ability to form and register officially in Mauritania.
7. The report urges concrete measures be urgently taken to resolve what amounts to a continued human rights crisis in Mauritania.

REPORT

1. Mauritania is in many ways defined by its heterogeneity: its ethnic diversity echoing Mauritania's geographical location between the Maghreb and sub-Saharan West Africa; its many human rights violations amplified and segregated along ethnic and caste lines.ⁱ
2. The population is made up of three major ethnic groupings: on the one hand the Arabic-speaking groups including the Bidhân or “Arab-Berbers”, Arabic speaking peoples of mixed Arab and Berber origin, and the Haratin, the indigenous population of northwestern regions of the Sahara that form the largest ethnolinguist group in Mauritania (some 40% of the population); and on the other hand, non-Arabic-speaking ethnic communities such as the Wolof, Soninké, Haalpulaar.
3. The Haratin ethnic group, the focus of this report, were historically enslaved by the Bidhân who have long controlled strategic positions within the state apparatus; a domination that has only consolidated since the events of 1987 to 1991 where hundreds of citizens from minorities were killed and 80,000 exiled in Senegal and Mali. Inter-ethnic tension, repression and discrimination of non-Arab-Berbers discrimination, and slavery of the Haratin persist.

A. SLAVERY

4. Despite positive legislative progress, slavery is still common in Mauritania and its practice remains rooted in Mauritanian society. Many of the victims of slavery are victims of hereditary slaveryⁱⁱ where women pass on the status of slaves to their Haratin children. It is estimated that 90,000 people are living in a situation of slavery in 2018, representing about 2.1% of the total Mauritanian population.ⁱⁱⁱ These figures include "modern" forms of slavery such as forced labour or servitude.
5. The situation of Haratin women and children is of great concern in this regard. Statistics show that 90% of slaves are women and children.^{iv} Haratin women slaves are forcibly married and victims of rape, sexual abuse and exploitation. As slaves, they do not enjoy their right to a family and their children belong to their, so-called “master.”
6. Haratin children are often enslaved from birth or from an early age. This includes domestic servitude or animal husbandry and manual labour. The government's implementation of child protection laws is inadequate. There are no mechanisms for exchanging information between agencies and no specific mechanism for filing complaints.

i. Failures to implement the law

7. Slavery was formally abolished in 1981. It was criminalized in 2007.^v And it was made a crime against humanity in 2012 through constitutional reform.^{vi} These advances were followed by the adoption in 2015 of a more vigorous law against slavery^{vii} and a 2015 decree establishing three special courts for the fight against slavery. This law includes sanctions against denigrating a person as a slave; an insult punishable by between six and twelve months in prison.^{viii}
8. These legislative reforms, however, have been poorly implemented.
9. Before the adoption of the 2015 law, only one conviction had been made for the crime of slavery; but the culprit had only been sentenced to 2 years in prison, the legal minimum being

5 years.^{ix} Since then, not much has changed. There are still few cases where complaints have resulted in convictions.

10. Some cases have been processed. In March 2018, for example, one of the specialized courts had sentenced just three persons to 10 and 20 years imprisonment for slavery practices. Similarly, in April 2018 handed down the maximum sentence in addition to a fine of 600 euros for moral damage to three defendants of insulting them as slaves.^x In November 2019, the Specialized Court of Nema sentenced Oumar Ould Aydeh to 15 years' imprisonment and a fine of 5 million ouguiyas for slavery practices, and Ahmed Sheikh Ould Siam and Inge Ould Sebti to 10 years' imprisonment and a fine of 5 million ouguiyas.^{xi}
11. Despite these particular cases, slavery or slave-like practices persist throughout the country, and yet the culprits are rarely detained because either they flee to Mali or Senegal or because they are dead. Arrest warrants are rarely issued. The government regularly fails to investigate and rarely prosecutes.
12. The judicial system is highly partial and prevents an adequate response to reported cases of exploitation. The Néma court, for example, has been criticized both for long delays in adjudicating cases and for inappropriate application of the law; in one case handing down a sentence of 5 years' imprisonment, although under the 2015 Act the sentence was to be at least 10 years imprisonment for the crime committed.^{xii}

ii. Ingrained support for slavery

13. Reform of the judicial system is needed to improve the judicial response to continued use of slavery. The judiciary is certainly faced with practical difficulties as related to the implementation of the law. These include: a lack of resources granted to the courts, a lack of reception facilities for minor victims, no method of calculation for the evaluation of compensation for victims of slavery, the absence of a provision on legal assistance to victims, and difficult conditions for the transmission of files within the territory.^{xiii}
14. Nonetheless, such financial and technical reforms will not be sufficient to ultimately fully implement the law. Recent cases highlight that support for slavery continues to be ingrained within the power structures in Mauritania, including the judicial system, with efforts to maintain and support slavery practices in evidence in the judicial system — many eerily reminiscent of those used to maintain slavery practices in the immediate abolition period in 19th Century USA — including efforts to return escaped or freed slaves to their “masters” control.
15. For example, on 4 October 2017, a Haratin woman named Meimouna Mint Breik and her two sons were kidnapped by Jaeffar Ould Moctar, their former “master's” son and a public police officer. He took them to a locality 200 km south of Nouakchott. Meimouna's husband, Amadou Ousmane Diallo, filed a complaint at the police station. Instead of properly investigating the case, Mr. Diallo and his brother were instead arrested and brought before the Public Prosecutor, who charged the brother with “threats to the police”, thus allowing the case to be re-classified and ultimately camouflaging the existence of slavery practices.^{xiv}
16. Similarly, in September 2019, Ghaya Mint Mohamed (or Ghaya Maiga) escaped from her “master's” home. Ghaya, a 14 year-old girl born was born into a slave family of domestic servants for an Arab-Berber family.^{xv} She received 24 euros monthly salary, was confined in

the house and regularly beaten there.^{xvi} After escaping she sought help in a village south of Nouakchott reporting ill-treatment, repeated acts of violence, poor health and hygiene and forced labour. A complaint was filed by Abdallahi Abou Diop, an IRA Mauritania activist, with the Commissariat in charge of minors, and the case was transferred to the regional court of south Nouakchott. The complaint was brought against the "owner" of the slave (Lalla), Ghaya's mother and her stepfather. Nevertheless, after significant external pressure the judge ultimately determined not to detain the defendants, but rather to return Ghaya to them.

17. In another example, Beibbeu Ould Cheikhof, 8 years old, escaped from his "master" on 5 February 2020.^{xvii} The child had been born a slave and subjected to daily forced labour and corporal punishment. The Haratin boy, who has no identity documents (never provided by his master) and who has never been to school, managed to escape from his master's house. He was, however, eventually apprehended and placed by the authorities for 3 days in the same cell as his master. The chief warrant officer of the gendarmerie, who took the minor to the police office, questioned him without the presence of a lawyer and in the end the Minister of Justice, Haimoud Ould Ramdhane, refused to investigate the case.

B. GENDER-BASED VIOLENCE

18. The United Nations Human Rights Committee had expressed its concern about systematic and socially acceptable violence against women,^{xviii} in particular Haratin women.^{xix} Examples continue to fuel this concern, while the 2001 Family Code continues to treat women as perpetual minors, preventing them from enjoying their rights or seeking adequate protection.
19. On 25 March 2020, Kadijetou Oumar Sow, a woman over 30 years old, was reported missing. Found dead on 12 April 2020, her body showed signs of having been sexually assaulted.^{xx} This case is set in a context of sexual assaults followed by widespread killings. Penda Sogué, a 20-year-old girl, was raped and mutilated to death from 27 to 28 March 2013.^{xxi} Kadji Touré, aged 6, was also raped and killed in October 2013, as was Zineb mint Abdellahi, aged 10, in December 2014, Roughya mint Ahmed, aged 8, in February 2016, and Zeinabou, aged 15, in August 2017.^{xxii}
20. In May 2020, during the same week, several cases of rape were reported. Anna Barra, a 21-year-old girl according to her ID,^{xxiii} was raped in Adel Bagrou, and a 12-year-old girl was raped in Twil by the gendarmerie brigade commander.^{xxiv}
21. Since 2016, the executive has been trying to pass a bill against gender-based violence. Withdrawn by the government in 2016 and a second time in 2018 following some observations and criticisms by the National Assembly, the Council of Ministers approved a revised draft in May 2020.^{xxv} Nevertheless, the amendments to the draft result in less protection for women. For example, article 2, which defines rape, only includes rape outside marriage. Therefore, marital rape is not punishable by law, just as rape of boys is not punishable. Article 7 of the draft aims at the termination of public proceedings in the event that the complaint is withdrawn or when reconciliation has taken place between the spouses. Consequently, the facts invoked may no longer be the subject of a complaint, even in cases where the wives have been forced or induced to withdraw the complaint.
22. Moreover, many of the sanctions are insufficient vis-à-vis to the gravity of the offense. Female genital mutilation (article 27) is punishable only by 6 months to 1 year in prison and a fine or by one of these two penalties. Sequestration is punishable only by imprisonment for two to six

months and a fine or by one of these two penalties. Article 35 provides for 1 to 2 years' imprisonment and/or a fine in case of deprivation of inheritance.

23. Although the draft law is a step forward, the approval of the bill by the Council of Ministers has sparked major debates between progressives and pro-human rights and conservatives, with some even hinting at the possibility of a riot should the law promoting gender equality ever be approved.^{xxvi}
24. It remains to be seen whether, once adopted, the State will assume its share of responsibility in this area and make these provisions effective, since, for example, in 2019, the United Nations Human Rights Committee expressed its concern about the practical application of the National Strategy for Gender Mainstreaming, considering that "despite efforts, the representation of women, especially Haratins and black African women, remains insufficient, particularly in the judiciary, diplomacy and senior public service".^{xxvii}

C. DISCRIMINATION

25. Beyond slavery, the Haratin ethnic group is discriminated against in the political sphere, in their access to justice, to the labour market and to basic services such as education.
26. In 2012, the Mauritanian Constitution was amended in order to introduce the notion of cultural diversity: 'The Mauritanian peoples, united throughout history, sharing moral and spiritual values and aspiring to a common future, recognize and proclaim their cultural diversity, the basis of national unity and social cohesion and its corollary, the right to be different'.^{xxviii}
27. However, the Government does not collect statistics on the number of Haratin and Afro-Mauritanian people living in Mauritania, and data on imbalances between communities in health or education are also not updated.^{xxix} This fuels ethno-racial divisions and socio-political tensions and slows down the integration of marginalized groups,^{xxx} excluded from socio-economic opportunities.^{xxxi}
28. In May 2018, the United Nations Committee on the Elimination of Racial Discrimination (CERD) expressed concern about the discriminatory practices used against Haratins and Afro-Mauritanians that still persist today.^{xxxii}
29. A recent example illustrates the discrimination to which Afro-Mauritanians are subject. In the context of the COVID-19 pandemic, returnees arriving in Nouakchott were directed to a hotel in order to quarantine them. However, members of the families of the Minister of Defense and the Minister of Health did not suffer the same fate and were returned to their respective homes.^{xxxiii}

i. Public Participation

30. Despite advances in the law, the Haratin remain marginalized and under-represented in public and political institutions such as the High Constitutional Council, the High Islamic Council, the High Judicial Council and the National Chamber of Commerce. The Haratin are excluded from the places of power in Mauritanian society.^{xxxiv} Indeed, only 5 seats out of 95 are occupied by Haratin in the National Assembly and out of 56 senators, only one is Haratin. Moreover, of the 13 regional governors, only two are Haratin and of the 53 prefects, only three are Haratin.^{xxxv}
31. Although there are 105 officially recognized political parties in Mauritania, entities associated with the anti-slavery cause such as the IRA and the Progressive Forces for Change (FPC) have

been waiting for official recognition for years.^{xxxvi} In 2018, in total, the opposition, all trends combined, is represented in the National Assembly by 34 elected representatives^{xxxvii} out of 155 seats.

32. On 7 August 2018, the leader of IRA-Mauritania, Biram Dah Abeid, was arbitrarily arrested together with Abdallahi Houssein Messoud while preparing his campaign for the parliamentary elections. He was detained for the entire campaign period of 4 months. While in police custody, Biram Dah Abeid was locked up in an insalubrious dungeon and had his visiting rights restricted.^{xxxviii}
33. In the army, gendarmerie and police, Haratin are relegated to the lowest ranks. They are also not represented on national radio and television. Indeed, this situation has only worsened since the election of President Mohamed Ould Ghazouani in 2019. Tentative reforms enacted under the prior Presidency of Mohamed Ould Abdel Aziz to encourage greater participation of Haratin and other groups in government service have been significantly reversed with very few new open positions going to such candidates.
34. Discrimination also exists with regard to scholarships. The oil company BP had awarded nine out of ten scholarships to Arab-Berber students in February 2020, thus contributing to denying Mauritanian cultural diversity.^{xxxix}

ii. Access to justice

35. The Haratin are also discriminated against in terms of access to justice. The police, the first point of contact for victims of discrimination, do not receive complaints and sometimes even use violence against them. Anti-slavery activists who bring slavery cases to justice and support the Haratins face unsuccessful complaints. For example, the Prosecutor of Selibaby in Guidimakha, Mohamed Ould Ikabrou, refused to deal with the complaint of a victim of a slave assault in June 2020. In the rare cases where a trial is held, victims observe ineffective compensation in cases of discrimination and a lack of assistance for their integration.^{xl}
36. Securing access to justice is further complicated for the Haratin given that many of them do not have identity documents.^{xli}

iii. Land ownership

37. The Haratin are victims of land discrimination in Mauritania. Those who own land typically have been able to purchase or be allocated the most isolated plots, while the best plots of land have gone to other communities. Moreover, farmers who have been working the land for years often have no land title. And in the rare cases where they do obtain such a title, it is often only provisional. They also have to prove that they will add value to the land before being granted title to it.
38. These difficulties stem from the unresolved humanitarian issues of 1989, which include expropriations, exacerbating tensions and difficulties. The African Commission on Human and Peoples' Rights issued a decision in 2000 recommending the "restitution of property stolen during evictions; and the taking of the necessary measures for the reparation of the victims' deprivations."^{xlii} These recommendations have never been implemented by the Mauritanian government.^{xliii}

D. REPRESSION

39. The Haratin and anti-slavery human rights defenders are subject to increasing repression in Mauritania. Indeed, the authorities use a series of repressive means against them such as the banning of peaceful demonstrations and the excessive use of force against demonstrators, the banning of certain organizations and the interference of the authorities in their activities, arbitrary arrest and detention.
40. Between 2015 and 2016, 'more anti-slavery activists were imprisoned and sentenced than masters [of slaves]'.^{xliv}
41. A culture of impunity exists. For instance, a 1993 amnesty law,^{xlv} which protects the security personnel involved in the murders and expulsions of minorities in 1987-1991, has not yet been repealed.^{xlvi}

i. Freedom of association

42. The right to freedom of association is guaranteed in Article 22 of the ICCPR^{xlvii}, Article 10 of the African Charter^{xlviii} and Article 10 of the Constitution of the Islamic Republic of Mauritania. Law No. 64.098 of June 9th, 1964 only allows associations to be formed by prior authorization issued by the Minister of the Interior.^{xlix} A bill whose aim was to relax the licensing regime has been rejected.
43. Since June 15th, 2010 IRA-Mauritania has applied to the Minister of the Interior to be legally recognized by the government. Despite its efforts, IRA is still waiting for official recognition. This reveals the bias and control of the authorities over the licensing regime, allowing them to target groups expressing dissent from the government^l and muzzle any voices of resistance^{li}. As a result, leaders, members or participants in activities organized by unauthorized associations are exposed to substantial risks.

ii. Freedom of peaceful assembly

44. The right to freedom of peaceful assembly is guaranteed in Article 21 of the ICCPR^{lii} and Article 11 of the African Charter on Human and Peoples' Rights^{liii}. The Constitution of Mauritania also protects, in its Article 10, the right of all citizens to freedom of expression and assembly. Despite the ratification of these provisions, anti-slavery activists suffer official repression of their peaceful demonstrations. Not only are their peaceful assemblies banned, but activists are also subject to excessive use of force by the authorities.
45. For example, on 24 February 2017, a peaceful sit-in organized by IRA-Mauritania activists to denounce arbitrary detention practices was interrupted by police violence.^{liv} One of the activists was kidnapped and tortured by police officers for the sole reason of having participated in this meeting.
46. Similarly, on 29 October 2018, the IRA's peaceful march for the unconditional release of an IRA activist and its president, Biram Dah Abeid, was violently repressed. Several activists were injured by the police.^{lv}

iii. Freedom of Expression and Opinion

47. Anti-slavery activists are also victims of campaigns of denigration, aggression and intimidation. These campaigns highlight the religious betrayal of activists as their beliefs are

publicly challenged in major media or social networks. A serious charge in a country where apostasy is punishable by the death penalty^{lvi}.

48. Blogger Mohamed Mkhaitir was sentenced to death in January 2014 for apostasy for publishing a message criticizing the use of religion to justify slavery and discrimination.^{lvii} Although the Nouadhibou Court of Appeal overturned Mohamed Cheik Ould Mkhaitir's death sentence in November 2017, he remained the victim of a major smear campaign.^{lviii} Targeted by death threats and calls for racial and religious hatred, he remained in police custody without the right to see his relatives or lawyers.^{lix}
49. On 18 January 2018, the Mauritanian National Assembly adopted the Non-Discrimination and Criminalization of Hate Speech Act.^{lx} On 24 January 2018, three United Nations Special Rapporteurs issued a communication expressing concern about the lack of precision of some articles and its many inconsistencies,^{lxi} paving the way for the possible instrumentalization of the law against anti-slavery activists. Other sources expressed similar concerns.^{lxii} For example, article 10 of the 2018 law condemns to five years' imprisonment any person "who makes infamous statements contrary to the official doctrine of the Islamic Republic of Mauritania." This crime has no statute of limitations and can lead to the loss of civil, civil and political rights for five years.^{lxiii}
50. On the basis of this new law, anti-slavery and anti-discrimination activists, such as members of the IRA, have been accused of using "racist expressions" and "inciting hatred."^{lxiv} For example, activist and IRA-Mauritania member Mariem Dieng was arrested by police on 13 April 2020 in Riadh, Nouakchott for comments posted on her personal Facebook account. The fact that she was questioned by Mohamed Emine Amalinine, chairman of the anti-terrorist department, raises suspicions that the government is trying to equate anti-slavery activists with terrorists.
51. The COVID-19 pandemic has also had a negative impact on freedom of expression. Biram Dah Abeid had been invited by the Alwataniya television channel to host a talk show on 2 April 2020. However, shortly before the beginning of the programme, the journalist canceled it without explanation and no message was broadcasted to the public.^{lxv}

iv. Arbitrary arrests and detentions

52. Despite having acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since 2004 and to its Optional Protocol in 2012, Mauritania had broken its international commitments on several occasions. Notably, the fact that the judiciary is strongly influenced by the executive power, the lack of legal justification for the deprivation of liberty, arbitrary detentions contrary to the exercise of fundamental freedoms,^{lxvi} the absence of egalitarian judgments and the use of torture and other ill-treatment are all actions that conflict with the ICCPR^{lxvii} and the Universal Declaration of Human Rights^{lxviii} to which Mauritania is a party.
53. Between 2014 and 2018, more than 168 human rights defenders were arbitrarily arrested, some of whom were subjected to torture and ill-treatment.^{lix} Several of these involved people in positions of responsibility within the IRA.^{lxx}
54. The recent arbitrary detention of Sidi Ennagi, an IRA member whose sentence was decided by the investigating judges headed by Ethmane Ould Mohamed Malmoud, a member of the

Mauritanian slave trade, illustrates the hardening of coercion against black people in Mauritania, particularly IRA activists, as well as the complacency or complicity of certain parties in power with the descendants of slavers and the recurrence of discrimination.^{lxxi}

55. Since the beginning of 2020, there has been an increase in deprivations of liberty due to the exercise of the right to freedom of expression. Salma Mint Tolba, a biologist and alleged author of a series of audiotapes criticizing the government's response to the COVID pandemic and accusing it of inflating the number of contagions in order to receive more foreign aid.^{lxxii} These allegations are now the subject of a government investigation and led to the capture of Mohamed Abdallahi Ould Bounenna who also doubted the veracity of the official numbers of contagion.^{lxxiii} Ahmed Mohamd Elmokhtar, Abderrahmane Haddad, Othmane Ould Boubacar, Mohamed Ould Jeddou, Mohamed Ould Amar and Mohamed Ould Hayda are all serving prison sentences for contradicting the Islamists.^{lxxiv} In May 2020, Eby Ould Zeidane published comments on Facebook criticizing "the dogmatism of Islamic societies, the validity of polygamy and the validity of the Ramadan fast."^{lxxv} On 3 June, he was taken away by the police and charged with "fiats of apostasy and blasphemy, punishable by body disposal."^{lxxvi}
56. Arrests against Haratin and Afro-Mauritians are often hidden from the public. In order to mask the arrest of a human rights defender, two days before the arrest of the Haratin activist Mariem Cheikh, the police arrested Bouceif Hmeyti - the author of a hate speech against the Haratin. During her eight day long arrest, Mariem was threatened with prison for new posts on her Facebook account, in addition to being threatened to remain silent. Also, organizations such as the National Commission for Human Rights and the National Mechanism for the Prevention of Torture have made declarations against her.

RECOMMENDATIONS

In view of the above-mentioned human rights situation in the Islamic Republic of Mauritania, the Unrepresented Nations and Peoples Organization (UNPO) and the Initiative for the Resurgence of the Mauritanian Abolitionist Movement (IRA) urge the Government of Mauritania to:

- **End, immediately, the ongoing repression of Haratin and antislavery activists.**
- **Guarantee the registration of antislavery and Haratin-focused organizations such as IRA-Mauritania.**
- **Guarantee equal participation of the Haratin and non-Arabic speaking communities in public life including imposing legal obligations on executive and judicial entities to guarantee equal representation levels in public service and guaranteeing the free participation of all ethnic groups in elections for public office.**
- **Use public appropriation and funding to equalize property ownership rates in Mauritania among ethnic groups and to enable widespread access to identity documents for members of the Haratin community.**
- **Promptly and effectively investigate and prosecute all instances of slavery practices in Mauritania, including prosecuting any public officials engaged in efforts to frustrate the judicial process.**
- **Ensure the delivery of government orders to the police and judiciary to ensure that allegations of slavery and slavery-like practices are effectively investigated and prosecuted; create an integrated data system within the police and judiciary that communicates complaints between the two branches.**
- **Strengthen assistance to Haratins and Afro-Mauritanians who are no longer in a situation of slavery, in particular by providing them with legal assistance to file a complaint, temporary shelter, a centre for professionalization courses and by creating the conditions for equal access to land and property.**
- **Pass a law better criminalizing gender-based violence and regulating the prosecution of perpetrators and providing for real and effective measure of protection for victims.**
- **Revise discrimination legislation to bring it into line with the international provisions of the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ensure that the law contains: a definition of racial discrimination in line with the CERD, equality between men and women, the criminalization of the worst forms of discrimination and adequate legal protection against discriminatory practices.**

FOOTNOTES

- i Human Rights Watch Report, 'Ethnicity, Discrimination, and Other Red Lines: Repression against Human Rights Defenders in Mauritania', February 2018. Available online at: <https://www.hrw.org/report/2018/02/12/ethnicity-discrimination-and-other-red-lines/repression-human-rights-defenders>.
- ii Unrepresented Nations and Peoples Organisation (UNPO) « Haratin: Hereditary Slavery Continues Despite Legislation », 04 July 2019. Available online at: <https://unpo.org/article/21563>.
- iii Global Slavery Index 2018. Available online at: <https://www.globalslaveryindex.org/resources/downloads/>.
- iv UNPO (2015), Alternative report submitted at the 23rd session of the Universal Periodic Review of the first periodic report of the Islamic Republic of Mauritania of the United Nations Human Rights Committee. Available online at: <http://unpo.org/downloads/1321.pdf>.
- v Act No. 2007-048 on slavery.
- vi Constitutional Act No. 2012-015, amending the constitution, March 20, 2012. replaced Act No. 2007-048; Human Rights Watch Report, "Global Report 2019 - Mauritania 'Events of 2018'". Available online at: <https://www.hrw.org/fr/world-report/2019/country-chapters/325588>.
- vii Anti-Slavery Act No. 2015-031, criminalizing slavery and punishing slavery practices.
- viii « Mauritanie : « Esclave », l'injure qu'il faut désormais éviter », *Le Point Afrique*, 24 avril 2018, available at: https://www.lepoint.fr/afrique/mauritanie-esclave-l-injure-qu-il-faut-desormais-eviter-24-04-2018-2213015_3826.php.
- ix Bertelsmann Stiftung, BTI 2018 Country Report — Mauritania. Gütersloh: Bertelsmann Stiftung, 2018, available at: https://www.ecoi.net/en/file/localf/1427375/488301_en.pdf, p. 7.
- x « Mauritanie : « Esclave », l'injure qu'il faut désormais éviter », *Le Point Afrique*, 24 avril 2018, available at: https://www.lepoint.fr/afrique/mauritanie-esclave-l-injure-qu-il-faut-desormais-eviter-24-04-2018-2213015_3826.php.
- xi Moustapha Sidiya, 'Mauritanie: condamnation des esclavagistes à Néma', *Senalioune*, 26 November 2019, available at: <https://senalioune.com/mauritanie-condamnation-des-esclavagistes-a-nema/>.
- xii El Kory Sneïba, 'Journée nationale de lutte contre l'esclavage : Quand la politique s'en mêle...', *Le Calame*, 22 March 2018, available at: lecalame.info/?q=node/7011. See also: El Kory Sneïba, 'Droits humains: Manipulations, intimidations et (non) respect des recommandations,' *Le Calame*, 10 May 2018, available at: <http://lecalame.info/?q=node/7250>.
- xiii Cheikh Aïdara, 'Judge Bâ Aliou: Pourquoi il n'y a que 3 dossiers d'esclavage depuis 2015 sur toute la Mauritanie?', *Cridem*, 10 March 2018, available online at: http://cridem.org/C_Info.php?article=708847.
- xiv IRA-Mauritania, Note d'alerte, "La justice de Mauritanie camoufflage un nouveau scandale d'esclavage", 13 October 2017. Available online at: <https://biramdahabeid.org/archives/4710>.
- xv IRA-Mauritania. "Mauritanie: blanchiment et recel d'esclave - la faillite du droit", 6 July 2019. Available at: <http://www.iramauritanie.org/2019/09/mauritanie-blanchiment-et-recel-desclave-la-faillite-du-droit/>.
- xvi Statement by Ghaya Maiga available at: <https://www.youtube.com/watch?v=fCHySV5Q0zk>. Transcript: Hearing of Gaya Maiga by Abdallahi Abou Diop, President of the IRA Human Rights Section: "What's your name? My name is Gaya Mint Mohamed, I am 14 years old. What do you do with these people? I work for them. What kind of work? I do all the domestic work for the family. How much do you get paid? My pay is 10,000 thousand ouguiyas or: (25 euros per month). Do you get paid directly or not? No, the money goes to my uncle. What do they do with the money? I don't know. Do you eat with it and sleep with them? I sleep with them but not in the same place. Where do you sleep in the house then? I sleep under a blanket in the corner. Do you eat with them then? No, I eat alone in a corner too. Why did they beat you twice until you ran away? I asked to go to my parents' house, they refused saying as long as my mistress' daughter hasn't given birth, I can't leave. Did the mistress' daughter give birth? No, she hasn't yet. So when you wanted to leave, they beat you up? What did they hit you with, their hands or sticks? It's slaps raining down on my face. Who gave you the slaps? Her name is Lalla, mother of the pregnant girl and the head of the family. Did you cry or not? Yes I cried, the whole family was watching, no one said anything and they let it happen. These are scenes that have repeated many times. Why are you being beaten again today? I wanted to get some air, the chieftain didn't want me to leave the house. She asked you to pour the water, you wanted to go out to get some air, she refused, was she afraid you would run away? Yes, she was afraid I would run away. Why did she beat you again? For nothing, she hit me in the face as usual until I ran away to escape the terrible blows. What do the other members of the family say? They tell me that I have to obey the mistress' orders, I'm only here for work. What do you want now? I want to be reunited with my family".
- xvii IRA-Mauritania, Note d'alerte, "Mauritanie: encore un cas d'esclavage traditionnel sur mineur", 13 February 2020. Available at: <http://www.iramauritanie.org/2019/09/encore-un-cas-desclavage-sur-mineur-en-mauritanie-de-lostruction-a-la-dissimulation/>.
- xviii Human Rights Committee resolution CPR/C/MRT/CO/2, 23 August 2019, para. 18.
- xix Cheikh Aïdara, 'Viol d'une fillette de 5 ans : entre exigence de justice et forces féodales', *Thaqafa*, 26 May 2020, available at: <https://aidara.mondoblog.org/2020/05/26/viol-dune-fillette-de-5-ans-entre-exigence-de-justice-et-forces-feodales/>.
- xx Statement of Condolence Kadjetou Oumar Sow victim of barbarism', *Ira-Mauritania*, 13 April 2020, available at: <http://www.iramauritanie.org/2020/04/communiquedecondolencekadjetououmar-sow-victime-de-la-barbarie/>
- xxi *Ibid*.
- xxii *Ibid*.
- xxiii Some, such as IRA-Mauritania activists, suspect that Anna Barra's age has been inflated, as some relatives do not give her more than 15 years of age. See: http://cridem.org/C_Info.php?article=736374.
- xxiv Sheikh Aïdara, 'Viol d'une fillette de 5 ans : entre exigence de justice et forces féodales', *Thaqafa*, 26 May 2020, available at: <https://aidara.mondoblog.org/2020/05/26/viol-dune-fillette-de-5-ans-entre-exigence-de-justice-et-forces-feodales/>.
- xxv Cheikh Aïdara, 'Violences basées sur le genre : les barbus montent de nouveau au créneau', *Thaqafa*, 13 May 2020. Available online at: <https://aidara.mondoblog.org/2020/05/13/loi-sur-les-vbg-rebelote-et-deja-les-barbus-montent-au-creneau/>.
- xxvi IRA-Mauritania, Note d'alerte urgente. 'Mauritanie: de la femme-objet au martyre muet', 12 May 2020, available online at: <http://www.iramauritanie.org/2020/05/note-dalerte-urgente-mauritanie-de-la-femme-objet-au-martyre-muet/>.
- xxvii Resolution CPR/C/MRT/CO/2 of the Human Rights Committee, 23 August 2019, Para. 16.

xxviii Constitutional Law No. 2012-015 revising the Constitution of 20 July 1991. Available online at: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=542bf4684>.

xxix Report of the Special Rapporteur on human rights and extreme poverty on his mission to Mauritania, A/HRC/5/26/Add.1, 8 March 2017. Available online at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/053/81/PDF/G1705381.pdf?OpenElement>.

xxx In violation of Article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Available online at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.

xxxi World Bank Group, "Islamic Republic of Mauritania: turning challenges into opportunities for ending poverty and promoting shared prosperity – Systemic country diagnostic", 2017, para. 41. Available online at: <https://openknowledge.worldbank.org/handle/10986/27997>.

xxxii Concluding observations on the eighth to fourteenth periodic reports of Mauritania (23 April-11 May 2018), CERD/C/MRT/CO/8-14, para. 11. Available online at: <https://undocs.org/en/CERD/C/MRT/CO/8-14>.

xxxiii IRA Mauritanie, 'Mauritanie-Coronavirus : L'insoutenable légèreté de l'État', Note d'alerte, 16 mars 2020, available online at: <http://www.iramauritanie.org/2020/03/note-da-lerite-mauritanie-coronavirus-linsoutenable-legerete-de-letat/>.

xxxiv In violation of Article 5 CERD. Available online at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.

xxxv Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, A/HRC/26/49/Add.1, 3 June 2014. Available online at: <https://undocs.org/en/A/HRC/26/49/Add.1>.

xxxvi 'Mauritanie: il y a pléthore de partis politiques', *Le 360 Afrique*, 16 July 2018, available online at: <http://afrique.le360.ma/mauritanie/politique/2018/07/15/21891-mauritanie-il-y-plethore-de-partis-politiques-21891>.

xxxvii *Ibid.*

xxxviii IRA Mauritanie, 'Le Collectif des avocats de la Défense du Député Biram Dah Abeid et de Abdallahi Houssein Messoud', 13 December 2018. Available online at: <http://www.iramauritanie.org/2018/12/le-collectif-des-avocats-de-la-defense-du-depute-biram-dah-abeid-et-de-abdallahi-houssein-messoud>.

xxxviii IRA-Mauritanie, 'Le régime de torture morale pour Biram Dah Abeid dans sa garde à vue', 12 August 2018. Available online at: <http://www.iramauritanie.org/2018/08/le-regime-de-torture-morale-pour-biram-dah-abeid-dans-sa-garde-a-vue/>.

xxxix Amandla Thomas-Johnson, 'Oil giant BP accused of racism in Mauritania after overlooking black students', *Middle East Eye*, 18 février 2020, available at: <https://www.middleeasteye.net/news/bp-accused-racism-mauritania-after-failing-award-scholarships-black-students>.

xl Dicko Hanoune, 'Mauritanie: Mohamed Ould Ikabrou, Procureur de Selibaby dans le Guidimakha refuse de prendre en charge la plainte d'une victime', Senalioune, 16 juin 2020, available online at: <https://senalioune.com/mauritanie-mohamed-ould-ikabrou-procureur-de-selibaby-dans-le-guidimakha-refuse-de-prendre-en-charge-la-plainte-dune-victime/>.

xli Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, A/HRC/27/53/Add.1, 26 August 2014. Available online at: <https://www.undocs.org/fr/A/HRC/27/53/Add.1>.

xlii Report of the Special Rapporteur on human rights and extreme poverty on his mission to Mauritania, A/HRC/35/26/Add.1, 8 March 2017. Available online at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/053/81/PDF/G1705381.pdf?OpenElement>.

xliii African Commission on Human and Peoples' Rights, Communications Nos. 54/91, 61/91, 98/93, 164/97-196/97 and 210/98, *Malawi African Association and Others v. Mauritania*, decision adopted on 11 May 2000. Available online at: <https://www.refworld.org/cases/ACHPR,52ea5b794.html>.

xliiii *Ibid.*

xliv BTI 2018 Country Report — Mauritania. Gütersloh: Bertelsmann Stiftung, 2018, p. 7. Available online at: https://www.ecoi.net/en/file/local/1427375/488301_en.pdf.

xlvi With regard to impunity and the lack of judicial response: to date, these crimes remain unanswered, mainly because of the Amnesty Act No. 93-23 of 14 July 1993, which prevents Mauritanian military agents and armed forced representatives from being tried for acts of torture and murder committed between 1 January 1989 and 18 April 1992, as well as appropriate reparation for the victims involved. Although there is an online petition calling for the repeal of the law, a few signatures can be seen (available online [here](#)). On the other hand, a bill (available online [here](#) and [here](#)) to repeal the Amnesty Law No. 93-23 of 14 July 1993 was proposed by MP Anissa Ba of the Mauritanian opposition party Tawassoul, to establish a Truth and Reconciliation Commission, taking into consideration the human rights violations during the years 1989-90.

xlvii BTI 2018 Country Report — Mauritania. Gütersloh: Bertelsmann Stiftung, 2018, p. 6, 7. Available online at: https://www.ecoi.net/en/file/local/1427375/488301_en.pdf.

xlviii International Covenant on Civil and Political Rights, 1966. Article 22. Available online at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

xlix African Charter on Human and Peoples' Rights, 1986. Article 10. Available online at: https://www.achpr.org/fr_legalinstruments/detail?id=49.

l Article 3 Law n°64.098 of June 9th, 1964 on associations. Available at: <http://www.droit-afrique.com/upload/doc/mauritanie/Mauritanie-Loi-1964-98-Associations.pdf>

li Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association A/HRC/20/27, 21 mai 2012. Para 58, 60, 61. Available online at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf.

lii IRA-Mauritania, Information note, "Confiscation des libertés collectives et individuelles en Mauritanie", 21 April 2018. 62nd Session of the African Commission on Human and Peoples' Rights Nouakchott, 25 April to 15 May 2018.

lii International Covenant on Civil and Political Rights, 1966. Article 21 International Covenant on Civil and Political Rights, 1966. Article 21: "The right of peaceful assembly is recognized". Available online at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

liii African Charter on Human and Peoples' Rights, 1986. Article 10.1 "Everyone has the right freely to form associations with others, subject to such rules as may be prescribed by law". Available online at: https://www.achpr.org/fr_legalinstruments/detail?id=49.

liv "Les autorités versent encore une fois dans la violence", note made by IRA-Mauritania, 24 February 2017. Available online at : <https://biramdahabeid.org/archives/4446>.

lv IRA-Mauritania, Declaration of 29 October 2018.

lvi Amnesty International Report, 'Une épée au-dessus de notre tête : la répression des militants qui dénoncent la discrimination et l'esclavage en Mauritanie', 2018. Available at : <https://www.amnesty.org/download/Documents/AFR3878122018FRENCH.PDF>.

lvii IRA-Mauritania, Alert note: " La Mauritanie bascule dans le tourbillon de l'extrémisme religieux", 22 November 2017. Available online at : <http://www.iramauritanie.org/2017/11/la-mauritanie-basculer-dans-le-tourbillon-de-l-extremisme-religieux/>.

lviii *Ibid*.

lix Amnesty International Report, 'Une épée au-dessus de notre tête : la répression des militants qui dénoncent la discrimination et l'esclavage en Mauritanie', 2018. Available at : <https://www.amnesty.org/download/Documents/AFR3878122018FRENCH.PDF>.

lx Act No. 2018-023 of 18 January 2018 criminalizing discrimination.

lxi Communication Ref. N°OL MRT 5/2017, available at : <https://www.ohchr.org/Documents/Issues/Opinion/Legislation/OL-MRT-5-2017.pdf>

lxii Amnesty International Alternative report on Mauritania for submission to the UN Human Rights Committee for the 126th session, 2019. Available online at : <https://www.amnesty.org/download/Documents/AFR3803782019FRENCH.pdf>. See also: Amnesty International, Mauritania, Communication addressed to the UN Human Rights Committee, 126th session, 1-26 July 2019, available at : <https://www.amnesty.org/download/Documents/AFR3803782019FRENCH.pdf>.

lxiii Amnesty International, Alternative Report on Mauritania for submission to the UN Human Rights Committee for the 126th session, 2019. Available online at : <https://www.amnesty.org/download/Documents/AFR3803782019FRENCH.pdf>.

lxiv *Ibid*.

lxv IRA Mauritania, 'Mauritanie : la Coronacensure, souche mutante du Covid-19', 2 April 2020, available online at : <http://www.iramauritanie.org/2020/04/mauritanie-la-coronacensure-souche-mutante-du-covid-19/>.

lxvi CCPR, Articles 12, 18, 19, 21, 22, 25, 26 and 27. Available online at : <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

lxvii CCPR, Articles 5, 9(1)(3)(4), 14(1)(2)(3)(b)(g), 19(2), 21 and 22(1). Available online at : <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

lxviii Universal Declaration of Human Rights, Articles 7, 9, 10(1), 11(1), 19 and 20(1). Available online at : <https://www.un.org/fr/universal-declaration-human-rights/index.html>.

lxix Amnesty International Report, "A sword over our heads", the repression of activists denouncing discrimination and slavery in Mauritania", 2018.

lxx Working Group on Arbitrary Detention, Opinion 90/2017. Available online at : https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session80/A_HRC_WGAD_2017_90.pdf.

lxxi IRA-Mauritania "Militant antiesclavagiste derrière les verrous" 03 November 2019. Available online at : <http://www.iramauritanie.org/?s=Militant+antiesclavagiste+derri%C3%A8re+les+verrous>.

lxxii Note de synthèse, Mauritanie : hausse préoccupante des privations de liberté', *Ira-Mauritanie*, 6 June 2020, available at : <http://www.iramauritanie.org/2020/06/note-de-synthese-mauritanie-hausse-preoccupante-des-privations-de-liberte/>.

lxxiii *Ibid*.

lxxiv *Ibid*.

lxxv *Ibid*.

lxxvi *Ibid*.