



منظمة نجدة العبيد  
الحرية - المساواة - الكرامة  
**S O S - Esclaves**  
الحرية - المساواة - الكرامة



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**Anti-Slavery International, Minority Rights Group and SOS Esclaves:  
Alternative report on Mauritania's implementation of the Convention  
on the Rights of the Child (3<sup>rd</sup> to 5<sup>th</sup> periodic reports) for the 79<sup>th</sup>  
session (17 September – 5 October 2018)**

## **1. Introduction**

**Anti-Slavery International**, in consultative status with ECOSOC since 1950, was set up in 1839 and is the world's leading anti-slavery organisation. Today Anti-Slavery International works to eradicate all contemporary forms of slavery, including bonded labour, forced labour, trafficking in human beings, descent based slavery, the worst forms of child labour, and forced marriage.

**Minority Rights Group** is a non-governmental organization (NGO) working to protect the rights of ethnic, religious and linguistic minorities and indigenous peoples throughout the world. It also promotes cooperation between communities. MRG has consultative status with the Economic and Social Council of the United Nations (ECOSOC) as well as observer status with the African Commission on Human and Peoples' Rights (ACHPR). MRG is registered as a non-profit association in the United Kingdom.

**SOS-Esclaves** has been leading in the fight against slavery in Mauritania for over 20 years. It seeks to expose the realities of the practice, challenge its widespread acceptance and defend the rights of those seeking to escape slavery. It also works to end discrimination faced by people of slave descent.

Anti-Slavery International, Minority Rights Group and SOS-Esclaves have been running projects together to address descent-based slavery in Mauritania since the latter gained official legal status in 2005. Our projects help people escape from slavery and rebuild their lives as free people. We provide initial financial support and shelter, longer term vocational training and grants so they can become financially independent, and support in releasing family members who are still in slavery. We offer legal assistance to prosecute former masters. We also lobby the government to implement laws and policies protecting people from slavery.

This submission to the Committee on the Rights of the Child (hereafter the Committee) ahead of the examination of the combined third to fifth periodic reports of Mauritania at the 79<sup>th</sup> session (17 September – 5 October 2018) provides information on:

- **Children in slavery in Mauritania** (Articles 7, 8, 13-16, 28, 32, 35, 36, 39).
- **Discrimination against Haratine children and other children of slave descent** (Article 2)

It updates the information provided by our organisations in advance of and during the Committee's pre-sessional working group in February 2018, and responds in full to questions about slavery posed by Committee members during the pre-sessional working group. It also provides supplementary information in response to paragraphs 5, 6 and 11 of the *List of issues in relation to the combined third to fifth periodic reports of Mauritania (CRC/C/MRT/Q/3-5)*.

## 2. Executive Summary

Slavery based on descent remains widespread in Mauritania. Children in slavery live under the direct control of their masters and are treated as property. Like other slaves, they can be rented out, loaned, given as gifts in marriage or inherited by the masters' children. They start work for their masters at a very young age, and work long hours undertaking arduous tasks including drawing water from wells, collecting firewood, cooking, and washing clothes, cleaning, caring for the children of their master, and setting up and moving tents. They receive no payment for this work. Children in slavery experience systematic verbal and physical abuse, and girls are often sexually abused and raped by their masters. They have no access to education, no access to leisure and play time, endure poor living conditions, and have little or no access to healthcare. They are denied their right to a family life and environment

Children freed from slavery, normally as the result of action by anti-slavery organisations, do not have access to adequate rehabilitation and reintegration measures and instead face poverty and destitution. They are at risk of recapture by masters or attempts from others to coerce them back into slavery. They struggle to obtain official documents such as identification cards, which impedes their access to State services including education. They experience huge barriers in their access to justice and remedy.

Haratine children and other children of slave descent face stigma and discrimination, and barriers in access to water, healthcare and education. This limits their opportunities in life and renders them vulnerable to exploitation, child labour, forced labour and child marriage.

Since the Committee examined Mauritania's second periodic report in 2009, the Government has put in place an array of anti-slavery legislative, policy and programmatic measures. However, the Government has repeatedly shown inaction and an absence of will to implement these measures, and indeed largely denies the continuing existence of slavery, admitting only that the 'vestiges' or 'consequences' of slavery exist (*les séquelles de l'esclavage*). With the police and judiciary resistant to investigating cases and enforcing the law, perpetrators are not prosecuted and continue to own slaves with impunity. There was just one conviction under the now-replaced 2007 Anti-Slavery Law, in the case of two children - Said and Yarg Salem - who had been held in slavery since their birth, and those convicted received a very lenient sentence. Since the Special Courts on Slavery were established in 2015, prior to March 2018 there had been just one conviction with sentencing that was well below that provided by the 2015 Anti-Slavery Law. March 2018 saw two further convictions, by the Special Court on Slavery in Nouadhibou, which are currently under appeal. However, this positive development was shortly followed by a disappointing ruling by the Supreme Court in May 2018 which upheld the lenient sentencing in the Said and Yarg Salem case mentioned above, despite the case being the subject of a critical ruling by African Committee of Experts on the Rights and Welfare of the Child (ACERWC) in January 2018<sup>1</sup>.

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<sup>1</sup> <http://www.acerwc.org/the-committee-has-ruled-on-the-communication-against-mauritania/>

Slavery therefore persists despite national laws prohibiting the practice and in violation of Mauritania's obligations under the Convention and other international conventions such as ILO Conventions on forced labour and the worst forms of child labour (Nos. 29, 105 and 182). The Government has failed to ensure the enforcement of its legal and policy framework on slavery; the prosecution of perpetrators; and the protection, release, rehabilitation and access to justice of child victims of slavery.

### **3. Analysis**

#### **General Principles – non-discrimination (article 2)**

##### **DISCRIMINATION AGAINST HARATINE CHILDREN AND OTHER CHILDREN OF SLAVE DESCENT**

Despite the Government's response to the List of Issues that "there is no discrimination against...children descending from former slaves"<sup>2</sup>, Haratine children and other children of slave descent face stigma and discrimination. They experience limited access to education, water and health services, and are plagued by poverty and illiteracy.

According to SOS Esclaves, the Haratine community represents more than 40% of the Mauritanian population, a significant minority of whom still live in slavery. Discrimination against the Haratine community is deeply rooted in Mauritanian society. The majority of the Haratines who have been released from slavery suffer discrimination because of their status as former slaves and suffer from limited access to certain resources and services such as land ownership, arable land, employment, education, housing, water, food and healthcare. Those who are still in a situation of slavery are treated as property by their employers and suffer physical and verbal abuse. The discrimination experienced by Haratine women and girls is further aggravated by gender discrimination.

The majority of Haratines do not have identity documents. The requirements for access to the census and identification documents are difficult or impossible for the Haratine community, and children in particular to fulfil, with the result that they are excluded. For example, to participate in the national census, which has been ongoing since 2013, the prior registration of both parents is required. This situation intensifies the social isolation of children and the obstacles to the exercise of many fundamental rights.

The 2013 Haratines Rights Manifesto<sup>3</sup> illustrates that Haratines make up 85% of the total illiterate population. More than 80% of Haratines have not completed primary school and Haratine students represent only 5% of those enrolled in higher education institutions. Haratines are extremely under-represented among high ranking civil servants, senior executives, and middle and higher-level positions in the military, police, security forces, and judiciary. Very few senior executives from private sectors are from the Haratine community. In the city, they make up the majority of the population living in slums. In rural areas, they are also affected by extreme poverty and a high illiteracy rate.

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<sup>2</sup> CRC/C/MRT/Q/3-5/Add.1, para 23, unofficial English translation of the French document

<sup>3</sup> "Manifeste pour les droits politiques, économiques et sociaux des Haratines au sein d'une Mauritanie unie, égalitaire et réconciliée avec elle-même », 29 avril 2013, Nouakchott.

Following his country mission to Mauritania in May 2016, the UN Special Rapporteur on Extreme Poverty and Human Rights stated “There is a systematic absence from almost all positions of real power, and a continuing exclusion from many aspects of economic and social life, of the Haratines and the Afro-Mauritanians. These groups make up over two-thirds of the population, but various policies serve to render their needs and rights invisible. I was consistently told by officials that there is no discrimination in Mauritania, and certainly not on the grounds of ethnicity, race, or social origin. The repetition of such an implausible claim might reasonably be taken as evidence of the contrary. The Government’s commitment to ending the ‘vestiges of slavery’ must be expanded to address directly the most enduring and consequential ‘vestige,’ which is the continuing deep disempowerment of the great majority of former slaves.”<sup>4</sup>

In May 2018, the Committee on the Elimination of Racial Discrimination expressed its concern “...that the survival of certain social structures, traditional attitudes and cultural prejudices continue to fuel discrimination, racialization and marginalization of the Haratines, particularly in access to education, employment, housing, health and social services...the Committee is also concerned at the very limited representation by Negro-Africans (Halpular, Soninké and Wolof) and Haratines in the political and public sphere, and especially in positions of responsibility and decision-making within administration, the army and the police, elective positions at the national level, as well as in the private sector and the media.”<sup>5</sup>

### **New law on racial discrimination**

Our organisations deeply regret that the adoption on 18 January 2018 of the law "on the repression of discrimination", supposed to advance the elimination of all forms of racial discrimination, is even more stigmatizing towards the Haratine community and undermines anti-slavery organisations in the country. It is stated in the law that discrimination is defined in reference to the norm of the Sharia but without mentioning what that norm is. In doing so, the law makes the definition of discrimination unclear and undermines the principle of legal certainty. More broadly, the lack of clarity in certain sections of the law could lead to its misinterpretation and be used by the authorities to restrict freedom of expression or stigmatize civil society organisations who express their views on the discrimination faced by certain groups, such as people in, or emerging from, descent-based slavery.

In January 2018, four UN Special Rapporteurs expressed concern about the law, stating that it was not in line with international standards, and contained several provisions which could “lead to over-application, excessive restrictions on human rights and the persistence of inhuman discriminatory practices, including slavery.”<sup>6</sup>

In May 2018, the Committee on the Elimination of Racial Discrimination recommended that “the State party revise its new law on criminalization of discrimination in order to bring it into full conformity with the Convention, with due regard to the concerns raised by the Special Rapporteurs of the Human Rights Council. The State Party should include a definition of racial discrimination which contains all the elements provided for in

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<sup>4</sup> End of mission statement on Mauritania, by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights, 11 May 2016.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19948&LangID=E>

<sup>5</sup> Unofficial translation of the French document currently available, CRC/C/MRT/Q/3-5/add.1, 12 July 2018, para 11

<sup>6</sup> Mauritania: UN rights experts urge immediate reform of “flawed” anti-discrimination law, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22618&LangID=E>

Article 1 of the Convention and ensure that this law provides sufficient protection against racial discrimination.”<sup>7</sup>

## **RECOMMENDATIONS to the Government**

- Fully implement the 2018 recommendations of the Committee on the Elimination of Racial Discrimination, including to ensure a better representation of Negro-Africans and Haratines in all spheres of political, public and social life, as well as in the private sectors, the army, the police, the media; increase special measures to ensure their full integration into society, education, employment, health care; and to intensify public awareness campaigns to fight prejudice against the Haratine<sup>8</sup>
- Introduce a law specifically prohibiting discrimination based on caste or ethnicity, and accompany this with effective measures of compensation, as called for by the former UN Special Rapporteur on contemporary forms of slavery.
- Ensure the collection of disaggregated data to enable a proper understanding of the extent of discrimination faced by Haratines and others considered to be of slave descent.
- Make changes to the enrolment and identity document system to enable members of the Haratine community and people leaving slavery, including children, to be able to get identity documents which would facilitate their access to State support programmes and education.

## **Civil rights and freedoms (articles 7, 8, and 13–17)**

### **CHILDREN IN SLAVERY IN MAURITANIA (articles 7, 8, 13-16)**

#### **1. The situation of children in descent-based slavery**

Thousands of children<sup>9</sup> continue to live in descent-based slavery in Mauritania today. Children born into slavery live under the direct control of their so-called masters and are treated as property. They are deprived of all choice, agency and sense of self-worth. They can be rented out, loaned, given as gifts in marriage, or inherited by the masters’ children. They start work for their masters at a very young age, working long hours for which they receive no payment. Children in slavery often experience systematic verbal and physical abuse, and girls are often sexually abused and raped by their masters.

Children in slavery are denied a number of their Convention rights. They have no access to education, or to leisure and playtime. They are denied their right to a family life and environment. They experience daily discrimination, exploitation and violence.

Children born into slavery, of relationships between a slave and her master or between two slaves, are never recognised and do not have official documentation. Children released from slavery struggle to obtain official documents such as identification cards, which impedes their access to state services including education. The requirements for identification documents are difficult or almost impossible

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<sup>7</sup> Unofficial translation of the French document currently available, CRC/C/MRT/Q/3-5/add.1, 12 July 2018, para 8

<sup>8</sup> CRC/C/MRT/Q/3-5/add.1, 12 July 2018, para 12. Unofficial translation of the French document currently available,

<sup>9</sup> It is very difficult to know how many people are in slavery today as slavery practices are shrouded in secrecy. A tiny minority of the people suffering this form of slavery run away, and many fugitive slaves are assisted by local anti-slavery organisations SOS Esclaves and IRA Mauritania. Extrapolating from the data we have, we estimate that the number of people in slavery (both adult and children) is in the tens of thousands, and therefore the number of children affected is in the thousands. However, no definitive survey has ever been carried out.

for child victims of slavery. For example, the applicant must provide parents' details, which are often unknown to young victims of slavery.

Children freed from slavery, normally as the result of action by civil society organisations, do not have access to adequate rehabilitation and reintegration measures. They face poverty and destitution, as well as huge barriers in access to justice, remedy and restitution.

## **2. A failure to implement anti-slavery legislation**

Anti-slavery legislation is not being adequately enforced and the perpetrators of slavery still enjoy relative impunity.

### **2.1 One single conviction under the now-replaced 2007 Anti-Slavery Law: the case of Said and Yarg Salem**

There was just one conviction under the 2007 Anti-Slavery Law, prior to its replacement with the 2015 Anti-Slavery Law. This conviction was in November 2011, of slave-owner Ahmed Ould El Hassine, who had held two young boys, Said Ould Salem (born 2000, approximately 11 years old at the time of his former master's conviction) and Yarg Ould Salem (born 2003, approximately 8 years old at the time of his former master's conviction), in slavery since their birth until they managed to escape with the help of an aunt and SOS Esclaves. However, the slave master, Ahmed Ould El Hassine was given a prison sentence of just two years (well below the prescribed sentence in the now-replaced 2007 Law of five to 10 years imprisonment) and a fine of 500,000MRO (around US\$1500)<sup>10</sup>. His sister was acquitted of the same charge, and four other El Hassine brothers were convicted of failing to denounce a crime of which they were aware, and each received a 2-year suspended sentence and a fine of 100,000MRO (around US\$300). Compensation was ordered of 840,000MRO (US\$2500) for Said and 240,000MRO (US\$700) for Yarg.

Considered the property of the El Hassine family, the two boys were required to look after the family's herd of camels and were also forced to undertake domestic chores including cooking, cleaning, washing clothes and buying goods from the market. The two boys worked seven days a week without pay, with no time off (even on Fridays), no time to play; and regularly faced corporal punishments. The two children were only allowed to eat leftovers and did not attend school, nor did they learn the Quran. "We weren't allowed to eat the same food as the rest of the family, or eat at the same time as them, or sleep in the same rooms, or wear the same clothes," said Said, "We were not equal to the rest of the family, that was made obvious. They would beat us for any reason at all, and sometimes we didn't even know the reason."

The convicted slave owner appealed the decision and was released on bail pending an appeal, without any prior communication to Said and Yarg's lawyer. The appeal was not rescheduled until over four years later in October 2016, despite innumerable requests by the boys' lawyer.

The consistent failure to schedule the appeal hearing led SOS-Esclaves, Minority Rights Group and Anti-Slavery International to file a complaint against the Government before ACERWC, an organ of the African Union, in December 2015. The hearing took place in Banjul in October 2016, and ACERWC undertook an investigative in-country visit in 2017. In response to this pressure, the appeal hearing of Ahmed Ould El Hassine was finally scheduled in Nouakchott for the same week as

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<sup>10</sup> All currency conversions are approximate

the ACERWC hearing. The Appeal Court increased the level of the compensation awarded to the Salem brothers, but disappointingly, upheld the two-year prison sentence, despite its leniency.

In January 2018, we welcomed the landmark ACERWC ruling on the Said and Yarg case that Mauritania's authorities had failed to take adequate steps to prevent, investigate, prosecute, punish and remedy slavery. Ruling that Mauritania's Anti-Slavery Law does not provide adequate protection against slavery in practice, it found the State to be in violation of its obligations to protect children's rights under the African Children's Charter, including a failure to act in their best interest and protect them from discrimination, child labour, abuse and harmful cultural practices, as well as to provide for their survival and development, education, and leisure, recreation and cultural activities<sup>11</sup>. Mauritania is now required to provide Said and Yarg Salem with compensation, psychosocial support and education and ensure that all the perpetrators are brought to justice. It must also take wider steps to eradicate child slavery in Mauritania, including providing special measures for child victims and making the elimination of slavery a priority.<sup>12</sup>

Despite this clear ruling, in May 2018 the Supreme Court upheld the decision of the Appeal Court, thus reconfirming a sentence that was far below that provided in the now-repealed 2007 Anti-Slavery Law. At the time of writing, our lawyer has not yet received the Court's reasoning for this decision.

## **2.2 Three convictions under the 2015 Anti-Slavery Law**

The establishment in 2015 of a stronger Anti-Slavery Law and the Special Courts for Slavery has done little to address the persistent problems of poor implementation of law, failure to prosecute perpetrators and failure to ensure justice and remedy for child victims of slavery. Between the establishment of the Special Courts for Slavery in 2016 until February 2018, there was just one single conviction by the Courts. Again, the sentencing in this case was extremely lenient given the gravity of the crime and well below that provided by the 2015 Anti-Slavery Law. In March 2018, there were two further convictions, both by the Special Court in Nouadhibou.

### **2016 conviction by the Special Court in Nema**

In May 2016, the Special Court in Nema convicted two slave owners, Sidi Mohamed Ould Hanana (aged 75) and Hlehana Ould Hmeyada (aged 31), of slavery. They were sentenced to five years imprisonment, with one year to be served and four years suspended, and ordered to pay significant compensation to two female victims, Fatimetou Mint Hamdi and Fatimata Mint Zaydih. However, this sentence is still extremely lenient; just one-year imprisonment to be served is well below the 10 to 20 years imprisonment provided by the law.

The convicted slave owners come from a highly influential and powerful family. Fatimetou and Fatimata, both aged between 35 and 40 at the time of conviction, had lived with the family since birth, serving as their slaves throughout their childhood and adult years. They escaped from slavery with their children in 2015, with help from local anti-slavery activists.

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<sup>11</sup> The Committee found the Respondent State in violation of its obligations under article 1 (obligation of states parties), article 3 (non-discrimination), article 4 (best interests of the child), article 5 (survival and development), article 11 (education) article 12 (leisure, recreation and cultural activities), article 15 (child labour), article 16 (protection against child abuse and torture) and article 21 (protection against harmful social and cultural practices).

<sup>12</sup> [http://www.acerwc.org/download/acerwcdecision\\_communication\\_mauritania\\_final\\_english/?wpdmdl=10278](http://www.acerwc.org/download/acerwcdecision_communication_mauritania_final_english/?wpdmdl=10278)

The two defendants had both pleaded not guilty and a full public trial was held. Although Fatimetou was put under pressure to negotiate an out of court settlement with her former masters and finally withdrew her complaint, SOS-Esclaves was able to act as civil party in the case, enabling it to be brought to court. Fatimata attended the public trial and spoke very compellingly about what she had suffered. When the masters were denying the charges, she began crying out: ‘That’s not true, you know what we were to you!’

In her testimony, Fatimata described how she was the property of four masters from the same family, who shared her so each one had a period of the year where she was at their service:

“I herded their goats from a very young age. But I was never allowed to milk the goats to feed myself or my children. I was only ever allowed to eat the leftovers from the masters’ meals, which I cooked. Sometimes my masters would see me getting ready to eat and they would suddenly confiscate my food. So sometimes my children and I would go for several days without eating. I never received any money or anything else for the work I did. When I went out with the animals for long periods, my children would remain with the larger family of masters. My 10-year old son became the slave of one of the masters, and was under his control all the time. This meant I never knew that my boy was eating enough, or if he was eating at all.”

In July 2016, following an appeal by the lawyer against the leniency of the sentence, the Court of Appeal upheld the prison sentence, although increased the compensation awarded to the victims from 1 million MRO (approx. \$2,900) to 6 million MRO (approx. \$17,400). The lawyer once again appealed the lenient sentencing before the Supreme Court, and unfortunately despite expressed concerns about the safety risk posed to the victims, the ‘masters’ were both released pending the appeal, which is not known to have taken place at the time of writing.

### **2018 convictions by the Special Court in Nouadhibou**

In March 2018, in the first ever session of the Special Court in Nouadhibou (almost three years after the Courts were established), convictions were handed down in two cases:

#### ***The case of Rabiaa and sisters***

The case was brought by SOS Esclaves acting as civil party, and concerns three sisters named Rabiaa (born in 1989), Aminetou (born in 1990) and Nana (born in 2000), who had been held in slavery since their birth by a mistress called Riva Mint Dah Ould Mouhaimoudy. They also have four other siblings who had not been held in slavery. They first filed a complaint in August 2011 (under the previous Anti-Slavery Law) which was then subjected to several years of delay before its eventual transfer to the jurisdiction of the Special Court in Nouadhibou in early 2017.

In March 2018, at the first ever session of the Special Court in Nouadhibou, Riva Mint Dah Ould Mouhaimoudy, was sentenced to 10 years imprisonment, a sentence in line with the 2015 Anti-Slavery Law, and a fine of 25,000 New Ouguiyas (new Mauritanian currency, MRU, approximately US\$700.) As the victims withdrew their complaint (the case was able to continue with SOS Esclaves acting as civil party), there was no compensation awarded. The accused has appealed the decision and was released on bail pending an appeal hearing.

#### ***The case of Boujimea Ould Bilal and 3 family members***

In the same hearing, the case of Boujimea Ould Bilal and three family members, who were the slaves of two masters, Hamoudy Ould Salek and Salek Oumar Ould Mohamed, was tried in absentia. The

Judge sentenced one of the accused to the maximum prison sentence of 20 years, a fine of 100,000 New Ouguiyas (US\$2800), and compensation payable to the victims of 5 million New Ouguiyas (US\$140,000). The other accused in the case is now deceased.

### **3. Obstacles for successful prosecution of slavery cases**

A major obstacle for the access to justice of victims has been the inaction of police officers and prosecutors' offices when cases of slavery are reported. The 2015 Anti-Slavery Law, just like the 2007 law, provides for prison sentences and fines for law enforcement officials or the office of the prosecution when they fail to follow up on serious allegations of slavery. It is our organisations' ongoing experience that a large number of actors in the judicial chain, such as police officers, judges or prosecutors, are not investigating allegations that have been reported. Nonetheless, to date there has been no investigation and/or prosecution for breach of this obligation to investigate and to prosecute.

If investigations take place, they are usually limited to interviewing the victims and alleged masters, and often bringing the two together which places enormous pressure on vulnerable victims to change their testimonies. Another impediment to effective prosecutions is the fact that in the majority of cases our organisations have brought to the courts, the accused was released on bail while the civil party had not been notified, in total contradiction with the provision of the criminal procedural code. The accused disappear in neighbouring countries and are never to be found again which prevents the case from progressing. Moreover, in such cases, even if detention should be the last resort in principle, considering the seriousness of the crime, risk of escape and the safety of the victim and potential witnesses, release on bail should not be granted systematically and the civil party should be notified of such decisions and be able to oppose it.

Some cases brought to the attention of the authorities are not prosecuted as slavery crimes under the provisions of the Anti-Slavery Law, but instead re-classified into minor offenses, such as work-related conflict under the labour code or exploitation of minors. In other instances, cases are resolved with informal settlements. Victims report intimidation by the police and judicial officials in order to get them to reach a settlement with their former master.

Common to all of the legal cases brought by our organisations is the fact that procedures and deadlines at all stages of the process are regularly not respected. Article 38, which provides that the Prosecutor must decide whether or not to prosecute within eight days is routinely ignored. Many cases are dismissed by the prosecution without sufficient investigation or reasonable grounds. There is no victim or witness protection measures in place, which deters victims and witnesses from coming forward.

While we welcome the two recent convictions by the Special Court in Nouadhibou, it is of concern that this positive development was followed shortly afterwards by a disappointing ruling by the Supreme Court in the Said and Yarg Salem case, which was also against the clear ruling of the ACERWC.

Our organisations have many legal cases pending, all of which have been stalled at various stages for a number of years. All pending slavery cases brought prior to the 2015 Anti-Slavery Law and the establishment of the Special Courts have in theory been transferred to the jurisdiction of the Special Courts. Yet, each of the three Special Courts covers a vast territorial jurisdiction, and each Court is presided over by just one Judge. This represents significant capacity problems for the Special Courts. The Special Court in Nouakchott is yet to issue a single ruling in three years. Furthermore, in recent

weeks, two out of the three presiding Judges for the Special Courts have been removed by the executive.

The situation is characterised by an almost permanent incapacity of the police and judicial authorities to take charge of the cases of slavery brought to their attention, of the prosecutors to carry out an appropriate investigation on the reported cases, and at every stage of the judicial process to respect the procedures and to punish the offenders according to the law. In part, these shortcomings are due to a lack of training. Despite the Government's report to the contrary, training of members of the judiciary and the police remains a prerogative of civil society organisations and international organisations.

Most significantly, our organisations regret to report a continued lack of political will to implement anti-slavery laws and other measures. The President and other senior government officials have continued to deny the existence of slavery categorically, acknowledging only that 'vestiges' or 'consequences' of slavery exist (*les séquelles de l'esclavage*). President Aziz, who wields an enormous amount of power in Mauritania, has said repeatedly that slavery no longer exists, and that any so-called 'slave' is someone who chooses to be a slave. Such statements on the non-existence of slavery send a damaging message to those authorities who are responsible for implementing anti-slavery legislation, and significantly reduce the likelihood that the legislation will be enforced, perpetrators prosecuted, and victims compensated.

In May 2018 the Committee on the Elimination of Racial Discrimination stated its concern "... at the difficulties faced by the victims of slavery to lodge a complaint with a view to asserting their rights with the police authorities and persistent difficulties in investigating such cases, gathering evidence, to prosecute the perpetrators of such practices effectively and quickly and to punish them adequately. The Committee is also concerned at the lack of adequate resources for functioning of the three specialized courts of Nouakchott, Nouadhibou and Néma and, the fact that the sentences handed down so far in slavery cases are not always proportional to the seriousness of the crime.<sup>13</sup> The Committee recommended that the State party "ensure that the victims of slavery can actually complain without any form of pressure and ensure that they are registered, investigations are conducted, prosecutions take place, and that those responsible are sentenced proportionally to the seriousness of the facts. It also recommends that the State Party provide the three special courts of Nouakchott, Nouadhibou and Néma with adequate financial means and staffing for their proper functioning."<sup>14</sup>

#### **4. Failure to implement new anti-slavery policy and programmatic measures**

As previously reported to the Committee, the Government has shown inaction to make effective the array of anti-slavery initiatives it has announced in past years. It is clear that most of the recommendations of the 2014 UN Road Map for the elimination of the vestiges of slavery have not been implemented. Furthermore, the Tadamoun Agency (Tadamoun), whose mandate is to combat poverty, address the consequences of slavery, and promote the reintegration of Mauritanian refugees, has undertaken little work on slavery. In theory, Tadamoun may lodge complaints on behalf of the victims of slavery as a civil party. However, Tadamoun is, administratively, under the direct control of the executive branch of government. In practice, it has not lodged any complaints and has focused on the 'poverty reduction' aspect of its mandate, with projects around education, healthcare and water but no specific efforts to reach people of slave descent or those in slavery. Very few former

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<sup>13</sup> Unofficial translation of the French document, para 15

<sup>14</sup> *Ibid*, para 16

slaves have received any financial support from Tadamoun. Since 2014, SOS Esclaves has submitted a list of victims to the Agency. However, of the many cases submitted, only three have been supported by Tadamoun to date. Civil society organisations have no choice but to fill in the gaps left by the Government in accompanying victims in their transition from slavery and providing socio-economic support to enable them to establish independent livelihoods. Tadamoun does not have a clear plan of action to eradicate slavery, nor does it seem to intend to create one.

### **RECOMMENDATIONS to the Government**

- The President and other senior Government officials should publicly recognise that slavery is still practised in the country, in addition to the separate problem of the legacy and vestiges of slavery, and should call for its end.
- Strictly enforce anti-slavery legislation to ensure that those responsible for slavery are investigated, prosecuted, and receive and serve sentences that are commensurate with the crime. Investigate cases where police, prosecutors and judges have allegedly failed to enforce the law and apply existing criminal sanctions where necessary.
- Ensure that the Special Courts for Slavery have the necessary financial and human resources required to function effectively.
- Conduct nationwide training for police, prosecutors, administrative and judicial authorities on the 2015 anti-slavery law to ensure that slavery cases are dealt with effectively.
- Take action to identify and release children from slavery, and create a comprehensive rehabilitation programme including accommodation and provisions in the medium term and education, vocational training and credit in the long-term, as well as access to identity documents and other state support services. The Government should also ensure the child victims of slavery are able to access their right to justice, remedy and restitution.
- When slavery-related complaints are filed, slavery victims should immediately be referred to the Tadamoun Agency for State assistance. This should include processes to ensure that their identity documents are processed through an accelerated mechanism, free of charge, and that financial and administrative support is provided to register children at schools and support their integration into education.
- Collect detailed data on the nature and incidence of slavery in Mauritania and establish procedures for monitoring and evaluating implementation of efforts to end slavery.
- Fully implement all anti-slavery measures, including the 2014 Road Map, ensuring adequate resourcing, coordination with anti-slavery NGOs, and consultation with those affected.
- Allow anti-slavery activists and other human rights NGOs to operate freely.

### **Education, leisure and cultural activities (articles 28–31)**

Child victims of slavery who have managed to leave their masters, and Haratine children and other children of slave descent, have difficulty in accessing education. Public schooling beyond the age of 10 is only available to those with identity cards, yet as noted above, the requirements for identification documents are difficult or almost impossible for child victims of slavery to fulfil. It is estimated that more than 80% of Haratines have not completed primary school.

### **RECOMMENDATIONS to the Government**

- Make changes to the enrolment and ID system to enable children leaving slavery and Haratine children to get identity documents which would facilitate their access to state support programmes and education. Ensure that their identity documents are processed through a simplified and accelerated mechanism, free of charge, and that financial and

administrative support is provided to register these children at schools and support their integration into education.

## **Special protection measures (articles 22, 30, 32, 33, 35, 36, 37 (b)–(d), and 38–40)**

### **1. Descent-based slavery (articles 32, 35, 36)**

As evidenced throughout this report, children in descent-based slavery live under the direct control of their masters and are treated as property. They can be rented out, loaned, given as gifts in marriage or inherited by the masters' children. Children in slavery in Mauritania work long hours undertaking arduous tasks and receive no payment for this work. They experience systematic verbal and physical abuse, and girls are often sexually abused and raped by their masters.

### **2. Difficulties experienced by child victims of slavery after their release (article 39)**

Children freed from slavery, normally as the result of action by civil society organisations, do not have access to adequate rehabilitation and reintegration measures as required under article 39 of the Convention. They face poverty and destitution. As noted previously, very few former slaves have received any financial support from Tadamoun to date, despite SOS Esclaves submitting a list of many victims to the Agency.

The absence of effective State programmes and policies to provide socio-economic support to children emerging from slavery is a huge challenge. Children are hugely vulnerable to further exploitation, including child labour or child marriage, or indeed a return to their former masters given the psychological pressure on them due to the nature of descent-based slavery. Additionally, girls may have children themselves, which involves additional economic and care responsibilities, and stigma given socio-cultural and potentially legal sanctions on sex outside of marriage.

The lack of identity documents creates a huge barrier in access to State services (which are already very limited) for child victims of slavery. Children born of relationships between a slave and her master, or between two slaves, are rarely recognised and do not have official documentation. Children released from slavery struggle to obtain official documents such as identification cards, which impedes their access to State services including education, because the requirements for such documents are difficult or almost impossible to fulfil. For example, the applicant must provide parents' details, which are often unknown to young victims of slavery.

As detailed previously in this report, child victims of slavery face huge barriers in access to justice, remedy and restitution. Anti-slavery legislation is not being adequately enforced and the perpetrators of slavery still enjoy relative impunity. Child victims of slavery are rarely supported by the authorities to file slavery cases and seek justice. There are no additional safeguards or redress for child victims whose cases are brought before the courts. The courts do not apply victim or witness protection measures despite the risks posed to the safety of victims and those who testify in their favour.

## **RECOMMENDATIONS to the Government**

- Strictly enforce anti-slavery legislation to ensure that those responsible for slavery are investigated, prosecuted, and receive and serve sentences that are commensurate with the crime. Investigate cases where police, prosecutors and judges have allegedly failed to enforce the law and apply existing criminal sanctions where necessary.
- Take action to identify and release children from slavery and create a comprehensive rehabilitation programme including accommodation and provisions in the medium term and education, vocational training and credit in the long-term. The Government should also ensure the child victims of slavery are able to access their right to justice, remedy and restitution.