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2020 Trafficking in Persons Report: Mauritania

MAURITANIA: Tier 2 Watch List

The Government of Mauritania does not fully meet the minimum standards for the elimination of trafficking, but is making significant efforts to do so. The government made key achievements during the reporting period; therefore Mauritania was upgraded to Tier 2 Watch List. These achievements included convicting five hereditary slaveholders—cases that had been pending since 2011 and 2015. The government solicited input from, and coordinated with, civil society to draft new anti-trafficking legislation and an anti-trafficking national action plan. To prevent child forced begging in Quranic schools, the government launched several initiatives, including raising awareness with imams and religious leaders on child trafficking, establishing an inter-ministerial committee on child forced begging, collaborating with an NGO on publication of a child protection guide, and operating a cash transfer program. Despite these achievements, the government has rarely imprisoned convicted slaveholders, and the government did not proactively identify any trafficking or hereditary slavery victims. Government agencies charged with combating trafficking and hereditary slavery continued to lack the resources, personnel, and political will to prosecute politically connected offenders, and reports persisted of officials refusing to investigate or prosecute perpetrators.

PRIORITIZED RECOMMENDATIONS:

Direct law enforcement to investigate all allegations of slavery and trafficking and hold government officials accountable for failure to investigate alleged hereditary slavery offenses and interference in ongoing investigations. • Significantly increase efforts to investigate, prosecute, and convict traffickers and slaveholders with appropriate prison terms in accordance with the 2003 anti-trafficking and 2015 anti-slavery laws, and mandate that any human trafficking cases tried under the 2003 anti-trafficking law are automatically referred to the anti-slavery courts. • Continue to increase funding for the anti-slavery courts, ensure each of the anti-slavery courts is appropriately staffed with a dedicated prosecutor (*procureur*), judge of inquiry, and trial judge, and train prosecutors and judicial officials on both the 2003 anti-trafficking and 2015 anti-slavery laws. • Develop standard procedures to identify and refer trafficking and hereditary slavery victims to care, and train authorities on the procedures' implementation. • Institute measures to support trafficking and hereditary slavery victims during investigations, including providing easier access to legal assistance and protection from intimidation and threats from their alleged traffickers. • Partner with NGOs to provide shelter and services to all trafficking victims, including adults. • Proactively screen for trafficking indicators among vulnerable populations, including sexual abuse victims, women in commercial sex, and irregular migrants, and cease detaining, deporting, or otherwise penalizing potential trafficking victims. • Investigate and prosecute individuals accused of fraudulently recruiting Mauritians abroad for exploitation in forced labor and sex trafficking. • Legally recognize anti-trafficking NGOs and allow them to register and operate freely within the country without undue government interference. • Implement the anti-trafficking national action plan to address all forms of trafficking, including hereditary slavery and forced labor, with input from civil society and all relevant ministries in the government. • Continue to enhance dialogue with civil society working on anti-slavery issues and, with input from civil society, develop and implement a plan to continue providing assistance to former slaves and members of traditional slave castes to allow them the opportunity to leave their communities of enslavement. • Increase public awareness campaigns against trafficking, including hereditary slavery.

PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts. The 2003 Law Against Trafficking in Persons criminalized sex trafficking and labor trafficking, except hereditary slavery, and prescribed penalties of five to 10 years' imprisonment and a fine of 500,000 to one million Mauritanian ouguiya (MRU) (\$13,510-\$27,030), which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The 2015 anti-slavery law criminalized hereditary slavery and prescribed sufficiently stringent penalties of five to 20 years' imprisonment and a fine of 250,000 to five million MRU (\$6,760-\$135,140). During

the reporting period, the government collaborated with an international organization to revise the 2003 Law Against Trafficking in Persons to increase base penalties for trafficking and expand victim protection provisions. The government coordinated with the international organization to host workshops to solicit input from civil society organizations and other government ministries. The cabinet approved the draft legislation in March 2020, which was pending parliamentary approval at the end of the reporting period.

As in previous years, the government did not report comprehensive law enforcement data during the reporting period. According to media and government reports, the government investigated at least one case, prosecuted three alleged traffickers, and convicted five traffickers, an increase from four investigations, one prosecution, and zero convictions the previous reporting period. Judicial police investigated the case of a girl in domestic servitude to a family for whom her mother previously worked in Nouakchott. After the initial judicial police investigation report, the public prosecutor's office ordered an additional investigation; in September 2019, the public prosecutor charged three suspects in the case. The Nema anti-slavery court convicted five traffickers in three cases that had been pending since 2011 and 2015; all five were convicted in absentia and sentenced to between five and 15 years' imprisonment. The Ministry of Justice (MOJ) issued formal extradition requests through INTERPOL for the convicted in order for them to serve their sentences. No slave owners or traffickers are currently in prison and NGOs reported several of the convicted traffickers appealed their court's decision. A total of 10 cases are pending before the three anti-slavery courts: four before the Nema court, four before the Nouadhibou court, and two before the Nouakchott court. NGOs reported the government did not initiate any new investigations into fraudulent recruitment.

Three regional anti-slavery courts had exclusive jurisdiction over trafficking and hereditary slavery cases; however, the courts lacked the staff, funding, and resources to investigate and prosecute trafficking and hereditary slavery crimes throughout their regions. The three courts received a total of 900,000 MRU (\$24,320) during the reporting period, an increase from a total of 700,000 MRU (\$18,920) during the previous reporting period. While the appointed judges received specialized training on the 2015 anti-slavery law, they have not been trained in its enforcement and the unique challenges of investigating hereditary slavery cases, including how to prevent slaveholders from intimidating victims to withdraw their cases. Moreover, while other topical courts had specialized prosecutors, there were no specialized prosecutors for the anti-slavery courts. Judicial shuffles affected the anti-slavery courts twice during the previous reporting period; during the annual meeting of the government's judicial council in December 2019, the government opted not to replace any of the existing anti-slavery court judges. The MOJ directed all courts to transfer cases under the 2015 anti-slavery law to the anti-slavery courts; judges transferred nine hereditary slavery cases and officials reported no hereditary slavery cases remained with local courts.

Efforts to address hereditary slavery remained weak. Despite past persistent concerns of official corruption impeding investigation of hereditary slavery cases, the government did not report any prosecutions or convictions of government officials accused of corruption related to human trafficking and hereditary slavery offenses. Four Mauritanian soldiers and police officers deployed as UN peacekeepers to the Central African Republic (CAR) were accused of sexual misconduct in 2019; the government appointed a national investigation officer to investigate one of the four allegations involving two Mauritanian soldiers. The other three allegations are pending investigation by the UN. Some police, prosecutors, and investigative judges reportedly refused to investigate and try cases of hereditary slavery or to acknowledge hereditary slavery continued to occur. The government at times relied on lesser statutes to punish potential slavery offenses due to a lack of adequate training for government officials and a lack of political will to prosecute such offenses. NGOs reported some local authorities encouraged victims and their families to resolve trafficking and hereditary slavery cases through social mediation rather than through the criminal justice system. Although prosecutors have a legal obligation to transfer slavery cases to the anti-slavery courts, some prosecutors encouraged victims to withdraw their complaints in exchange for a small amount of financial compensation. *Corrupt marabouts* (Quranic teachers) suspected of exploiting *talibés* (Quranic students) in forced begging are rarely prosecuted and usually enter agreements with prosecutors to drop cases. The government provided trainers for international organization-sponsored trainings for 270 police officers, gendarmes, and customs officers working in border areas on human trafficking and migrant smuggling during the reporting period.

PROTECTION

The government maintained insufficient efforts to identify and protect trafficking victims. Similar to the previous reporting period, the government did not report identifying any trafficking victims. An NGO reported identifying 2,704 child forced begging victims and 364 child sex trafficking and domestic servitude victims in 2019. The government did not have formal measures to identify trafficking victims or refer them to care, but the Ministry of Social Affairs (MASEF) continued using existing referral procedures for child victims of crime. An international organization produced a manual for border agents that included victim identification; however, the border agents did not consistently use the manual during the reporting period. NGOs noted social workers lacked training

to identify trafficking victims, including in domestic work and commercial sex, and did not know where to refer identified victims for care. MASEF reported supporting 350 children at risk of, or victims of, violence, abuse, and exploitation, which could include trafficking victims, at its public day centers, similar to 360 children during the previous reporting period. Some children received socio-legal assistance, medical care, and educational support from NGOs. The government did not provide financial or in-kind support to NGOs that continued to provide the majority of protective services to trafficking victims. An international organization received requests to assist the reintegration of 50 Mauritanian trafficking victims in Gulf countries.

MASEF managed seven public day centers for the protection and social integration of children that provided basic educational services, such as vocational training and literacy programs, which child trafficking victims could access. In addition, two of its day centers in Nouakchott could provide overnight and long-term care for child victims of crime. Because most of MASEF's day centers closed at night, some *talibés* and other vulnerable children risked returning to their exploitative situations or sleeping on the streets; however, MASEF was able to place most children with host families at night. After short-term care, MASEF generally referred victims to other government shelters or NGOs for long-term care and vocational training; MASEF continued to assist approximately 700 vulnerable children identified in previous years. Government shelters accommodated both Mauritanian and foreign victims, although no shelters could accommodate adults; victims had to depart MASEF centers at age 18. Psychological support for trafficking victims is insufficient and not offered in languages other than French or Arabic. The lack of long-term rehabilitative care rendered victims vulnerable to re-trafficking. The government did not provide any services to protect victims from threats or intimidation from their traffickers. In 2019, an international organization conducted microbusiness training for Mauritians exploited in trafficking abroad with support from the government.

The government did not have a formal policy to encourage victims to assist in investigations and prosecutions against their alleged traffickers. NGOs reported the government often brought victims and accused traffickers together when interviewing, which placed enormous pressure on victims to change their testimony. The 2015 anti-slavery law provided for comprehensive legal assistance for victims of hereditary slavery and the creation of support centers in each province; however, the government did not report implementing such provisions during the reporting period. The law allowed victims to obtain restitution, although the complex and opaque legal system made such efforts extremely difficult; the Nema anti-slavery court collectively awarded 5 million MRU (\$135,140) restitution to 15 victims. Victims could also file civil suits against their traffickers; however, the government did not report any victims doing so, in part due to their lack of awareness of this option. Mauritanian law allows potential victims to file for asylum or refugee status; however, the government did not report granting these legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. There were reports the government penalized and imprisoned on fornication charges girls who had been sexually abused, some of whom were likely victims of domestic servitude or sex trafficking; however, the draft anti-trafficking legislation includes provisions that could be used to protect trafficking victims from penalization under fornication charges. Officials jailed women suspected of engaging in commercial sex and held irregular migrants in detention until their refugee status was resolved, without screening for trafficking.

PREVENTION

The government increased efforts to prevent human trafficking. The prime minister's office coordinated the government's inter-ministerial response to human trafficking. The inter-ministerial anti-trafficking committee, which reported to the prime minister, did not meet during the reporting period. During the reporting period, the government drafted and approved a new anti-trafficking action plan in coordination with an international organization. The government and a separate international organization conducted a workshop to solicit input from international partners and civil society in February 2020. The government collaborated with an NGO to organize five forums for 90 imams and religious scholars on child exploitation and forced begging. In addition, the government created an inter-ministerial committee to combat forced begging comprising officials from MASEF, the Ministry of Islamic Affairs and Traditional Education (MIATE), Ministry of Interior, and Human Rights Commission. MIATE continued implementing a program begun in 2016 to modernize *mahadras* (Quranic schools) in poor areas to reduce students' vulnerability to forced begging by providing cash transfers to families, paying the rent for the buildings, and providing math and French lessons to participating Quranic schools; in 2019, 60 schools participated in the program reaching approximately 1,800 children. In conjunction with the modern *mahadras* program, MIATE partnered with 8,000 imams to provide literacy classes for adults that address child rights issues, including child labor and child trafficking. The government provided 1.5 million MRU (\$40,540) to the independent National Commission for Human Rights and NGOs to lead a traveling awareness campaign through the northern and eastern regions of the country to raise awareness among communities vulnerable to slavery about domestic legal protections against slavery and forced labor. In November 2019, the government established the Agency for National Solidarity and the Fight against Exclusion (Taazour) to replace Tadamoun, the former government agency mandated to

address poverty and the “vestiges of slavery.” Taazour is mandated to provide education, economic opportunity, and health services to vulnerable communities, in particular communities traditionally subjected to hereditary slavery. The government allocated four billion MRU (\$108 million) to Taazour for fiscal year 2020. In contrast to previous years, there were no reports the government harassed or prevented anti-slavery activists from operating in Mauritania during the reporting period. Multiple organizations working on anti-slavery issues remained unable to legally register, limiting their ability to operate in the country; the government drafted new legislation to ease registration of NGOs in the country, but the legislation remained pending at the end of the reporting period. The government did not make efforts to reduce the demand for commercial sex acts. The government organized twelve regional consultations in 2019 with over 500 participants, including trade unions, to discuss forced labor risks in recruitment practices. In 2017, the government signed a memorandum of understanding with Saudi Arabia to increase protections for prospective domestic workers; according to NGOs, the government did not report on the effectiveness of the agreement to prevent trafficking. The government continued working with an international organization to study the scope of forced labor in Mauritania; following delays, the final report is expected in September 2020. The government continued partnering with an international organization to issue identification cards to Malian refugees—as well as birth certificates to Malian refugee children born in Mauritania—in Mbera camp to reduce vulnerability to trafficking. The government did not provide anti-trafficking training to its diplomatic personnel. In coordination with a foreign donor, the government provided anti-trafficking training to its troops prior to their deployment as peacekeepers; however, in September 2019, three Mauritanian personnel allegedly engaged in sexual exploitation while on mission in the CAR.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mauritania, and traffickers exploit victims from Mauritania abroad. Adults and children from traditional slave castes in the Haratine (Black Moor) and Afro-Mauritanian (Halpulaar, Soninke, and Wolof) communities are subjected to hereditary slavery practices rooted in ancestral master-slave relationships, where they are often forced to work without pay as cattle herders and domestic servants. Although reliable data on forced labor and hereditary slavery does not exist, local and international experts agree hereditary slavery continues to affect a small, but not insignificant, portion of the country's population in both rural and urban settings. Many former slaves and their descendants remain in dependent relationships with the family of their former slaveholders due in part to cultural traditions as well as a lack of skills and alternate economic opportunities. Some former slaves reportedly continue to work for their former masters or others under exploitative conditions to retain access to land they had traditionally farmed. Corrupt *marabouts* force boys from Mauritania and other West African countries who study at *mahadras* to beg for food and money; boys from low-income families in the Halpulaar community are particularly vulnerable. According to a 2015 survey, approximately 41 percent of Mauritanian children lack birth certificates and are thus generally not permitted to enroll in school, which increases their risk for trafficking. Fraudulent recruiters promise Mauritanian women and girls—especially those from the traditional slave castes and Afro-Mauritanian communities—shelter and an education, but force them into domestic servitude, especially in larger cities such as Nouakchott, Nouadhibou, and Rosso. Children of Haratine and Afro-Mauritanian descent working in the fisheries sector are vulnerable to forced labor. An NGO reported traffickers coerce women and children to smuggle illicit drugs. West African women and girls, especially Senegalese and Ivoirians, are vulnerable to domestic servitude and sex trafficking in Mauritania. Refugees in Nouadhibou reportedly engage in commercial sex due to their dire financial situations, increasing their vulnerability to sex trafficking. Mauritanian, Nigerian, and Senegalese traffickers in the port city of Nouadhibou exploited Sub-Saharan African migrants transiting Mauritania en route to Morocco and Europe in forced labor and sex trafficking. Foreign agencies and Mauritanian intermediaries fraudulently recruit Mauritanian women for nursing and teaching jobs abroad and exploit them in domestic servitude and sex trafficking in the Gulf, including Saudi Arabia. Men from Middle Eastern and North African countries use legally contracted temporary marriages to sexually exploit Mauritanian girls and young women. Mauritanian women and girls from poor families enter into these forced marriages, facilitated by brokers and travel agencies in both Mauritania and in the Middle East, promising substantial payment, and are exploited as sex slaves and in sex trafficking in Saudi Arabia and other Gulf countries. In 2016, an international organization identified and removed from a refugee camp in southeastern Mauritania 16 Malian child soldiers aged 15-17 associated with Malian rebel groups; some of the victims had been recruited in Mali, and others allegedly had been recruited from the camp in Mauritania.

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