



**July 2008**

**Information on Mauritania**

**Compliance with ILO Convention No.29 on Forced Labour (ratified in 1961)**

**Forced labour in Mauritania**

Mauritanian society is highly stratified and there is a strict hierarchy, based along ethnic and at times racial lines, which is attributed at birth. Noble and freemen are at the top, followed by 'casted' groups usually occupational and endogamous groups (that is those who can only marry within their own group) such as blacksmiths, potters and musicians, with slaves and their descendants coming at the very bottom. Slavery status is ascribed at birth and passed on through the generations and those who are still in slavery today are treated as property by their masters.<sup>1</sup>

The elite Maures (Berber Arabs), often known as the white Maures, control the economy as well as the vast majority of the administrative state—including the government, military, and police. Historically they raided, enslaved and assimilated people from sedentary black ethnic groups along the Senegal River. Today this group is also called the Hratine, or Black Maures. The Hratine continue to suffer discrimination, marginalisation and exclusion due to their membership of a 'slave caste' and are the ethnic group most affected by slavery in Mauritania today.

Anti-Slavery International undertook two missions to Mauritania in 2006, where it met with the last and current presidents, political parties and civil society. On the basis of these meetings, Anti-Slavery International believes that there is broad consensus that slavery is practiced by most ethnic groups, predominantly the Maures and to a lesser extent by the Peul and Soninké, whilst it is considered to be abandoned by the Wolof.

It is not known how many people in Mauritania today live in slavery. There is believed to have been some decline in recent years, primarily due to the droughts suffered by the country in the 1980's which provoked mass movements of the population, breaking the bonds between masters and slaves. Despite this, a local human rights organisation, SOS Esclaves, and some political parties believe that as much as 18 per cent of the population may still be in slavery.

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<sup>1</sup> Anti-Slavery International refers to this as decent based slavery and it should be stressed that those affected clearly fall within the definition on the 1926 *Slavery Convention* as they have a status where their master exercises "any or all of the powers attaching to the right of ownership" over them

The different ethnic groups who are enslaved in Mauritania today are often excluded from the decision-making processes, denied education and access to water and prohibited from owning land or inheriting property. These practices keep them impoverished and dependent on their masters.

Female slaves face double discrimination both as members of the 'slave caste' and because they are women. By virtue of their gender and status, female slaves are frequently beaten and raped by their masters who consider them to be their property. Their children are also considered the master's property and, along with other slaves, can be rented out or loaned or given as gifts in marriage. Mauritanian family law, which is governed by Sharia law, offers them little protection.

Female slaves who live in their masters' homes are rarely allowed out and generally work from before sunrise to after sunset, caring for the master's children, fetching water, gathering firewood, pounding millet, moving tents made of heavy animal skin and performing other domestic tasks. The men and children care for the animals, which are usually camels, cows, and goats. No payment is received by any of these slaves for the work they do although they may be given food and lodgings.

In some cases, slaves work the master's land and provide a percentage of the crops to him. These slaves may be considered to be more like serfs as they do not live under the master's control on a day-to-day basis. However, the master still exerts rights of ownership over them and can demand that work is done for him without payment. Similarly, when a slave marries, the dowry may be seized by the master and, if a slave dies, their property can be claimed by the master.

Slaves are told that under Islam their paradise is bound to their master and that if they do what the master tells them, they will go to heaven. This is a powerful mechanism of control which teaches those who are enslaved to follow orders and accept their fate or they will be forsaken by God and live outside of Islam. Without access to education or alternative means of subsistence, many believe that it is Allah's wish for them to be slaves when in reality Islam dictates that a Muslim cannot enslave a fellow Muslim.

### **The legislative framework**

Slavery was prohibited in Mauritania after independence when principles contained in the Universal Declaration of Human Rights were incorporated into the Mauritanian Constitution. More recently, in 1981, the Government issued Decree No.81234 which abolished slavery. However, no legislation was introduced to allow this decree to be implemented and the continued existence of slavery was generally ignored or denied by successive governments.

In May 2006, the Government accepted an ILO fact-finding mission which recommended that the Government establish a national strategy to combat slavery and its vestiges. In March 2007, Sidi Mohamed Ould Cheikh Abdellahi was elected President in Mauritania's first democratic and free elections. One of the new Government's first actions was to

consult with civil society on a draft bill for the criminalisation of slavery. A law prohibiting and punishing slavery and slavery-like practices was approved on 9 August 2007 by the National Assembly and came into force in October 2007.

The legislation defines slavery as the exercise of one or all of the attributes of the right of ownership over another person and makes it punishable with prison sentences of between five and ten years and a fine of between half a million and one million ouguiya (US\$2,100-4,201). It also defines as ‘crimes of slavery’: reducing someone to slavery; inciting someone to relinquish their freedom; and inciting a person to allow someone under their control or guardianship to be reduced to slavery.

The legislation also codifies ‘offences of slavery’ which are punishable with prison sentences of between six months and two years and a fine of between 50,000 and 200,000 ouguiya (US\$210-840). Offences of slavery include appropriating goods, products or earnings resulting from the labour of a slave; prejudicing the physical integrity of a slave or denying the child of a slave access to education.

The Act provides for assistance and monetary compensation to those released from slavery or slavery practices and criminalises practices such as the sexual exploitation of female slaves by their masters and seeking to justify slavery. In addition, those who do not follow up a denunciation of any slavery-like practice brought to their attention, including Walis, Hakems, local chiefs and police officers, shall be liable to prison sentences and a fine. The Minister of the Interior has given instruction to these bodies to enforce the law and the Minister for Justice has told prosecutors to investigate any allegations of slavery which are made.

One flaw in the new Act is that it does not provide for human rights organisations to take a civil or criminal case on behalf of a victim of slavery and individual victims cannot launch civil actions. There is further weakness in the legislation in that some slavery-related practices, such as forced marriage, serfdom and debt bondage, are not included as offences under the new legislation.

Despite this, the Act does constitute a major step forward in tackling slavery, but for it to be effective the Government must undertake awareness-raising initiatives regarding the contents of the law and the assistance that is available to victims. The ILO Committee of Experts stressed in its 2008 report that “it is indispensable for this Act to be the subject of broad publicity” among both the relevant authorities and the general population and that it is “essential that both the victims and those responsible for these practices realise the climate has changed.”

Between August 2007, when the law was approved, and April 2008, SOS Esclaves’ lawyers have been involved in seven slavery cases which have resulted in the release of more than a dozen people from their masters. SOS Esclaves confirms that despite the fact that all these cases were reported to the authorities, and in some instances the authorities were present at the release, no action has been taken to investigate or prosecute the individuals responsible for crimes of slavery.

To date, Anti-Slavery International is not aware of any prosecution having been successfully brought against anyone for using any slavery related practice.

### **Next steps – a national strategy against slavery and slavery-like practices**

In October 2006, an inter-ministerial committee was established in order to consult upon and draft a national strategy to combat the vestiges of slavery. However, no strategy or action plan had been published and, therefore, no framework currently exists for ensuring the practical eradication of slavery practices.

The 2007 Act does not create any institution to combat slavery or address its causes and consequences. The Government needs to establish an inter-agency body (which includes different government departments, members of law enforcement, the judiciary, the labour inspectorate, civil society, the National Human Rights Commission, etc.) to develop a national action plan against slavery and slavery-like practices. One of the first action points should be to carry out research to determine the number of people who are affected by slavery nationally.

This inter-agency body would be responsible for ensuring that the appropriate authorities and the general public are aware of the law and that it is properly enforced. The national action plan would also have to include measures to compensate former slaves and help them achieve their long term economic independence. The Committee of Experts report (2008) refers to the Government's proposal to give "priority to the most underprivileged and vulnerable citizens, with a view to their integration into active life" and the need to support income-generating activities for people who are vulnerable or victims of slavery.

These types of programmes will be crucial to ending the economic dependency of slaves and former slaves on their masters. Anti-Slavery International's experience shows that the most impoverished and marginalised sections of society are more likely to be subjected to slavery-like practices and are also the least likely to break out of a cycle of poverty and coerced labour. However, there are no details available of anti-poverty policies or programmes being undertaken by either the Government or international inter-governmental organisations which specifically target communities affected by slavery.

Furthermore, such programmes need to be dovetailed with initiatives which address discriminatory attitudes towards individuals or communities that are seen as having slave status. The national action plan can only be successful in eradicating slavery if it tackles the social exclusion of individuals on the basis of their descent, race or gender and promotes equality amongst all Mauritania's citizens.

The seriousness of this challenge was underlined by the Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance who recently visited Mauritania (20-24 January 2008). The Special Rapporteur noted that Mauritanian society is deeply affected by manifestations of ethnic and racial discrimination which are in turn strongly influenced by deeply rooted phenomena such as slavery and caste based discrimination.

The Special Rapporteur noted the absence of national legislation against all forms of discrimination, the invisibility of certain communities in structures of power or the media and the absence of cases of racial discrimination before the domestic courts. He recommended that the Government develop a national strategy against all forms of discrimination including policies for uprooting the deepest sources of discrimination.

National plans of action against slavery and discrimination are mutually dependent. For example, if discriminatory attitudes towards those considered to be of a slave caste are not addressed then it will seriously affect these groups access to education and income generating schemes as well as the likelihood of their presenting cases to the authorities or having cases resolved in their favour.

In this context, Anti-Slavery International urges the Mauritanian Government to domesticate its international treaty obligations under CERD and CEDAW, without delay. Such a move will strengthen the law criminalising slavery and will demonstrate the Government's resolve in fighting the discrimination that underpins slavery practices as well as all forms of discrimination more generally.

The Government also needs to consider anti-discrimination measures within the national action plan on slavery, such as how it will ensure equal access for all its citizens, irrespective of ethnic group or social status, to key resources and services, including education, work and land. This may require affirmative action policies (particularly in education and work) to address the urgent needs of the Hratines and other excluded groups.

### **Conclusions and recommendations**

Anti-Slavery International acknowledges the commitment of the Mauritanian Government to address the issue of slavery and welcomes the unanimous approval of the new law by the National Assembly in August 2007 and the Government's willingness to engage openly on human rights issues, as demonstrated by its invitation to the UN Special Rapporteur on discrimination and its consultation with civil society around the new law.

The passage of the legislation criminalising slavery is a historic step forward towards tackling slavery in Mauritania. However, if slavery and slavery like-practices are to be successfully eradicated, then the new law must be part of an integrated anti-slavery strategy.

In light of the above, Anti-Slavery International urges the Government of Mauritania to establish an inter-agency body which includes different government departments, members of law enforcement, the judiciary, the labour inspectorate, civil society and the National Human Rights Commission to develop, implement and monitor a national action plan against slavery and slavery-like practices. This would include:

- Conducting a nation wide study of the number of people affected by slavery and slavery-like practices, so that resources can be allocated and targeted at the rights areas.
- Conducting a national awareness raising campaign on the legislation criminalising slavery and promoting a culture of diversity, understanding and tolerance within Mauritanian society.
- Monitoring the application of the 2007 Act, including the number of cases brought, successful prosecution, sentences passed, awards of compensation made, assistance accessed, training delivered to state officials (particularly police and judicial personnel), as well as review the number of officials prosecuted for not following-up a denunciation of any slavery-like practice brought to their attention.
- Facilitating the social and economic integration of former slaves into society, in the short, medium and long term and ensuring Hratine and other marginalised groups affected by slavery and slavery like practices have access to key services and resources, particularly education, employment, land and water.
- Adopt a law against discrimination to fight the effects of discriminatory practices in general as well as those linked to slavery, and develop a programme for affirmative action to take place within a given timeframe.