

# A ROADMAP TO WHERE?

The Haratin and the Mauritanian  
Roadmap to Combat Slavery



UNREPRESENTED NATIONS AND PEOPLES WORKSHOP  
LEWIS & CLARK LAW SCHOOL  
PORTLAND, OREGON



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## **Preface**

This report is a product of work undertaken by law students in the Unrepresented Nations and Peoples Workshop at Lewis & Clark Law School in Portland, Oregon, in association with the Unrepresented Nations and Peoples Organisation in The Hague. At the suggestion of UNPO, the Workshop selected for investigation and legal analysis the situation of the Haratin, an ethnic group suffering from slavery and an UNPO member, in Mauritania. This report will be used by UNPO in promoting the interests of its member, Haratin, represented by the *Initiative de Résurgence du Mouvement Abolitionniste en Mauritanie* (IRA), in international *fora*.

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## **Executive Summary**

In March 2014, Mauritania, ranked #1 in the Global Slavery Index, promulgated a Roadmap to Combat the Consequences of Slavery. This document was hailed by the U.N. Special Rapporteur on contemporary forms of slavery, on whose 2010 report on slavery in Mauritania the Roadmap is based, in these terms: “The final formal adoption of the road map is not only symbolic, but also marks a palpable and traceable commitment of the State and is a benchmark against which progress can be measured, impediments to implementation identified and solutions discussed and developed to enable, assist and accelerate anti-slavery action and measures.”

This study assesses whether the Special Rapporteur’s confidence in the Roadmap and Mauritania’s capacity and commitment to fulfill its terms is justified. In 2010, the Special Rapporteur made specific recommendations to Mauritania in the areas of slavery law and policy, awareness-raising and programs for former slaves. While these broad categories are maintained in the Roadmap, the proposed actions do not, in reforming slavery law and policy, correspond to the recommendations made by the Special Rapporteur and, in places, lack specificity. Underlying the Special Rapporteur’s recommendations, and confirmed in her follow-up recommendations of 2014, is that Mauritania should adopt a comprehensive and coherent strategy to address all aspects of slavery. What Mauritania has adopted in its Roadmap is a partial and incoherent set of proposed actions, the implementation of which is spread among an alarmingly large number of government departments and agencies.

This study considers the grave defects in the Roadmap, the many criticisms of slavery and slavery-like practices in Mauritania by U.N. human rights treaty bodies and other international organizations, all to a great extent unheeded, and the long-standing and embedded nature of slavery in Mauritanian society. This study concludes that the optimism trumpeted in the Roadmap and endorsed by the Special Rapporteur is misplaced.

## Map of Mauritania







## SOCIALLY CHAINED BY THE “CONSEQUENCES” OF SLAVERY

Mauritania sits at the crossroads of a divided Africa, with Islamic traditions of the north converging upon the Senegalese river valley at the country’s southernmost border. Mauritania is on West Africa’s Atlantic coast, below Morocco, Algeria, and the relatively recently formed Western Sahara, lending to the country’s prevailing Moorish Islamic tradition and ethnic makeup dominated by Arab-Berber bloodlines.<sup>1</sup> Senegal lies to the south with Mali circling around the southeast, giving Mauritania a distinctively African population that is much smaller than the country’s Arab speaking majority. Recent estimates place Mauritania’s population at 40% Black Moor/Haratin, 30% White Moor, and 30% Black Africans originating from non-Arabic speaking African tribes ethnically similar to the Senegalese.<sup>2</sup> Mauritians have historically relied on agriculture and nomadic pastoralism to sustain their lives in the Sahara.<sup>3</sup>

### *History of Mauritania*

The history of modern Mauritania is largely characterized by the enslavement and caste-based subordination of the Haratin (Arab-speaking slaves, former slaves, and the descendants of slaves who are of African origin) in a feudalistic society dominated by White Moors.<sup>4</sup> Beginning around the 9th century, White Moors (Arab-Berber descent), moved south from what is now Spain and Northern Morocco, bringing with them Islam and creating a feudal system based on the enslavement, assimilation and subjugation of Mauritania’s original inhabitants.<sup>5</sup> As a lasting consequence, the Haratin, who are the descendants of Mauritania’s original enslaved population, have been forced into centuries of hereditary slavery.<sup>6</sup> Over hundreds of years, the Moors co-mingled with the various Saharan peoples they enslaved resulting in a caste of enslaved Muslims that are both ethnically Arab and African.<sup>7</sup> Although the White Moor and Haratin share similar ethnic backgrounds, they remain divided among caste lines — the descendants of slaves who are of African origin remain subordinate to the White Moors who have historically been the slave owners.<sup>8</sup>

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<sup>1</sup> *The World Factbook: Mauritania*, CIA, <https://www.cia.gov/library/publications/the-world-factbook/geos/mr.html> (last updated June 20, 2014); Special Rapporteur on contemporary forms of slavery, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to Mauritania (24 October – 4 November 2009)*, Human Rights Council, U.N. Doc. A/HRC/15/20/Add.2 (Aug. 24 2010) (by Gulnara Shahinian) [Hereinafter Special Rapporteur 2010 Report].

<sup>2</sup> *The World Factbook*, *supra* note 1; William Eagleton Jr., *The Islamic Republic of Mauritania*, 19 MIDDLE EAST J. 45, 46 (Winter, 1965).

<sup>3</sup> Zelezeck Nguimatsa Serge, *Researching the Legal System and Laws of the Islamic Republic of Mauritania*, (Aug. 2009), <http://www.nyulawglobal.org/globalex/mauritania.htm> at A.

<sup>4</sup> *The World Factbook*, *supra* note 1; Special Rapporteur 2010 Report, *supra* note 1 at 12; C. C. STEWART & E.K. STEWART, *ISLAM AND SOCIAL ORDER IN MAURITANIA: A CASE STUDY FROM THE 19TH CENTURY* 55 (Oxford University Press 1973).

<sup>5</sup> *The World Factbook*, *supra* note 1; Eagleton, *supra* note 2 at 47; Ghislaine Lydon, *Slavery, Exchange and Islamic Law: A Glimpse from the Archives of Mali and Mauritania*, 33 AFR. ECON. HIST. 117, 121–22 (2005).

<sup>6</sup> *Mauritania*, THE GLOBAL SLAVERY INDEX 2013, <http://www.globallslaveryindex.org/country/mauritania/>

<sup>7</sup> Special Rapporteur 2010 Report, *supra* note 1 at para. 12; *The World Factbook*, *supra* note 1; Eagleton, *supra* note 2; *Haratin*, WORLD DIRECTORY OF MINORITIES AND INDIGENOUS PEOPLES, <http://www.minorityrights.org/5179/mauritania/haratine.html>.

<sup>8</sup> Special Rapporteur 2010 Report, *supra* note 1 at para. 12.

Pre-colonial Mauritania developed in response to the Arab slave trade. The Arab slave trade needed more slaves which resulted in slave raiding in the Mauritania territory, where indigenous people were captured and then brought to the towns. Some of the captured were sold off and some retained by their captives.<sup>9</sup> Consequently, immediately predating French colonialism in western Africa, about half the total population of the present-day Mauritania territory consisted of enslaved Africans.<sup>10</sup>

The tribal chiefs or leaders in pre-colonial Mauritania, reinterpreted sources of Maliki Islam to justify the slave trade and the subordination of much of the regions population and as a means to enforce the enslavement of other Muslims. People were one of the most profitable commodities traded in the desert, and once justified by the laws of Islam, the culture and social structure of Mauritania became deeply tied to the slave trade. Interestingly enough, the Maliki code allowed slaves to gain freedom through gift or purchase. However, even the freed slaves, or Haratin, remained deeply subjugated by the White Moors, and most remained in a form of caste-based subordination.<sup>11</sup>

Mauritania's social castes developed out of a feudalistic system, which allowed the people of dominant tribes to exert and maintain a form of possessory rights over slaves and their descendants. The rights could be sold and inherited among the masters as slaves and their descendants were tied to a specific White Moor family for generations.<sup>12</sup> Thus, slaves developed many genealogical ties with the family they served, influencing the subservient people to remain close to their masters. Further, the religious leaders used the feudalistic system as a form of religious tribute, further rooting the system of slavery into the cultural and social framework of Mauritania. Additionally, the tributary tribes relied on the dominant tribes for security from desert raiders, making it difficult for the Haratin to achieve any real form of autonomy.<sup>13</sup>

### *Contemporary Mauritania*

In 1904 the French colonized much of West Africa, including the region of modern-day Mauritania.<sup>14</sup> The French administration immediately worked to obtain the tributary rights that White Moors owned over the enslaved population in an "effort to break what they conceived of as a feudalistic system of indentured tributaries."<sup>15</sup> However, western preconceptions about Islam and the Arabs who inhabited the region caused the French to change their position with regard to slavery.<sup>16</sup>

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<sup>9</sup> Lydon, *supra* note 5 at 119.

<sup>10</sup> Ghislaine Lydon, *Islamic Legal Culture and Slave-Ownership Contests in Nineteenth-Century Sahara*, 40.3 THE INT'L J. OF AFR. HIST. STUD. 391, 398–99 (2007).

<sup>11</sup> STEWART, *supra* note 4 at 55–70.

<sup>12</sup> *Id.* at 55 & 64.

<sup>13</sup> *Id.* at 61–62.

<sup>14</sup> *Mauritania Profile*, BBC, <http://www.bbc.com/news/world-africa-13882166> (last updated Sept. 3, 2014 at 05:05 ET).

<sup>15</sup> STEWART, *supra* note 4 at 57.

<sup>16</sup> E. Ann McDougall, *Living the Legacy of Slavery: Between Discourse and Reality*, 45 CAHIERS D'ETUDES AFRICAINES, 958 (2005).

The French condoned slavery in Mauritania because they believed slavery was an “integral part” of the morality, custom, property and religion of Mauritania, so rooted in Mauritanian society that its abolition would result in social collapse.<sup>17</sup> Further, the European view that the enslaved were not ready to be “wrenched from their social security” added to the perpetual enslavement of much of the Mauritanian population. However, by the 1930s, abolitionist ideas gained momentum as France “ostensibly” supported legislation that would abolish slave-like labor conditions in its colonies and ratified the forced labor convention in 1937.<sup>18</sup> French colonial power declined after the Second World War and the French administration freed many slaves, adding to Mauritania’s Haratin population. However, even the “freed slaves” remained dependent on their former masters.<sup>19</sup>

A dichotomy in mid-20th century Mauritania developed as the French used one form of Islam to promote the creation of a Haratin class and the Mauritanian masters used Maliki Islam to protect their labor rights over the former slaves. Further, the masters openly resisted freeing women slaves because women slaves, they believed, protected their right to reproduce the labor force. Under Sharia law, the offspring of a female slave remained the property of the master, allowing a master to exercise perpetual rights over an entire family line. Ironically, although France colonized Mauritania under the justification of abolishing slavery, slavery itself became part of the process of colonial rule. Consequently, by the time of Mauritanian independence in 1960, slavery developed as a “multi-faceted and multi-layered” institution.

Although the 1961 Constitution of Mauritania officially prohibited slavery, the social order and culture rooted in Mauritanian tradition kept slavery very much alive. The French administration failed to replace the tribal units of Mauritania’s nomadic society. Consequently, after independence, political power formed around those who traditionally exercised tribal authority. This worked to keep many Mauritians in chattel slavery.<sup>20</sup>

In the 1970s, Mauritania experienced widespread drought, famine and war, which resulted in increased urbanization and a renewed movement to end slavery. A 1978 coup coincided with the *El Hor*, freeman political movement, and brought Haratin issues to the forefront of politics and the discussion of social structure in Mauritania.<sup>21</sup> Further, this volatile period in Mauritanian history saw the reemergence of Black African tribes who had previously fled south of the Senegalese river valley to evade the pre-colonial slave raids. Black African tribes joined political movements with the Haratin to combat the “white” government’s consolidation of Mauritanian power and resources. In addition, the Black African’s saw unity with the Haratin as a way to gain political sway and stop the invasion of poor-desert dwellers onto their valuable agricultural land.

In 1980, the slaves and Haratin seemingly won, as the Mauritanian government officially abolished slavery for a second time under new president, Mohamed Kouna.

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<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 957 (2005).

<sup>19</sup> *Id.* at 960; Special Rapporteur 2010 Report, *supra* note 1 at 11.

<sup>20</sup> McDougall, *supra* note 16 at 961.

<sup>21</sup> *Id.* at 962.

## *The Living Legacy*

While the 1981 Presidential Decree No. 81234 set out the procedure for ending slavery and used Islam to argue for the freeing of all slaves, the decree proved ineffective because it lacked a means of enforcement.<sup>22</sup> Adding to this ineffective attempt to end slavery was the new administration's application of Sharia law, allowing masters to sell their slaves as property in a guise of abolition. The continued contextualizing of slavery within Islam proved problematic. To the western world, Islam was the cause of slavery, and the Mauritanian "white" government used Islam to perpetuate racial discrimination of the subordinate Haratin and Black African populations.

Ironically, Mauritanian Black Africans used the racial divide as a means to seize power as they actively persuaded the Haratin people to identify as black. Conversely, the white political authority used the "vestiges of slavery" and their attempts to abolish it as a pawn in their game to gain political recognition in the west and receive western aid.<sup>23</sup>

During this period, the Haratin-backed *El Hor* political movement gained momentum as it defined slavery as a social rather than racial problem. As the Black African population sought their constituency, the Haratin people worked to forge political ties with the White Moor authority.<sup>24</sup> In this way, the Haratin people asserted their "white identity," rejected political association with Black Africans, and inadvertently created a racial divide between Moors and Black Africans leading to the 1989 "Frontier War" with Senegal. The war developed from land disputed between Mauritanian Haratin who were repatriating to the area from Senegal and the Black African tribes who occupied the area. The White Mauritanian government used the opportunity to facilitate the repatriation of Haratin by deporting "anyone who was black." The government appropriated land from the Black Africans who were forced to leave, giving the White Moor government a means to buy political support among the Haratin and maintain control over Mauritania's arable land.<sup>25</sup>

In 1992, Mauritania saw its first "democratic" presidential election won through the bought, but very real, political support of the Haratin. Consequently, the White Moor authority used their political strength to prohibit discussions of slavery, and to suppress abolitionist movements such as *El Hor*.<sup>26</sup> Although Mauritania's second republic drafted the 1991 Constitution to include provisions designed to promote social equality,<sup>27</sup> the government's real design became evident through its continued use of oppressive practices. Using a Kremlin-esque censorship scheme, the government declared the end of racism and slavery in Mauritania, as they deported all "blacks,"

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<sup>22</sup> *Id.* at 963; AMNESTY INTERNATIONAL, MAURITANIA: A FUTURE FREE FROM SLAVERY, 9 (2002) available at <http://www.amnesty.org/en/library/asset/AFR38/003/2002/en/6b9a7e3f-d7f1-11dd-9df8-936c90684588/af380032002en.pdf>.

<sup>23</sup> McDougall, *supra* note 16 at 964.

<sup>24</sup> *Id.* at 967.

<sup>25</sup> *Id.* at 968.

<sup>26</sup> *Id.* at 969.

<sup>27</sup> Serge, *supra* note 3 at 5.

and refused to recognize “slaves” who had not assimilated with the politically-cooperative Haratin.<sup>28</sup>

On September 3, 2007, the Mauritanian Parliament passed the Slavery Act of 2007 criminalizing slavery and imposing severe penalties on slave owners and traffickers.<sup>29</sup> The passage of the 2007 Act, drafted “in accordance with constitutional principles” and aimed to “embody the freedom of man from birth to death,” proved another false dawn for those striving for the end to slavery.<sup>30</sup> Not only was the statute badly drafted, but the Mauritanian authorities also showed no appetite to institute criminal proceedings.

To this day, individual identity within Mauritania is tied to a person’s hereditary line. As an historical result of domestic slavery, in which the master retained rights to the woman and her offspring, many slaves and their descendants trace their bloodline through the Master’s family. Peculiar to the social order in Mauritania, slaves and Haratin alike, view their identity as a member of the master’s family that has historically owned their hereditary bloodline. In this way, the ingrained belief of much of Mauritania’s oppressed population that their identity of belonging to the master’s family is “freedom” as they know it. It is this sense of belonging to the family they serve that allows many Mauritians to believe they are free while the reality is that they are enslaved.<sup>31</sup>

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<sup>28</sup> McDougall, *supra* note 16 at 969.

<sup>29</sup> Slavery Act, Law No. 2007-048 (Sept. 3, 2007) (Mauritania). The Act defined slavery in Article 2 as “the exercise of property over one or more persons.” Slavery existed when “any person reduces another person or a person under their care or responsibility to slavery or incites them to forfeit their liberty or dignity, for the purpose of enslaving them.” The Act prohibited “any discrimination in any form whatsoever, against a person alleged to be a slave.” Penalties under the Act included 5–10 years’ imprisonment and a fine of \$2,000-\$4,000.

<sup>30</sup> *Id.*

<sup>31</sup> McDougall, *supra* note 16 at 973–84.

## INTERNATIONAL CONSCIOUSNESS

### *Popular Concern*

Mauritania has not been able to hide its practices of slavery from the attention of the international community. In 2002, Amnesty International released a landmark report on the continuing slavery in Mauritania despite the abolition of slavery in 1981.<sup>32</sup> Amnesty International took a critical position against Mauritania's efforts to eradicate slavery.<sup>33</sup> The organization noted lack of meaningful action by government and law-enforcement to ensure that slavery was eradicated in practice.<sup>34</sup> An additional concern was the punishment of those speaking out and seeking to combat slavery.<sup>35</sup>

Amnesty International also made several recommendations to the Mauritanian government, including a comprehensive inquiry by religious and traditional leaders, law enforcement, judicial officials, and NGOs to completely eradicate slavery, slavery-like practices and related abuses and discrimination in Mauritania.<sup>36</sup> Amnesty International also urged Mauritania to pass implementing legislation that criminalizes slavery — in reality, the only Amnesty International recommendation adopted by Mauritania was the Slavery Act 2007.<sup>37</sup>

Despite the 2007 Act criminalizing slave ownership, few legal cases against slave owners have been prosecuted successfully. Oumoumoumine Mint Bakar Vall was the first slave owner to be imprisoned. She was sentenced to six months in prison in 2011, but only served a partial sentence. This case also led to the arrest and imprisonment of anti-slavery activists who brought the case to the government's attention.<sup>38</sup>

The international media continues to uncover instances of slavery and slavery-like practices in Mauritania. In 2012, CNN published a story and accompanying documentary of the stark realities of slavery in Mauritania.<sup>39</sup> John D. Sutter, traveled to Mauritania to get a first-hand account of the situation in Mauritania and uncovered stories from several individuals who were presently living under the oppression of slavery.<sup>40</sup>

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<sup>32</sup> AMNESTY INTERNATIONAL, *supra* note 22.

<sup>33</sup> *See id.* at 1 (stating bluntly, “there is no evidence to suggest that practical steps have been taken to ensure its abolition in practice.”).

<sup>34</sup> *Id.* at 2–3 (urging the government to “approach the problem pro-actively, rather than denying its importance and hoping that a focus on education, literacy, and agrarian reforms will eradicate the vestiges of slavery.”).

<sup>35</sup> *Id.* at 2.

<sup>36</sup> *Id.* at 50–51.

<sup>37</sup> *Id.* at 39.

<sup>38</sup> John D. Sutter, *Attorney: Charges Against Liberated Mauritanian Slave Dropped*, CNN, <http://www.cnn.com/2014/10/20/opinion/sutter-mauritania-slave-charged/> (last updated Oct. 23, 2014); Alexis Okeowo, *Freedom Fighter: A Slaving Society and an Abolitionist's Crusade*, *The New Yorker* (Sept. 8, 2014), <http://www.newyorker.com/magazine/2014/09/08/freedom-fighter>.

<sup>39</sup> John D. Sutter & Edythe McNamee, *Slavery's Last Stronghold*, CNN, <http://www.cnn.com/interactive/2012/03/world/mauritania.slaverys.last.stronghold/> (2012).

<sup>40</sup> One of the most striking accounts was that of a mother, Moulkheir Mint Yarba, who came home to find her baby lifeless after her master refused to allow her to carry the baby on her back while she tended her master's goat herd. When the mother asked if she could stop working to bury her child, her master refused and told her to get back to

John Sutter released an update to his story on October 20, 2014.<sup>41</sup> He had received recent information that a rescued 15 year-old slave, who had been raped and impregnated, was facing criminal charges of having sex outside of marriage with a possible punishment of being stoned to death. At the same time, her former master was only charged with “exploitation of a minor (without financial compensation)” a lesser offense than that of slavery. At the time of the update, the charges against the young girl were dropped without any explanation and the master was only being charged with exploitation.

*The New Yorker* published a story on Mauritanian slavery in the September 8, 2014 issue.<sup>42</sup> The author, Alexis Okeowo, echoed CNN about the reality that slavery continues today principally because many slaves are “isolated by illiteracy, poverty, and geography.” Okeowo told the story of Biram Dah Abeid, the founder of the Initiative for the Resurgence of the Abolitionist Movement (IRA), whose mission is to make slaves aware of the possibility of a life beyond slavery. While Abeid is generating a platform to speak out against slavery, the government refuses to recognize the IRA.

### *Official Concern*

Many United Nations and other human right bodies have addressed slavery and related human rights concerns in Mauritania. The U.N. Special Rapporteur on contemporary forms of racism has urged Mauritania to adopt a comprehensive definition of racial discrimination, to include discrimination based on descent, and to prohibit discrimination in conformity with the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>43</sup> The Special Rapporteur also urged Mauritania to conduct, in cooperation with non-governmental organizations and religious leaders, a wide-ranging information and public-awareness campaign to put an end to slavery-like practices.<sup>44</sup> Further, Mauritania, in consultation with the community concerned, was enjoined to take steps to preserve the non-Arab cultures and languages, including Berber, by including their history and civilizations in school textbooks, and in education and cultural events.<sup>45</sup>

As recently as November of 2013, the Human Rights Committee, supervising compliance with the seminal International Covenant on Civil and Political Rights, expressed concern that, “despite many legislative initiatives, starting with the formal abolition of slavery as late as 1981, and other provisions ..., the practice of slavery persists in the State party.”<sup>46</sup> It called on Mauritania to ensure the effective implementation of the legislation criminalizing slavery and

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work. The mother had to wait until after her day of work before she could give her child a burial. It was not until years later when Moulkheir’s other child was raped, impregnated, and forced to miscarry by their slave master that Moulkheir decided to escape in 2009. Moulkheir now lives free with her daughter, but no judge has taken up her case.

<sup>41</sup> Sutter, *supra* note 39.

<sup>42</sup> Okeowo, *supra* note 38.

<sup>43</sup> Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance: *Follow-up to and Implementation of the Durban Declaration and Programme of Action, Addendum to Mission to Mauritania*, U.N. Doc. A/HRC/7/19/Add.6, (Mar. 16 2009) at 7.

<sup>44</sup> *Id.* at 21.

<sup>45</sup> *Id.* at 20.

<sup>46</sup> U.N. Human Rights Comm., Concluding Observations, Mauritania, November 21, 2013, U.N. Doc. CCPR/C/MRT/CP/1 at para. 17.

guarantee effective remedies for victims of slavery who had made complaints.<sup>47</sup> In addition, Mauritania was asked to conduct investigations, prosecute and sentence those responsible and provide compensation and rehabilitation for victims of slavery.<sup>48</sup>

The Committee on the Elimination of Racial Discrimination noted with concern “that vestiges of the caste system persist in Mauritania. While welcoming the fact that slavery was abolished by a law dated November 9, 1981, it remains concerned about information on the persistence of slavery-like practices, which constitute serious instances of discrimination based on descent.”<sup>49</sup> It called on Mauritania to incorporate in its domestic law a definition of racial discrimination that is applicable in every sphere of social life, including discrimination based on descent;<sup>50</sup> to launch a wide ranging information and public-awareness campaign to put an end to slavery like practices;<sup>51</sup> to “ensure that the perpetrators of such practices, which are already prohibited by law, are systematically prosecuted in the courts, including in cases where they have seized the property of deceased former slaves;<sup>52</sup> and to “conduct an independent and impartial inquiry when allegations of discrimination and slavery like practices are brought to its attention. The State party should inform the victims of all remedies available to them, facilitate their access to justice, guarantee their right to just and adequate reparation, and publicize the relevant laws.”<sup>53</sup> Much of what CERD recommended in 2004 found its way into the report of the Special Rapporteur on contemporary forms of slavery in her 2010 report.<sup>54</sup>

In 2009, the Committee on the Rights of the Child was concerned that *de facto* discrimination against girls and certain groups of children persists, particularly with regards to children living in slavery or of slave descent.<sup>55</sup> The Committee condemned the continued existence of caste based slavery, with a particular impact on girls in domestic service and boys forced to beg by *marabouts* and was concerned at the absence of services to free and reintegrate children victims of slavery.<sup>56</sup> The Committee on the Rights of the Child demanded Mauritania “take all necessary measures to eradicate slavery and in particular to ensure that perpetrators of such practices are held accountable in accordance with the law. The Committee calls upon the State party to implement a national strategy against slavery, including an analysis of its root-causes, and take effective measures to free victims of slavery and provide them with psycho-social recovery as well as reintegration measures. The Committee recommends that the State party conduct specific awareness-raising campaigns on the legislation which criminalizes slavery.”<sup>57</sup>

The Committee on the Elimination of Discrimination against Women has recommended that Mauritania engage the media and non-governmental organizations in combating negative

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<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> Comm. on the Elimination of Racial Discrimination, Concluding Observations, Mauritania, December 10, 2004, U.N. Doc. CERD/C/65/CO/5 at para. 15.

<sup>50</sup> *Id.* at para. 10.

<sup>51</sup> *Id.* at para. 15.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at para. 23.

<sup>54</sup> Special Rapporteur 2010 Report, *supra* note 1.

<sup>55</sup> Comm. on the Rights of the Child, Concluding Observations, Mauritania, July 25, 2009, U.N. Doc. CRC/C/MRT/CO/2 at para. 29.

<sup>56</sup> *Id.* at para. 36.

<sup>57</sup> *Id.* at para. 37.



stereotypes and social attitudes towards women, in particular in rural areas and among women in disadvantaged groups, including slaves and former slaves.<sup>58</sup>

In 2012, the Committee on Economic, Social and Cultural Rights expressed concern at the large number of persons and families employed in situations of *de facto* slavery, in spite of the 2007 Act and at the very low number of prosecutions under the Act.<sup>59</sup> The Committee urged Mauritania “to take vigorous measures with a view to eliminating slavery and to implement the provisions of the Slavery Act. The Committee should also raise awareness that all work should be entered into freely and respect the fundamental rights of the human person as well as the rights of workers ...”<sup>60</sup>

The United States Department of State’s Human Rights Country Report for Mauritania lamented the disparity between the 2007 Act and its enforcement, pointing out that government agencies and the judiciary are reluctant to enforce or adjudicate the anti-slavery law, as demonstrated the few convictions of slave owners for slavery.<sup>61</sup> The report cast doubt on the Mauritanian government’s will to eradicate slavery.<sup>62</sup>

While the report of the Working Group of the Universal Periodic Review on Mauritania contained responses that are nothing more than thinly-veiled political posturing, the report serves as a reference point in identifying many countries’ attitudes toward slavery in Mauritania.<sup>63</sup> The United States, the United Kingdom and Spain expressed the strongest concern over the cursory implementation and enforcement of the Mauritanian criminalization of slavery. The U.S. expressed particular concern that no one had been convicted of slaveholding, and inquired whether Mauritania planned to develop a national strategy on slavery to include a public awareness-raising campaign and effective enforcement of its anti-slavery law.<sup>64</sup> However, the majority of countries commended Mauritania’s recent progress in human rights and recommended only minor changes to the current counter-slavery regime.

The African Commission on Human and Peoples’ Rights made observations and recommendations on the state of human rights in Mauritania in 2005.<sup>65</sup> The African Commission commended Mauritania for ratifying several human rights instruments, establishing mechanisms for protecting human rights, promoting women in leadership positions, strengthening the judiciary, and taking steps to reduce illiteracy and alleviate poverty.<sup>66</sup> However, despite the positive feedback, the African Commission noted concern about the persisting practice of slavery

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<sup>58</sup> Comm. on the Elimination of Discrimination against Women, Concluding Observations, Mauritania, July 24, 2014, U.N. Doc. C/MRT/CO/2-3 at para. 37.

<sup>59</sup> Comm. on Economic, Social and Cultural Rights, Concluding Observations, Mauritania, December 10, 2012 Sess. U.N. Doc. E/C.12/MRT/CO/1 at para. 13.

<sup>60</sup> *Id.*

<sup>61</sup> U.S. State Dep’t. Mauritania 2013 Human Rights Report, *available at* <http://www.state.gov/documents/organization/220348.pdf>.

<sup>62</sup> *Id.* at 25.

<sup>63</sup> Rep. of the Working Group on the Universal Periodic Review: Mauritania, U.N. Doc A/HRC/16/17, 16th Sess. (Jan. 4, 2011).

<sup>64</sup> *Id.* at para. 52.

<sup>65</sup> A.C.H.P.R. Concluding Observations and Recommendations on the First Periodic Report of the Islamic Republic of Mauritania, April 27–May 11, 2005, 37th Ordinary Sess. (2005).

<sup>66</sup> *Id.* at para 10.

and other harmful traditions; other concerns revolved around the status and education of women, legal and judicial assistance for marginalized groups, and the freedom of association for groups working in the field of human rights.<sup>67</sup> The African Commission charged Mauritania to “completely and definitively eradicate slavery, notably by thoroughly investigating cases, by bringing to justice and punishing those responsible for such practices.”<sup>68</sup>

In 2014, the International Labor Organization Committee of Experts released a damning report on the progress of Mauritania in implementing the Forced Labor Convention.<sup>69</sup> The Committee of Experts noted that “the actions of the Government to combat slavery remain insufficient and do not create an enabling environment for its eradication, but instead maintain an environment conducive to the development of slavery.”<sup>70</sup> Mauritania had not ensured that the 2007 Act was adequately and strictly enforced, the Committee describing the Act as a “dead letter.”<sup>71</sup> The Committee of Experts urged the Mauritanian government to conduct investigations into slavery allegations and to provide information on the number of cases that have been investigated and resulted in court proceedings to ensure accountability.<sup>72</sup> The Committee also noted that Mauritania’s adoption of the Roadmap to Combat the Consequences of Slavery represented only “one component of the action required to combat slavery.”<sup>73</sup> It urged Mauritania to adopt a more comprehensive strategy that would include “awareness-raising, prevention, specific programmes enabling victims to leave the situation of economic and psychological dependence, reinforcement of the capacity of the authorities responsible for prosecution and for the administration of justice, cooperation with NGOs, and the protection and reintegration of victims.”<sup>74</sup>

### *The Special Rapporteur on Contemporary Forms of Slavery*

The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, has made two visits to Mauritania to assess the ongoing issue of slavery in the country.<sup>75</sup> The first visit occurred in 2009, at which time she determined that *de facto* slavery continued to exist, despite its formal abolition in 1981 and its criminalization in 2007.<sup>76</sup> The Special Rapporteur also determined that one of the main problems was that slavery has only ever been partially addressed by the Mauritanian authorities.<sup>77</sup>

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<sup>67</sup> *Id.* at paras. 13–15.

<sup>68</sup> *Id.* at para. 29.

<sup>69</sup> International Labour Conference, *Application of International Labour Standards 2014(I): Report of the Committee of Experts on Application of Conventions and Recommendations*, 139–40, ILC.103/III(1A) (103d Sess., 2014).

<sup>70</sup> *Id.* at 138.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.* at 140.

<sup>74</sup> *Id.*

<sup>75</sup> Special Rapporteur 2010 Report, *supra* note 1; Special Rapporteur on Contemporary Forms of Slavery, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her follow-up mission to Mauritania (24-27 February 2014)*, Human Rights Council, U.N. Doc. A/HRC/27/53/Add.1 (Aug. 26 2014) (by Gulnara Shahinian) [Hereinafter Special Rapporteur 2014 Report].

<sup>76</sup> Special Rapporteur 2010 Report, *supra* note 1 at para. 102.

<sup>77</sup> *Id.*

Her report approved by the Human Rights Council and dated August 24, 2010, is a comprehensive, well researched and elegantly written document. In it, she addressed the history of slavery in Mauritania,<sup>78</sup> the existing legal and institutional framework,<sup>79</sup> the contemporary forms of slavery in Mauritania,<sup>80</sup> the measures taken to combat slavery,<sup>81</sup> the major challenges<sup>82</sup> and ended with her conclusions and recommendations.<sup>83</sup> She drew particular attention the gender aspects of slavery, the plight of children and the elderly as victims, the interaction of slavery and religion, slavery and discrimination, slavery and land and slavery and inheritance.<sup>84</sup>

The Special Rapporteur's conclusions in paragraphs 102-104 of her report are significant and merit quotation:

The Special Rapporteur highly values the political will and programmes put in place by the Government in order to eradicate slavery. However, although slavery has diminished as a result of Government actions, it is still a reality in modern-day Mauritania – especially in rural remote areas – where human rights violations continue to occur. Unaddressed or partially addressed (whereby work only focuses on “vestiges of slavery”), slavery will create an obstacle to the development of the country.

A first step towards comprehensive action to combat slavery would be to develop a national strategy for that purpose. The Special Rapporteur was informed of the Government's willingness to create a national strategy. This strategy can be based on a study of the history and nature of slavery in Mauritania. The Special Rapporteur encourages the Government to start this study, with support from the United Nations Development Programme and the European Community. The strategy can then be developed by various stakeholders, including representatives from the Government, civil society organizations traditionally working on slavery, international NGOs, United Nations agencies and the donor community. These various stakeholders can form an institutional body that will implement and monitor the national strategy to combat slavery.

In addition, all Government departments, international agencies and NGOs should consider slavery and the “vestiges of slavery” when developing and implementing programmes in Mauritania.

It is clear that, while her praise for what Mauritania had already done may have been exaggerated (though perfectly understandable in the political context in which she was working), she was not duped by the Mauritanian contention that there was no slavery in the country and that the phenomenon so clearly identified by so many was merely the “vestiges” of slavery. Following her conclusions, the Special Rapporteur made a series of recommendations to flesh

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<sup>78</sup> *Id.* Section II.

<sup>79</sup> *Id.* Section III.

<sup>80</sup> *Id.* Section IV.

<sup>81</sup> *Id.* Section V.

<sup>82</sup> *Id.* Section VI.

<sup>83</sup> *Id.* Section VII.

<sup>84</sup> *Id.* Section IV.

out her call for national strategy to combat slavery, the principal components of which addressed “slavery law and policies”, “awareness-raising” and “programmes” for former slaves.<sup>85</sup>

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<sup>85</sup> *Id.* at Section VII B (para. 105), C (para. 106) and D (paras. 107-112). The Report also addressed returnees from Senegal (E, paras. 113-117), the international community (F, para. 118) and businesses (G, para. 119), but these are not germane to this study.

## ROADMAP TO WHERE?

After receiving the Special Rapporteur's Report, the Mauritanian Government collaborated with the Office of the United Nations High Commissioner for Human Rights to produce a plan to take action on her recommendations.<sup>86</sup> The government used the 2010 Report to produce a *Feuille de Route pour la Lutte contre les Séquelles de l'Esclavage* (Roadmap to Combat the Consequences of Slavery), a document which includes 29 recommendations “that address the body of law, the economic and social areas and the awareness necessary to eradicate the consequences of slavery.”<sup>87</sup> Its overarching purpose is to “eradicate all forms of slavery and slavery-like practices.”<sup>88</sup>

The Special Rapporteur undertook a second visit to Mauritania from February 24-27, 2014 in order to assess the initiatives taken by the Mauritanian Government in giving effect to her earlier recommendations.<sup>89</sup> In this second report, she found that, although good progress had been made with the elaboration of the Roadmap, more efforts needed to be made to implement the her recommendations.<sup>90</sup> The Government formally adopted the Roadmap in March of 2014.

This section provides a critical analysis of the overall lack of strategy as evidenced by the 29 recommendations found in the Roadmap. The main criticism, beyond the details discussed in this section, is that the strategy is diffuse and uncoordinated. The Special Rapporteur's recommendations of 2010 (and 2014) call for Mauritania to adopt a comprehensive and coherent strategy to address all aspects of slavery. What Mauritania has adopted in its Roadmap is a partial and incoherent set of proposed actions, the implementation and the oversight of which are spread among a total of fifteen government departments and agencies. The time-frame mandated for giving effect to the 29 recommendations — ranging from immediate to 24 months to none stated — is equally incoherent. Despite the promise in Recommendation 29 of an inter-ministerial committee to “evaluate” progress, it too will comprise all fifteen departments and agencies and its remit is for mere “periodic” evaluation.

The objective of the following section is to examine whether and to what degree the Roadmap addresses the recommendations found in the Special Rapporteur's 2010 Report in the key areas: Slavery Law and Policy: The 2007 Act; Awareness-raising; and Programs for Former Slaves.<sup>91</sup>

### *Slavery Law and Policy: The 2007 Act*

The passage of the 2007 Act was hailed by the Special Rapporteur as a “as an essential step forward in the fight against slavery. Its implementation will mark a new stage in efforts to eradicate slavery in Mauritania and its remnants once and for all.”<sup>92</sup> She commended the Act's

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<sup>86</sup> Ministry of Justice, *Feuille de Route pour la Lutte contre les Séquelles de l'Esclavage* [Roadmap to Combat the Consequences of Slavery] (2014): see Appendix A.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> Special Rapporteur 2014 Report, *supra* note 75, at para. 1.

<sup>90</sup> *Id.* at para. 29.

<sup>91</sup> For reference to the 29 recommendations as later discussed in this report, see Appendix A: *Roadmap to Combat the Consequences of Slavery*.

<sup>92</sup> *Id.* at para. 9.

attempt to add teeth to Mauritania's abolition of slavery in 1981 by criminalizing both slavery and slavery-like practices.<sup>93</sup>

In order for the 2007 Act to be more effective, the Special Rapporteur concluded her 2010 report by advising the Mauritanian government to incorporate the following eight modifications into the 2007 Act:<sup>94</sup>

- Introduction of a law against discrimination practices based on caste or ethnic slavery;
- A clearer definition of slavery within the law that would include contemporary forms of slavery such as the *talibes*;
- Inclusion in the 2007 Slavery Act of provisions that provide for victims' assistance and compensation;
- Introduction of a civil cause of action for victims of slavery. This would give victims of slavery and human rights organizations acting in their interests the right to appeal directly to the courts against an act of slavery or discrimination rather than relying on police or other authorities to bring criminal charges in such cases. This could be done by adding a second part to the current law or by introducing a separate, but linked law;
- The establishment of an independent Government-funded mechanism, enshrined in legislation, which can carry out investigations on its own initiative and has the standing to bring civil cases of slavery or discrimination before the courts;
- The 2007 Act should also have a multi-stakeholder committee to develop, implement and monitor a national strategy to combat slavery;
- It should include provisions that provide for rehabilitation programmes that would provide alternative means of livelihood for ex-slaves. This is essential in ensuring that former slaves do not end up in voluntary servitude, whereby they continue working for their master in exchange for cash or payment in kind, e.g. housing, food, etc. These programmes should also provide education for ex-slaves – who are the most marginalized in society – and ensure that they are literate. Existing programmes such as PESE should be enshrined in law to ensure their longevity;
- Inclusion in the law of accompanying measures which outline means to financial and economic means of support, land tenure, microcredit and support to justice for ex-slaves.

In her 2014 Report, the Special Rapporteur found that many of these recommendations have yet to be given effect and that the 2007 Act has been ineffectual. She pointed out that the Act needs “to be implemented and enforced fully if concrete changes in practice are to be realized.”<sup>95</sup>

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<sup>93</sup> *Id.* at paras 8–10.

<sup>94</sup> Special Rapporteur 2014 Report, *supra* note 1, at para. 105.

<sup>95</sup> Special Rapporteur 2014 Report, *supra* note 75, at para 9.

Specifically, she expressed her concern with the “very low number of prosecutions under the Act”.<sup>96</sup> This deficiency was the result of the fact that prosecution was entirely reliant on positive action by police and prosecutors and, unfortunately, these officials have been “reluct[ant] to follow up on allegations of slavery-like practices, with most cases being closed without any proper investigation.”<sup>97</sup> The Special Rapporteur also pointed out that, even in cases where criminal charges related to slavery are adequately pursued by authorities, they are almost always re-classified as a different type of controversy, such as inheritance or land disputes.<sup>98</sup>

A comparison of the Roadmap to the 2010 Report’s recommendations shows that some recommendations present in the 2010 Report are not replicated in the Roadmap. In addition, some of the areas addressed in the Roadmap are vague in nature.

### **Introduce a law against discrimination practices based on caste or ethnic slavery**

The Special Rapporteur called for Mauritania to introduce a law against discrimination practices based on caste or ethnic slavery. The Roadmap does not include any such provision. It is well recognized that the caste system in Mauritania has been one of the primary barriers to eradicating slavery after it was outlawed by decree in 1981.<sup>99</sup> As the Special Rapporteur stated, if slavery is to be overcome in present-day Mauritania, ethnicity and caste must be included in the prohibited grounds of discrimination.

### **A clearer definition of slavery within the law that would include contemporary forms of slavery such as the *talibes***

The Special Rapporteur called for a clearer definition of slavery in Mauritania, including contemporary forms of slavery. Roadmap Recommendation 4 suggests a revision of Article 3 of the 2007 Act “to include all contemporary forms of slavery” without any specification as to what these contemporary forms of slavery might be. According to the U.N. Office of the High Commissioner for Human Rights, modern day slavery includes:

The sale of children, child prostitution, child pornography, the exploitation of child labour, the sexual mutilation of female children, the use of children in armed conflicts, debt bondage, the traffic in persons and in the sale of human organs, the exploitation of prostitution, and certain practices under apartheid and colonial régimes.<sup>100</sup>

These are the forms of contemporary slavery that need to be included in the revised 2007 Act if the Special Rapporteur’s recommendation is to be satisfied.

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<sup>96</sup> *Id.* at para. 11.

<sup>97</sup> *Id.*

<sup>98</sup> Special Rapporteur 2010 Report, *supra* note 1, at para. 91.

<sup>99</sup> THE GLOBAL SLAVERY INDEX 2013, *supra* note 6.

<sup>100</sup> O.H.C.H.R., Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Fact Sheet No.14: Contemporary Forms of Slavery; see also the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1957, 226 U.N.T.S. 3, art. 1.

## **Inclusion in the 2007 Slavery Act of provisions that provide for victims' assistance and compensation**

The Special Rapporteur called for Mauritania to make provisions for assistance to and compensation for victims of slavery. The Roadmap seems to address this recommendation in calling for a modification the 2007 Act to include provisions for victim's assistance and compensation. Roadmap Recommendation 3 calls for the 2007 Act to be amended to "add a provision for slave owners to indemnify victims." In addition, the Roadmap includes three specific recommended changes to the 2007 Act: to "add text on discrimination and civil reparations" (Recommendation 2); to "add provisions on reintegration programs" (Recommendation 5); and to "add provisions on assistance to victims." (Recommendation 6)

Although the Roadmap certainly addresses victims' assistance and compensation, it does so in somewhat vague terms. While adding a provision for slave owners to indemnify victims would, if and when implemented, make slave owners liable to compensate their victims, it does not specify how this should be done. Further, Recommendation 2 does not specify what text will be included to provide for civil reparations. Recommendations 5 and 6 do not indicate what specific provisions will be added for reintegration programs and assistance respectively. It will be instructive to see how the noble intentions of the Roadmap on victims' assistance and compensation are translated into legislation and into practice.

Other Roadmap recommendations address victim's assistance and compensation as well. These include Recommendation 9 to "ensure execution of court decisions on victim compensation" and Recommendation 21 to "assist victims of slavery in court proceedings." Unlike the Roadmap recommendations mentioned previously, these recommendations do not suggest a change to the Act specifically. To effect proper and lasting change, the Roadmap would require a modification to the language in the 2007 Act to include these two specific recommendations.

## **Introduction of a civil cause of action for victims of slavery**

The Special Rapporteur called for Mauritania to introduce a civil cause of action for victims of slavery. Recommendation 2 in the Roadmap states that the 2007 Act should "add text on discrimination and civil reparations." This bald and bare commitment is in marked contrast to what the Special Rapporteur recommended: the possibility of victims and organizations acting on their behalf raising civil actions in respect of slavery and discrimination. Recommendation 2 raises more questions than it answers and thus can be viewed as a commitment to very little.

As previously mentioned, the 2007 Act has been ineffective due to lack of enforcement. This is evident in the fact that a very low number of prosecutions have been brought against slave owners. To date, the General Prosecutor has said that only 26 final judgments have been handed down under the 2007 Act.<sup>101</sup> It is not clear how many of these 26 cases ended in an actual conviction. However, even if all 26 individuals were convicted, this number pales in comparison to an estimated 140,000 to 160,000 individuals who are enslaved in Mauritania.<sup>102</sup> If the purpose of the 2007 Act was to "define, criminalize, and suppress slavery", as its Article 2 provides, and if prosecutions, despite Mauritania's best intentions, prove problematic as they have in the past, a

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<sup>101</sup> Special Rapporteur 2014 Report, *supra* note 75, at para. 12.

<sup>102</sup> THE GLOBAL SLAVERY INDEX 2013: MAURITANIA, *supra* note 6.



civil action for victims of slavery becomes essential. It is regrettable that the Roadmap is so unclear on what is intended for victim's civil remedies.

### **Establish an independent mechanism to investigate and litigate civil cases**

The Special Rapporteur called for Mauritania to “[e]stablish an independent, government-funded mechanism that can carry out its own investigations and which has its own standing to bring civil cases of slavery or discrimination before the courts.”<sup>103</sup> In turn, the Roadmap essentially repeats that in Recommendation 11 by committing the government to “[e]stablish a high-level institution, funded by the State (an agency, monitor or commission), specialized in combatting the consequences of slavery, charged to address the socio-economic situation of victims. In addition, the institution should conduct independent investigations and be empowered to act as counsel for victims in civil actions concerning slavery. The institution, to comprise public officials and human rights NGOs, should develop a national strategy of awareness to combat slavery”.

In her 2014 Report, the Special Rapporteur related that *TADAMOUN* had been established in March of 2013 to conduct investigations and lodge complaints against perpetrators of “slavery and slavery-like practices” on behalf of the victims as a civil party and to work with the public prosecutor to bring criminal charges.<sup>104</sup> However, *TADAMOUN*, while “autonomous” in name, is not an independent entity separate from the government, as required by the Special Rapporteur’s recommendation. Instead, “the agency is, administratively, part of the Presidency of the Republic, and...its standing as a civil party contravenes the principle of the separation of powers.”<sup>105</sup> As she also pointed out in her 2014 Report, its mandate is too wide and its resources too small; and it should be focused more on slaves and slavery rather than on poverty-eradication and awareness-raising.<sup>106</sup>

Given that enforcement of the 2007 Act has already been difficult, even with without an investigative body that can also bring civil cases to the court on its own standing, enforcement will remain difficult if not insurmountable. This is so because “victims of slavery often do not know about their rights and their claim to protection from the law.”<sup>107</sup> Rather, victims have become “indoctrinated by the practice of slavery” to the point where they will not or cannot bring challenges against their masters.<sup>108</sup> Therefore, in order to be effective and to satisfy both the Special Rapporteur’s demands and the Roadmap’s aims, *TADAMOUN* requires be an independent though government-funded entity, able to provide investigations outside the influence of the government; and to have adequate financial, technical and personnel resources.

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<sup>103</sup> Special Rapporteur 2010 Report, *supra* note 1, at para. 105.

<sup>104</sup> Special Rapporteur 2014 Report, *supra* note 75, at para. 35.

<sup>105</sup> *Id.* at para. 19.

<sup>106</sup> *Id.* at para. 35.

<sup>107</sup> THE GLOBAL SLAVERY INDEX 2013: MAURITANIA, *supra* note 6.

<sup>108</sup> *Id.*

### **Provide a multi-stakeholder committee to develop, implement and monitor a national strategy to combat slavery**

The Special Rapporteur called for Mauritania to establish a national body to oversee its national strategy against slavery. Such a body appears to have been established in *TADAMOUN*. This appears to be in compliance with Recommendation 28 which specifies that the Government is to “[e]stablish a commission to monitor all actions and activities” which pertain to slavery. The Special Rapporteur, in her 2014 Report, applauded the establishment of *TADAMOUN*, while also advising that the next step is to bring *TADAMOUN* in line with the 2010 Report recommendations.<sup>109</sup>

### **Include provisions for rehabilitation programs for ex-slaves providing an alternative livelihood**

The Special Rapporteur recommended that Mauritania introduce provisions to establish rehabilitation programs, including education and job-training, for ex-slaves which would provide them “alternative means of livelihood”.<sup>110</sup> Recommendation 5 in the Roadmap declares the need to “add provisions on reintegration programs” in the 2007 Act. This recommendation does not specify what programs it seeks to add. However, education and other development of slaves seem to be provided for in other recommendations. Other recommendations included in the Roadmap commit Mauritania to “create and monitor structures to educate former slaves” (Recommendation 12), and to “promote compulsory education for children and vocational training for adults” (Recommendation 15). While it is clear that education programs are the target of these recommendations, they do not specify that this is to be legislatively enshrined in the 2007 Act, unlike the recommendation adding a provision on reintegration programs.

Recommendation 20, to “develop and execute programmes of development for former slaves”, is unclear as to what “programmes for development” are envisioned. Again, there is no specific mention of changing the 2007 Act to include these programs, whatever they might be. The Roadmap is unclear on the Special Rapporteur’s recommendation to provide rehabilitation programs because it does not specify what programs are to be included and how they are to be enshrined into law to “ensure their longevity.”<sup>111</sup>

### **Include measures for financial and economic means of support, land tenure, microcredit and support to justice for ex-slaves**

This Special Rapporteur recommendation seems to provide for three specific items: financial and economic means of support for ex-slaves, including microcredit; land tenure rights for ex-slaves; and support for justice for ex-slaves. Financial and economic support is not specifically provided for in the Roadmap. Recommendation 6 states that “provisions on assistance to victims” should be added to the 2007 Act, but it is not clear if that is to include financial and economic support. Land ownership is mentioned in Recommendation 7 with the brief — and less than specific — commitment to “[c]reate conditions of equal access to land ownership.” Microcredit, however, finds no mention at all in the Roadmap.

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<sup>109</sup> Special Rapporteur 2014 Report, *supra* note 75, at para. 35.

<sup>110</sup> Special Rapporteur 2010 Report, *supra* note 1, at para. 105.

<sup>111</sup> *Id.*

## *Awareness-raising*

In her 2010 Report, the Special Rapporteur contended that, to effectively combat slavery, “[c]hanging the mentality of the population is important at all levels of society ... in rural and urban areas.”<sup>112</sup> She suggested that this change would come about through awareness-raising campaigns which “focus on publicizing the prohibition and criminalization of slavery. [They] should inform slaves of their rights, who they can bring their complaints to, how they can file their complaints in courts and the kind of support they can get from the government and NGOs.”<sup>113</sup> She added that, since the cultural dimension is essential, it “must involve ulemas and imams, especially those in rural areas.”<sup>114</sup> The suggested methods to disseminate this information was through “newspapers, debates, conferences, television, radio, etc.,” and could “include obligatory specialized training seminar for judge and representatives of local authorities, gendarmeries, polices, the media and NGOs.”<sup>115</sup>

In her follow-up 2014 Report, the Special Rapporteur bluntly stated that awareness-raising goals to change attitudes and cultures towards slavery had not been fully met.<sup>116</sup> She re-emphasized the need for awareness-raising campaigns when she wrote:

Slavery laws and the road map should be popularised and made publicly available, and a nationwide awareness-raising and sensitisation campaign should be conducted to educate victims of slavery about their rights and the remedies available to enable them to pursue legal action and exercise their rights.<sup>117</sup>

A comparison between the Roadmap recommendations and those made by the Special Rapporteur in 2010 show that the Roadmap falls short in addressing key aspects needed for effective awareness campaigns that include:

- Change the mentality of the population on all levels of society.
- Renew awareness-raising campaigns in rural and urban areas that focus on publicizing the prohibition and criminalization of slavery.
- Campaigns should inform slaves of their rights, who they can bring their complaints to, how they can file their complaints in courts, and the kind of support they can expect from the government and NGOs.
- Involve ulemas (Muslim scholars) and imams (Islamic leaders like ministers, pastors, priests, etc.) in awareness campaigns, especially in rural areas.
- Include newspapers, debates, conferences, television, radio, etc. in awareness campaigns.

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<sup>112</sup> Special Rapporteur 2010 Report, *supra* note 1, at para. 106.

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> Special Rapporteur 2014 Report, *supra* note 75, at para. 41.

<sup>117</sup> *Id.*

- Judges and representatives of local authorities, gendarmeries (military force charged w/police duties), police, media, and NGOs should go through obligatory specialized training seminars, which focus on awareness.

### **Changing the mentality of the population on all levels of society**

The Special Rapporteur called for Mauritania to “[c]hange the mentality of the population on all levels of society.” The Roadmap addresses this concern by calling for involvement of civil society in all immediate actions and programs in Recommendation 26. While addressing the thrust of the Special Rapporteur’s recommendation, this commitment is overly general and provides no guidance as to what “involvement” entails. It fails to answer questions such as: How much of civil society must be involved? How involved must they be? What kinds of actions and programs are intended to satisfy these involvement criteria? Because the recommendation lacks clarity, it also lacks a measure by which to gauge its success. It presents as a less-than-genuine response to the serious obligations the country has been called on to fulfill.

### **Renewing awareness-raising campaigns by involving ulemas and imams – especially in rural areas**

The Special Rapporteur called for a “[f]ocus on publicizing the prohibition and criminalization of slavery in rural and urban areas” by involving ulemas and imams in awareness campaigns.<sup>118</sup> Roadmap Recommendation 22 commits Mauritania to “[i]nitiating awareness programs on the illegality of slavery and the 2007 Act, led by religious teachers and civil society networks.”

Involving religious leaders is key to changing the fundamental cultural and religious indoctrination which, to date, has served to mollify victims of slavery into tacitly accepting their station. Indeed, “without access to education or alternative means of subsistence, many believe that it is God’s wish for them to be slaves. As most people in slavery are kept illiterate and uneducated, they are unaware of the fact that according to Islamic law, a Muslim cannot enslave a fellow Muslim.”<sup>119</sup> There is no express commitment to follow the Special Rapporteur’s admonition to have the “Ministry of Religious Affairs ... facilitate the elaboration and pronouncement of a fatwa by religious leaders in collaboration with civil society asserting that all forms of slavery and slavery-like practices are forbidden under Islam in order to dispel the widespread misperception that practices of slavery are linked to Islam.”<sup>120</sup> Such a commitment is noticeably and significantly absent from the Roadmap.

### **Informing slaves of their rights**

The Special Rapporteur called for a “[c]ampaign to inform slaves of their rights, who they can bring their complaints to, how they can file their complaints in courts and the kind of support they can get from the Government and NGOs.”<sup>121</sup> In addressing this recommendation, Roadmap Recommendation 21 commits Mauritania to “[a]ssist victims of slavery from the beginning of court proceedings until the end of the procedure.” By its terms, this recommendation is

<sup>118</sup> Special Rapporteur 2010 Report, *supra* note 1, at para. 106.

<sup>119</sup> THE GLOBAL SLAVERY INDEX 2013, *supra* note 6.

<sup>120</sup> Special Rapporteur 2014 Report, *supra* note 75, at para. 39.

<sup>121</sup> Special Rapporteur 2010 Report, *supra* note 1, at para. 106.

problematic. For example, it assumes victims of slavery are able to initiate court proceedings without assistance putting an unduly heavy onus on the former slave to know and understand his/her rights enough to seek legal recourse or even legal advice. It does not seem to provide assistance to those who may be unaware that they have a legally cognizable claim. Additionally, there is no indication of who is accountable for ensuring assistance is provided.

### **Including all media in awareness campaigns**

The Special Rapporteur suggested using “newspapers, debates, conferences, television, radio, etc.” in awareness campaigns. The Roadmap addresses this to a degree in Recommendations 23 and 25. Recommendation 23 undertakes to “[p]ublicize the texts on slavery and raise awareness through displays, debates, slogans and broadcasting”, and Recommendation 24 to “[e]stablish a day of the struggle against slavery.” These recommendations fall short in that all the target audience, slaves, may not be reached. Since slavery still exists primarily in rural areas, access to media could be limited. The clear intent of the Special Rapporteur was that information on the 2007 Act should be accessible and meaningful to those currently enslaved.

### **Obligatory awareness training for key personnel**

The Special Rapporteur called for “obligatory specialized training seminars for judges and representatives of local authorities, gendarmeries, police, the media and NGOs.”<sup>122</sup> Roadmap Recommendation 24 commits Mauritania merely to “[p]romote specialization of judges and court officials on the application of the law”, ignoring the Special Rapporteur’s interest in ongoing training of a large number of public figures; the Roadmap substitutes it with the non-equivalent task of promoting some specialization in the judiciary.

### *Programs for Former Slaves*

In order for the vestiges of slavery to disappear, the Special Rapporteur recommended that “the amended law and plan of action should be supported by a wide range of programmes that provide, for example, access to basic education, vocational training, income-generating opportunities, microcredit and equal access to employment opportunities.”<sup>123</sup> She highlighted six different program areas critical to the effective transition of ex-slaves from bondage:

- All programs should be monitored for effectiveness.
- Former slaves receiving training should be able to obtain professional qualifications and register through State or non-State labor agencies in order to get legal jobs.
- Strengthen and build the capacity of NGOs working to combat slavery through strong cooperation between NGOs and the government.
- Those who address the problem of slavery should take into consideration the impact [poverty] programs may have on slavery in the community.

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<sup>122</sup> *Id.*

<sup>123</sup> Special Rapporteur 2010 Report, *supra* note 1, at para. 107.

- Programs should restore the rights of children of ex-slaves by providing them with birth registrations with their natural identity, access to schooling, and reuniting them with their families.
- Address the rights of women who have fled from slavery by providing them access to basic rights such as food, shelter, basic education, and alternative livelihoods.

### **All programs should be monitored for effectiveness**

The Special Rapporteur's suggestion that "[p]rogrammes should be monitored for effectiveness" has, to a degree, been incorporated into the Roadmap as Recommendations 28 and 29. Recommendation 28 commits Mauritania to "[e]stablish a commission to monitor all actions and activities", and Recommendation 29 requires "a periodic evaluation [to] be undertaken until all objectives are attained."

In her 2014 Report, the Special Rapporteur noted that the establishment of an agency, *TADAMOUN*, to fulfill these Roadmap recommendations. She noted that "*Tadamoun* is responsible for identifying and proposing programmes to eradicate the consequences of slavery and to ensure their implementation." That said, the establishment of *TADAMOUN* can only be the first step in fully implementing the Special Rapporteur's recommendation. To realize it completely, there needs to be included such items as timelines and specific steps to be taken by the agency in order to accomplish its goal.

### **Professional training and registration**

The SR recommended specific training for former slaves. She said that they should "receiving training . . . to be able to obtain professional qualifications and register through State or non-State labor agencies in order to get legal jobs." This recommendation is not specifically provided for anywhere in the Roadmap. Rather, the Roadmap generally alludes to educating former slaves in Recommendations 15 and 16. Under Recommendation 15, Mauritania is to "[p]romote compulsory education for children and vocational training for adults", and Under Recommendation 16 to "[p]romote affirmative action in employment." It is to be doubted whether these recommendations are sufficient to meet the specific goal of incorporating former slaves into legal jobs, which would function to empower them to a higher degree and allow them to directly participate in the nationwide struggle against slavery.

### **The capacity of NGOs working to combat slavery**

The Special Rapporteur asked Mauritania to "[b]uild strong cooperation between NGOs and the government." Roadmap Recommendation 27 calls for strengthening the capacity of NGOs, while Recommendation 11 promises the establishment of a high-level institution funded by the State, involving NGOs as well as public officials, specialized in combatting the consequences of slavery, charged to address the socio-economic situation of victims and to develop a national strategy of awareness to combat slavery. Recommendation 11 is the only recommendation among the 29 made by the Mauritanian with the level of specificity indicative of serious commitment and possible successful implementation. Recommendation 27, on the other hand, is

especially unclear. What is meant by strengthening the capacity of NGOs and how will that capacity be strengthened?

### **The impact of poverty programs on slavery in the community**

The recommendation made by the Special Rapporteur, to consider the “impact programs may have on slavery in the community,”<sup>124</sup> is not mentioned in the Roadmap. This is concerning because, as the Special Rapporteur mentioned, such programs have the potential to “benefit either the masters or the slaves.”<sup>125</sup> Since the primary target population of the Roadmap is slaves and ex-slaves, poverty programs should place heavy emphasis on assisting them and not necessarily their masters.

### **Programs for children of ex-slaves**

The Special Rapporteur called for “[p]rogrammes that restore the rights of children of ex-slaves”, these programs to focus on providing the children with “birth registration that includes their national identity, access to schooling and reuniting children with their families.”<sup>126</sup> While a number of recommendations in the Roadmap touch on the rights of children, they do not adequately address the Special Rapporteur’s ultimate goal of empowering children of slaves, let alone the specifics of her recommendation. Roadmap Recommendations 10, 12, 14, and 15 between them call for taking account of the gender dimension in action on discrimination against vulnerable groups, especially that concerning non-discrimination against women and children; creating and monitoring structures to educate former slaves; facilitating civil status for persons without affiliation; and promoting compulsory education for children and vocational training for adults. There is no explicit commitment to providing children with birth registrations and identity documentation, giving them access to education and reuniting them with their families. Mauritania is not committing itself to ending a generational cycle of slavery.

### **The rights of women who have fled from slavery**

The Special Rapporteur recommended that the Mauritania implement “[p]rogrammes that address the rights of women who have fled from slavery” to “focus on providing women who have fled slavery with immediate access to basic rights such as food and shelter” as well as empower female ex-slaves “with basic education and alternative livelihoods so that they can provide for themselves for their families.”<sup>127</sup> The Roadmap, through a combination of Recommendations 12, 15, and 20, include references to creating and monitoring structures to educate former slaves, promoting compulsory education for children and vocational training for adults, establishing and executing programs of development for former slaves. Neither individually nor in sum do these recommendations address the Special Rapporteur’s specific demands in respect of women. Additionally, they, like so many other recommendations, are vague and lack detail.

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<sup>124</sup> *Id.* at para. 110.

<sup>125</sup> *Id.*

<sup>126</sup> *Id.* at para. 111.

<sup>127</sup> *Id.* at para 112.

## **APPENDICES:**

### ***Appendix A: Roadmap to Combat the Consequences of Slavery***

(Unofficial Translation)

#### **Islamic Republic of Mauritania**

Honor – Fraternity – Justice

#### **Department of Justice**

##### **COMMUNICATION ON THE ROADMAP TO COMBAT THE CONSEQUENCES OF SLAVERY**

In strengthening democracy and promoting the Rule of Law, the Government has distinguished itself by the achievement of several advances that have allowed citizens to enjoy the protective mechanisms of human rights and plans to adopt the present agreed roadmap to combat the consequences of slavery.

#### **Achievements in combatting the consequences of slavery:**

In the framework of its approach to the multidimensional struggle against the consequences of slavery, the Government has adopted legal, economic and social measures which contribute to its achievement.

Thus, the Government, besides adopting the law criminalizing slavery and slavery-like practices, has established a high-level institution, charged to eliminate the consequences of slavery, with the addition of combatting poverty. It is the “TADAMOUN” National Agency.

In same vein, the Government has established awareness programs on the illegality of slavery and publicized Act No. 2007-048, spurred by religious leaders, and with the participation of civil society organizations. Also, the Government has participated in several activities undertaken in this area by the National Commission of Human Rights and civil society organizations.

At the judicial level, the Government ensures the training of judges and practitioners in the purposes of the laws criminalizing and eliminating slavery on the one hand, and has just established a specialized court to deal with slavery-related offences on the other hand.

#### **The mechanism to combat the consequences of slavery**

The roadmap, developed with the participation of public departments involved in combatting the consequences of slavery and civil society, has the agreement of technical and financial partners of Mauritania on the one hand, and the support of the special rapporteur of the United Nations on contemporary forms of slavery on the other hand.

The roadmap includes 29 recommendations that address the body of law, the economic and social areas and the awareness necessary to eradicate the consequences of slavery.



At the legal level, the roadmap recommends the revision of the law by introducing new forms of slavery and discrimination measures.

At the economic level, it puts emphasis on the creation a high priority in combatting the consequences of slavery and the support of victims, while ensuring that perpetrators are required to make restitution.

The prohibition on undertakings to prevent forced labor and child labor is a priority for this roadmap that highlights the partnership with civil society in combating the consequences of slavery, and it also recommends the establishment of a committee to monitor programs and activities.

The adoption of this roadmap will enhance the effectiveness of the Government’s fight against the consequences of slavery, and allow better integration of victims. An inter-ministerial committee will supervise the implementation of the roadmap.

### Synthesis of Recommendations

	<b>Actions to be Taken</b>	<b>Timeframe</b>	<b>Implementation Responsibility</b>	<b>Also Involved</b>
1	Amend the Act 2007-048 to include a definition in line with the Supplementary Slavery Convention and add other forms of hereditary slavery like debt bondage, slave labor and early marriage (to complement the definition contained in the Act)	12 months	PM – MJ – CNDH – CDHAHRSC	HR NGOs – OHCHR in Mauritania
2	Add to the text with provisions on discrimination and civil reparations		PM – MJ – CNDH – CDHAHRSC	HR NGOs – OHCHR in Mauritania
3	Introduce a provision requiring slave owners to indemnify victims		PM – MJ – CNDH – CDHAHRSC	HR NGOs – OHCHR in Mauritania
4	Revise art. 3 to include all contemporary forms of slavery		PM – MJ – CNDH – CDHAHRSC	HR NGOs – OHCHR in Mauritania
5	Include in the 2007 Act provisions on reintegration programs		PM – MJ – MF – MAED – CNDH – CDHAHRSC	HR NGOs – OHCHR in Mauritania
6	Incorporate provisions on giving assistance to victims	12 months	PM – MJ – CNDH – CDHAHRSC	HR NGOs – OHCHR in Mauritania

7	Create favorable conditions for equal access to land ownership	24 months	PM – MJ – MID – MF – CNDH – CDHAHRSC	State, Legislature, Civil society
8	Improve corpus of legislation on slavery with texts supplementing the 2007 Act criminalizing slavery	12 months	PM – MJ - CNDH	
9	Ensure execution of court decisions on victim compensation		MJ – CNDH	
10	Take account of the gender dimension for action on discrimination against vulnerable groups, especially that concerning non-discrimination against women and children	12 months	PR – MASEF – CNDH – CDHAHRSC	Civil society, UN system, European Union
11	Establish a high-level institution, funded by the State (an agency, monitor or commission), specialized in combatting the consequences of slavery, charged to address the socio-economic situation of victims. In addition, the institution should conduct independent investigations and be empowered to act as counsel for victims in civil actions concerning slavery. The institution, to comprise public officials and human rights NGOs, should develop a national strategy of awareness to combat slavery	12 months	PR – PM – CNDH	Civil society, UN system, European Union
12	Create and monitor structures to educate former slaves		MEN – MAIEO	
13	Promote entrepreneurship in former slaves		MAED – MF – MFPM	Civil society, UN system, European Union
14	Facilitate civil status for persons without affiliation		MID – MJ – MAIEO – MASEF – MSGG	
15	Promote compulsory education for children and vocational training for adults	12 months	MFPM – MEFP – ANAPEJ	
16	Promote affirmative action in employment	12 months	MFPM – MEFP – CNDH – ANAPEJ	Labor unions, civil society
17	Include clauses in contracts between the State and foreign enterprises banning slave labor and child labor	1 year	MFPM – MEFP – ANAPEJ	

18	Ensure the establishment of working conditions in accordance with international standards set by the ILO		MFPM – MEFP – ANAPEJ	
19	Require businesses to draw up codes of conduct		MFPM – MEFP – ANAPEJ	
20	Establish and execute programs of development for former slaves		PR – MF – MAED	Civil society, UN system, European Union
21	Assist victims of slavery from the beginning of court proceedings until the end of the procedure	1 year	PR – MJ – CNDH	State and human rights civil society
22	Initiate awareness programs on the illegality of slavery and the 2007 Act, led by religious teachers and civil society networks	1 year	MAIEO – MEN – CDHAHRSC	Local administrations, mayors, civil society combatting slavery
23	Publicize the texts on slavery and raise awareness through displays, debates, slogans and broadcasting		PR – MCRP – MJ – CDHAHRSC – CNDH	
24	Promote specialization of judges and court officials on the application of the law		MJ – MID – MDN – CNDH	Civil society, UN system, European Union
25	Establish a day of the struggle against slavery		PR – CNDH	
26	Involve civil society in all immediate actions and programs	Immediate	PR – PM – MJ – MID – MDN – MAED – MF – MCRP – MAIEO – MFPM – MEFP – MASEF – CNDH – CDHAHRSC	State/civil society
27	Strengthen the capacity of NGOs		MAED – MF – CDHAHRSC	UN system, European Union
28	Establish a commission to monitor all actions and activities	Immediate	State – human rights civil society and the OHCHR in Mauritania	

29	A periodic evaluation must be undertaken until all objectives are attained		PR – PM – MJ – MID – MDN – MAED – MF – MCRP – MAIEO – MFPM – MEFP – MASEF – CDHAHRSC	State/civil society/partners
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**The inter-ministerial committee [Recommendation 29] could be composed as follows:**

Presidency of the Republic (TADAMOUN + ANAPEJ) [PR]

Prime Ministry [PM]

Ministry of Justice [MJ]

Ministry of National Defense [MDN]

Ministry of Finance [MF]

Ministry of Economic Affairs and Development [MAED]

Ministry of Islamic Affairs and Basic Education [MAIEO]

Ministry of Communications and Relations with Parliament [MCRP]

Ministry of the Interior and Decentralization [MID]

Ministry of Public Service, Labor and Modernization [MFPM]

Ministry of Employment and Vocational Training [MEFP]

Ministry of National Education [MEN]

Ministry of Social Affairs, Children and the Family [MASEF]

Commissioner for Human Rights, for humanitarian measures and relations with civil society [CDHAHRSC]

National Commission on Human Rights [CNDH]

[TADAMOUN: National Agency to Fight against the Vestiges of Slavery, for Social Integration and to Fight Against Poverty]

[ANAPEJ: National Agency for Youth Employment]

## *Appendix B: Special Rapporteur 2010 Recommendations*

### **A. Overall strategy**

102. The Special Rapporteur highly values the political will and programmes put in place by the Government in order to eradicate slavery. However, although slavery has diminished as a result of Government actions, it is still a reality in modern-day Mauritania — especially in rural remote areas — where human rights violations continue to occur. Unaddressed or partially addressed (whereby work only focuses on “vestiges of slavery”), slavery will create an obstacle to the development of the country.

103. A first step towards comprehensive action to combat slavery would be to develop a national strategy for that purpose. The Special Rapporteur was informed of the Government's willingness to create a national strategy. This strategy can be based on a study of the history and nature of slavery in Mauritania. The Special Rapporteur encourages the Government to start this study, with support from the United Nations Development Programme and the European Community. The strategy can then be developed by various stakeholders, including representatives from the Government, civil society organizations traditionally working on slavery, international NGOs, United Nations agencies and the donor community. These various stakeholders can form an institutional body that will implement and monitor the national strategy to combat slavery.

104. In addition, all Government departments, international agencies and NGOs should consider slavery and the “vestiges of slavery” when developing and implementing programmes in Mauritania.

### **B. Slavery law and policies**

105. As the Minister of Justice reviews the effectiveness of the 2007 Slavery Act, the Special Rapporteur urges him to consider incorporating the following:

- Introduction of a law against discrimination practices based on caste or ethnic slavery;
- A clearer definition of slavery within the law that would include contemporary forms of slavery such as the *talibes*;
- Inclusion in the 2007 Slavery Act of provisions that provide for victims' assistance and compensation;
- Introduction of a civil cause of action for victims of slavery. This would give victims of slavery and human rights organizations acting in their interests the right to appeal directly to the courts against an act of slavery or discrimination rather than relying on police or other authorities to bring criminal charges in such cases. This could be done by adding a second part to the current law or by introducing a separate, but linked law;
- The establishment of an independent Government-funded mechanism, enshrined in legislation, which can carry out investigations on its own initiative and has the standing to bring civil cases of slavery or discrimination before the courts;

- The 2007 Act should also have a multi-stakeholder committee to develop, implement and monitor a national strategy to combat slavery;
- It should include provisions that provide for rehabilitation programmes that would provide alternative means of livelihood for ex-slaves. This is essential in ensuring that former slaves do not end up in voluntary servitude, whereby they continue working for their master in exchange for cash or payment in kind, e.g. housing, food, etc. These programmes should also provide education for ex-slaves — who are the most marginalized in society — and ensure that they are literate. Existing programmes such as PESE should be enshrined in law to ensure their longevity;
- Inclusion in the law of accompanying measures which outline means to financial and economic means of support, land tenure, microcredit and support to justice for ex—slaves.

### **C. Awareness-raising**

106. Changing the mentality of the population is important at all levels of society. There is a need for a long-term strategy to wipe out slavery, since there is a real need to change attitudes and cultures. Awareness-raising campaigns need to be renewed and sustained in rural and urban areas. The nationwide campaigns need to focus on publicizing the prohibition and criminalization of slavery. The campaign should inform slaves of their rights, who they can bring their complaints to, how they can file their complaints in courts and the kind of support they can get from the Government and NGOs. The cultural dimension for fighting slavery is paramount and it must involve ulemas and imams, especially those in rural areas. The campaign can use newspapers, debates, conferences, television, radio, etc. It should also include obligatory specialized training seminars for judges and representatives of local authorities, gendarmeries, police, the media and NGOs.

### **D. Programmes**

107. To be effective, the amended law and plan of action should be supported by a wide range of programmes that provide, for example, access to basic education, vocational training, income-generating opportunities, microcredit and equal access to employment opportunities. Such programmes must be monitored for effectiveness. The law has liberated slaves, but in order to prevent them from being or feeling subservient, former slaves must be able to have the means to be autonomous and feel empowered as individuals. Providing alternative livelihoods for former slaves will also prevent voluntary servitude.

108. In order for slave labour to be brought to light and regulated, former slaves receiving training should be able to obtain professional qualifications and register through State or non-State labour agencies in order to get legal jobs.

109. There is a need to strengthen and build the capacity of NGOs working to combat slavery. They have been able to liberate slaves but have been unable to provide them with sustainable alternatives once liberated. Strong cooperation should be established between NGOs and Government on protection of liberated slaves and provision of the necessary means to work.

110. Poverty exists in all communities in Mauritania. It is therefore important that those who address the problem of poverty take into consideration the impact that their programmes may have on slavery in the community, e.g., how to address poverty when former masters and slaves live side-by-side in poverty or where the master owns the land that the slaves work on. Those funding or implementing the programmes should be able to consider whether their programmes benefit either the masters or the slaves. The new Poverty Reduction Strategy Paper must include programmes that specifically target slaves.

111. Programmes to restore the rights of children of ex-slaves are crucial. These programmes should focus on providing these children with birth registration with their natural identity, access to schooling and reuniting children with their families.

112. Programmes that address the rights of women who have fled from slavery should be established. Programmes should focus on providing women who have fled slavery with immediate access to basic rights such as food and shelter. The programmes should also focus on empowering female ex-slaves by providing them with basic education and alternative livelihoods so that they can provide for themselves and their families.

#### **E. Recommendation for returnees from Senegal**

113. It is important that the repatriation programme takes into account the impact that slavery or "vestiges of slavery" such as land, can have on the returnees and the communities around them. Awareness-raising campaigns to promote the 2007 Slavery Act should also focus on providing information for the returnees and communities around them.

114. There is a need to launch projects that prevent discrimination against the returnees by highlighting how the returnees will benefit the community.

115. The Government and UNHCR need to ensure that returnees have decent access to basic facilities and are offered training and sustainable income-generating activities.

116. In order to aid successful reintegration of the returnees, their skills, capacities and knowledge should be used to provide them with sustainable livelihoods and contribute to the communities in which they live.

117. Decision-making related to the programmes is currently centralized in Nouakchott, but the programmes need to be decentralized so that Government officials can implement the decisions relevant for each region.

#### **F. Recommendations to the international community**

118. The international community has to play an important role in working with the Government of Mauritania and NGOs in mainstreaming anti-slavery initiatives in its programmes, providing technical expertise and funding projects to combat slavery and the "vestiges of slavery".

## **G. Recommendations to businesses**

119. Businesses, including foreign companies investing in Mauritania should adhere to international standards that prevent the use of child labour and forced labour. The companies should develop corporate social responsibility policies that enable them to invest in the development of professional expertise in the Mauritanian labour market.



## *Appendix C: Special Rapporteur 2014 Recommendations*

### **A. Overall strategy**

34. The Special Rapporteur applauds the formal adoption of the road map and highly values the anti-slavery action taken by the Government, as seen in its institution-building, training initiatives and other projects and programmes, which reflect its political will and commitment to cooperation. The Special Rapporteur acknowledges that the Government has made good progress in the implementation of some of the recommendations made in her report submitted following her first mission in 2009. Nevertheless, further efforts are necessary in order to implement fully the road map, which largely incorporates the recommendations made by the Special Rapporteur after her first mission. With this in mind, the Special Rapporteur makes the conclusions and recommendations below.

35. The Special Rapporteur commends the Government for its efforts to strengthen the independence of the national human rights commission, which has a monitoring and advisory role, and the establishment of Tadamoun, an autonomous Government-funded agency mandated to monitor the fight of slavery and its consequences (in tandem with the fight against poverty). These efforts are crucial in establishing an appropriate, dedicated and functioning institutional infrastructure, which had been lacking. It is now important to bring Tadamoun into line with the recommendations made by the Special Rapporteur and the requirements of the road map requirements. The agency should also be adequately resourced, including in terms of means, training and expertise. The integration process should also be furthered through systematic efforts that go beyond infrastructure and pay more attention to the protection of victims of slavery and slavery-like practices, redress and access to employment and livelihood opportunities. Analysis of and research on slavery by the national human rights commission, presented in regular public reports, would be crucial for the full implementation of the recommendations made by the Special Rapporteur.

### **B. Slavery law and policies**

36. The Special Rapporteur encourages the Ministry of Justice to expedite the review of the Slavery Act of 2007, and calls upon the Government to amend the Act in accordance with her previous recommendations and the road map, including to ensure better protection for victims recognized as slaves. The Special Rapporteur reiterates the need to accord the right to act as a civil party to an independent mechanism in order to ensure that victims of slavery and slavery-like practices are assisted by independent lawyers offering pro bono services so that they make take effective legal steps and obtain redress, as well as the need to introduce a law against discrimination practices based on caste or ethnic slavery. The criminal law approach should be accompanied by effective measures to compensate for discrimination and to assist the integration of victims of slavery into an independent life.

37. For legislative action to result in concrete changes with a view to ensuring enforcement of slavery laws, the Special Rapporteur recommends that the Government issue orders to the police and the judiciary regarding the enforcement of slavery legislation to ensure that allegations of slavery and slavery-like practices are effectively investigated and prosecuted.

38. The Special Rapporteur encourages the Government of Mauritania to ratify ILO Domestic Workers Convention, 2011 (No. 189).

39. The misinterpretation of religion to justify slavery and slavery-like practices is a powerful means to keep slaves in subordination and to perpetuate manifestations of slavery. The Special Rapporteur encourages the Ministry of Religious Affairs to facilitate the elaboration and pronouncement of a fatwa by religious leaders in collaboration with civil society asserting that all forms of slavery and slavery-like practices are forbidden under Islam in order to dispel the widespread misperception that practices of slavery are linked to Islam.

40. The Special Rapporteur emphasizes the need for affirmative action concerning former slaves, given that those who flee often continue to live in slavery, as they lack any alternative livelihood. The Government should assist slaves who have fled their masters with legal advice, legal assistance to file a case, temporary shelter and, wherever possible, microcredit for small businesses. There is also a need to address housing, land and property rights of former slaves, given that land ownership and land tenure are central to ensuring a sustainable livelihood, effectively “freeing” former slaves and preventing voluntary servitude. In accordance with the road map, the Government should create favourable conditions for equal access to property. The planned reception, training and vocational rehabilitation centre for former slaves should be transitory in nature, be accessible and provide adequate protection and assistance to victims of slavery. In no way should such a centre be used to regroup or ghettoize former slaves, or contribute to their further stigmatization.

### **C. Awareness-raising and training**

41. The Special Rapporteur reiterates the importance of raising awareness and changing peoples’ attitudes and beliefs towards slavery at all levels of society, in accordance with the road map. Slavery laws and the road map should be popularized and made publicly available, and a nationwide awareness-raising and sensitization campaign should be conducted to educate victims of slavery about their rights and the remedies available to enable them to pursue legal action and exercise their rights. The Special Rapporteur emphasizes that the Government should, without delay, publish the anti-slavery conventions that the State has ratified in the official gazette. Awareness-raising efforts should be complemented by mandatory, specialized training seminars for judges and representatives of local authorities, gendarmeries, police, the media and non-governmental organizations.

### **D. Study and statistics**

42. As noted during her mission in 2009, the Government lacks definitive data on the nature and incidence of slavery in Mauritania, which further exacerbates the problem of addressing slavery properly. The Special Rapporteur encourages the Government to ensure nationwide, systematic and regular collection of disaggregated data on all forms of slavery and to conduct a thorough evidence-based study on the history and nature of slavery in Mauritania. Given that data have to be used sensibly to avoid stigmatization and potential misuse, particular care should be exercised when collecting and analysing data in order to respect and enforce data protection and privacy.

## **E. Recommendations for the international community**

43. The international community has an important role to play in assisting and cooperating with the Government of Mauritania to implement the road map fully, in tandem with non-governmental organizations and all civil society actors. The road map, by providing a constant status determination and specifying the appropriate follow-up activity needed, will guide actors in their efforts to eradicate all forms of slavery. The road map also provides for a follow-up commission mandated to monitor the implementation of the road map. The Special Rapporteur recommends that the members of this monitoring body, and in OHCHR, with its Field Office in Nouakchott, be supported in order to allow for active engagement and technical assistance projects. Beyond the support for implementation of the road map, assistance is still needed in mainstreaming anti-slavery initiatives and action in government programmes, as well as in providing technical expertise, human rights training and funding of projects to combat slavery and slavery-like practices.

44. The Special Rapporteur recommends moreover that the United Nations country team identify OHCHR as the common focal point for monitoring the implementation of the road map and relevant follow-up.

## **F. Recommendations for businesses**

45. The Special Rapporteur remains concerned about the possible impact of businesses and foreign investors and companies investing in Mauritania that do not adhere to international standards preventing the use of child labour and forced labour, or to the Guiding Principles on Business and Human Rights, which provide guidance on responsible contracting and State-investor contract negotiations. All enterprises should develop corporate social responsibility policies that enable them to invest in technical and vocational education and training and to develop professional expertise in the Mauritanian labour market.