



# Asamblea General

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## Consejo de Derechos Humanos

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**Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo**

## Visita a Mauritania

### **Informe del Relator Especial sobre las formas contemporáneas de la esclavitud, incluidas sus causas y consecuencias, Tomoya Obokata\***

#### *Resumen*

El Relator Especial sobre las formas contemporáneas de la esclavitud, incluidas sus causas y consecuencias, Tomoya Obokata, visitó Mauritania del 4 al 13 de mayo de 2022. Visitó Nuakchot y Nuadibú. El objetivo principal de la visita era evaluar los progresos realizados por Mauritania en la eliminación de la esclavitud desde la visita de la anterior titular del mandato, en particular mediante la aplicación de la “Hoja de ruta para la aplicación de las recomendaciones de la Relatora Especial sobre las formas contemporáneas de la esclavitud, incluidas sus causas y consecuencias, con miras a eliminar las prácticas de esclavitud en Mauritania”, que el Gobierno aprobó en 2014 sobre la base de las recomendaciones formuladas por la anterior Relatora Especial.

El Relator Especial reconoce los importantes progresos realizados por Mauritania en el fortalecimiento de su marco jurídico e institucional para prevenir y combatir la esclavitud. Sin embargo, observa que la esclavitud basada en la ascendencia persiste en determinadas zonas del país junto a formas contemporáneas de esclavitud, y destaca varios ámbitos en los que personas esclavizadas actualmente o en el pasado y sus descendientes sufren exclusión social, económica y política. Para consolidar los logros del país y hacer frente a estos problemas, el Relator Especial recomienda medidas para complementar y reforzar la aplicación de la legislación vigente de lucha contra la esclavitud, abordar las formas contemporáneas de esclavitud y erradicar la discriminación contra las víctimas de la esclavitud.

\* El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho, que figura en el anexo, se distribuye únicamente en el idioma en que se presentó y en francés.



## Annex

# Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, on his visit to Mauritania

## I. Introduction

1. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, visited Mauritania from 4 to 13 May 2022. He travelled to Nouakchott and Nouadhibou. This was the third visit, following visits by the previous mandate holders in 2009 and 2014. The main purpose of the visit was to assess the progress made in eliminating slavery since the previous visit, in particular through implementation of the “Road map for the implementation of recommendations of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, with a view to elimination of slavery practices in Mauritania”, which was adopted by the Government in 2014 on the basis of recommendations made by the former Special Rapporteur, Gulnara Shahinian.

2. The Special Rapporteur met with the President of Mauritania, the Prime Minister, the President of the National Assembly, the Minister for Foreign Affairs, Cooperation and Mauritians Abroad, the Minister of the Interior and Decentralization, the Minister of National Education and Reform of the Education System, the Minister of Justice, the Minister of the Civil Service and Labour, the Minister of Social Affairs, Childhood and Family, representatives of the Commission on Human Rights, Humanitarian Action and Relations with Civil Society, the National Observatory for the Rights of Women and Girls and the National Mechanism for the Prevention of Torture, and the presidents of the Supreme Court and specialized anti-slavery tribunals. He also met with victims of slavery and other slavery-like practices,<sup>1</sup> representatives of civil society organizations, workers’ organizations, the National Human Rights Commission and the United Nations country team, and members of the diplomatic community based in Nouakchott.

3. The Special Rapporteur extends his sincere appreciation to the Government of Mauritania for its invitation and for facilitating open, frank and constructive dialogue, as well as for the cooperation extended to him by authorities at the highest levels, including the President. He expresses his sincere gratitude to the civil society and workers’ organizations, human rights activists, members of the diplomatic community and United Nations country team in Mauritania who provided him with an overview of the situation, to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Mauritania for its invaluable facilitation of and support for his mission, and above all to the survivors of slavery for their poignant testimonies.

## II. Legal and institutional framework

### A. International human rights and labour law

4. Mauritania has ratified or acceded to core human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the International Convention on the

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<sup>1</sup> In the present report, the phrase “victims of slavery” is used to refer to all currently and formerly enslaved persons and their descendants, with clarification as appropriate, in view of the descent-based discrimination and exclusion faced by enslaved groups.

Protection of the Rights of All Migrant Workers and Members of their Families, and the United Nations Convention against Transnational Organized Crime, including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It has made reservations to certain provisions of the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women that are perceived to be contrary to sharia, which is the sole source of law under the Constitution.<sup>2</sup>

5. Mauritania has ratified all the fundamental instruments of the International Labour Organization (ILO), except for those related to occupational safety and health, including the Forced Labour Convention, 1930 (No. 29), and its Protocol of 2014, the Abolition of Forced Labour Convention, 1957 (No. 105), the Minimum Age Convention, 1973 (No. 138), the Worst Forms of Child Labour Convention, 1999 (No. 182), the Equal Remuneration Convention, 1951 (No. 100), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Mauritania has also ratified three of the four ILO governance (priority) instruments, namely the Labour Inspection Convention, 1947 (No. 81), the Employment Policy Convention, 1964 (No. 122), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

## B. National legal framework

### Anti-slavery legislation

6. Mauritania first explicitly outlawed slavery in 1981, through Order No. 081-234. This law had several limitations, including its vague definition of slavery, a lack of measures for its implementation and an emphasis on compensating enslavers for their losses rather than providing reparations to victims; slavery was also not explicitly criminalized.<sup>3</sup> In 2003, Act No. 025-2003 was adopted. It criminalized trafficking in persons, including for purposes of forced labour and sexual exploitation. However, it did not recognize hereditary slavery as a form of trafficking, lacked measures for providing protection and assistance to victims and did not detail the process for holding perpetrators criminally accountable.

7. In 2007, Mauritania passed Act No. 2007-048, which legally defined slavery, prohibited discrimination based on actual or presumed enslaved status, criminalized slavery and associated practices, outlined penalties for perpetrators of slavery and related offences, established measures to assist and compensate victims of slavery and made it a punishable offence for authorities to fail to investigate slavery-related allegations. However, the Act did not cover all forms of slavery present in Mauritania, including serfdom and forced begging, and lacked measures to facilitate the social and economic integration of victims. It also did not provide a civil cause of action, meaning that individual victims could not bring cases against enslavers on their own or seek civil damages. They could only wait for the authorities to file criminal charges.<sup>4</sup> Very few prosecutions were carried out under the Act.<sup>5</sup> In 2012, Mauritania amended its Constitution to explicitly outlaw slavery and servitude and classify such acts as crimes against humanity.

8. In 2014, the Government adopted the “Road map for the implementation of recommendations of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, with a view to elimination of slavery practices in Mauritania” to address the gaps in Act No. 2007-048 and develop a national strategy to combat slavery. The Road map had three principal axes: (a) legal and institutional reforms; (b) awareness-raising; and (c) the social and economic integration of victims of slavery. The Road map served as the basis for Act No. 2015-031, criminalizing slavery and combating slavery-like practices, which was adopted in September 2015. This legislation is a significant improvement over

<sup>2</sup> See [HRI/CORE/MRT/2020](#).

<sup>3</sup> [A/HRC/27/53/Add.1](#), para. 8.

<sup>4</sup> [A/HRC/15/20/Add.2](#), paras. 85–89.

<sup>5</sup> [A/HRC/27/53/Add.1](#), para. 11.

previous anti-slavery legislation, as it covers slavery and all related practices, as defined in the Slavery Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

9. Decree No. 2016-002 of January 2016 established three specialized regional anti-slavery tribunals, in Nouakchott, Nouadhibou and Néma. In 2020, Mauritania adopted Act No. 2020-017, which sought to align the country's anti-trafficking framework with its commitments under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. In 2021, the Ministries of Justice, Defence, and the Interior and Decentralization issued Joint Circular No. 104-2021, calling upon all relevant authorities to implement the existing legal frameworks by responding to all allegations of slavery, providing legal aid and reparations to victims, facilitating the participation of civil society and allowing victims and their advocates to lodge civil complaints.

#### **Other relevant legislation**

10. Access to land remains a principal challenge for many victims of slavery. Property and land rights are regulated by Order No. 83-127 of 1983. Relevant provisions of this law include the declaration that all land belongs to the State and that every Mauritanian should have the right to own property, and the abolishment of all traditional land tenure systems.

11. Many persons affected by descent-based slavery and other vulnerable workers, including migrants, work as domestic servants, an area susceptible to slavery in view of its private nature. The conditions of such work are governed by Decree No. 2011-1797, which stipulates that domestic workers must be provided with contracts registered with the Ministry of the Civil Service and Labour, be paid at least the national minimum wage (although room and board, if provided, may be deducted), work no more than 260 hours per month without overtime, be registered with social services and enjoy at least one full day off per week, as well as paid leave.

### **C. Institutional framework**

12. The Commission on Human Rights, Humanitarian Action and Relations with Civil Society carries out awareness-raising campaigns and conducts capacity-building for public officials, the media and civil society regarding the anti-slavery legal framework of Mauritania. The Commission is developing a national strategy to address trafficking in persons and a national human rights strategy, which will have a specific section dedicated to the elimination of contemporary forms of slavery. The Commission recently launched a mechanism for receiving reports of trafficking. The Commission is empowered to act as a civil party to bring cases against those who violate anti-slavery legislation, and so far has done so in two cases.

13. The Ministry of Justice oversees the penal system for slavery. The judicial police, comprising local authorities, law enforcement agencies and mobile units of the armed forces, receive first notice of allegations of slavery and must initiate an investigation and inform the public prosecutor. The public prosecutor then opens an investigation and decides whether a case should be pursued. An examining magistrate reviews the facts and conducts an investigation to determine whether a criminal act has occurred. If the case moves forward, it is referred to one of three regional specialized tribunals. The Ministry also trains judges, prosecutors, law enforcement officials and court personnel at all levels on the treatment of slavery cases.

14. The Ministry of the Interior and Decentralization and the Ministry of National Education and Reform of the Education System play a role in governing the social integration of victims of slavery. Civil registration is managed by the Ministry of the Interior and Decentralization, and enrolment with this body is a prerequisite for access to critical social services, including advancement from primary to secondary education. Alternatively, the two ministries can jointly issue an attestation that permits children without civil status to sit exams for higher levels of education.

15. The General Delegation for National Solidarity and the Fight against Exclusion (Taazour) is a public development agency mandated to develop and implement policies for

social protection, solidarity and social cohesion, social inclusion and poverty reduction for poor and vulnerable populations. This mandate covers measures to expand target populations' access to basic services, decent work, and land rights, and improve their financial inclusion, food security and resilience.<sup>6</sup> Unlike its predecessor agencies, the National Agency for the Elimination of the Legacy of Slavery, Social Integration and the Eradication of Poverty (Tadamoun) and the Programme for the Elimination of the Consequences of Slavery, Taazour does not have a specific mandate to address slavery or its legacies, and only does so insofar as victims of slavery fall under the general umbrella of poor and vulnerable populations. Nonetheless, Taazour remains the agency of reference for many officials regarding the socioeconomic inclusion of victims of slavery.

16. The National Human Rights Commission is the country's national human rights institution. It undertakes missions, often in collaboration with OHCHR or anti-slavery civil society organizations, to investigate reports of slavery, determine whether a crime has taken place and refers confirmed cases to the appropriate authorities. The Commission currently works in five regions to raise awareness of anti-slavery legislation and how to report slavery, and also supports victims during the process. It has also established a hotline to receive reports of slavery.

### **III. Positive developments**

#### **A. Increasing acknowledgement of slavery**

17. Since the previous visit, Mauritania has made important progress. The culture of denying the existence of slavery seems to be changing gradually. The Special Rapporteur was particularly encouraged that the President stated that denying slavery was the wrong approach. This was echoed by other senior officials, including several ministers.

18. The Special Rapporteur witnessed increased efforts to raise awareness among local, tribal and religious leaders and the general public. The Commission on Human Rights, Humanitarian Action and Relations with Civil Society carries out "caravan campaigns" and workshops to raise awareness of anti-slavery and anti-trafficking legislation throughout the country and hosts workshops for civil society and the media on anti-slavery legislation. It has organized training sessions for relevant authorities and civil society and it held a regional anti-slavery conference in 2022 with civil society organizations from the countries of the Group of Five for the Sahel. The Ministry of Justice undertakes similar efforts with various public and private stakeholders in collaboration with OHCHR and civil society organizations.

19. The Special Rapporteur welcomes the commitment of Mauritania to acknowledging and addressing contemporary forms of slavery by joining Alliance 8.7 as a pathfinder country. This highlights the Government's willingness to achieve target 8.7 of the Sustainable Development Goals, which calls upon States to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

#### **B. Strengthened legal framework to address slavery**

20. Act No. 2015-031 recognizes slavery as a crime against humanity and defines slavery in line with international standards. It establishes wider offences, including discrimination against persons who are or are presumed to be enslaved, appropriation of property and income, deprivation of access to education, fraudulent deprivation of inheritance, and forced marriage. All of these are in line with the Road map. The Act also provides a legal basis for establishing specialized anti-slavery tribunals.

21. The penal regime has been enhanced. The sanctions for slavery have been increased, from 5 to 10 years' imprisonment under Act No. 2007-048 to 10 to 20 years under Act No.

<sup>6</sup> See <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC201896/>.

2015-031. Sentences of 5 to 7 years for servitude, debt bondage and appropriation of property or income of slaves and of 5 to 10 years for deprivation of access to education are also prescribed. This sends a clear message that slavery is a serious offence.

22. Act No. 2015-031 allows victims to claim damages through civil action, and public interest, human rights and anti-slavery organizations that have been registered in Mauritania for at least five years can become a civil party to such action. Victims are entitled to legal aid and are exempt from all expenses relating to bringing legal proceedings. These measures are also in line with the Road map. Overall, the Special Rapporteur takes the view that Act No. 2015-031 is a major improvement; this view was shared by interlocutors.

23. Act No. 2020-017 defines various offences, including forced labour and organized crime, in line with international standards, including the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Forced Labour Convention, 1930 (No. 29). Trafficking offences that meet the definition of slavery under Act No. 2015-031 are punishable by 10 to 20 years' imprisonment. Conditions for aggravated penalties are also defined. Importantly, this law enhances the protection of victims of trafficking, providing a recovery period of six months, physical and psychological protection and care, anonymity in criminal proceedings, accommodation, social protection, and compensation. Victims of slavery who have not been trafficked are also covered by this law.

24. The adoption in 2021 of Act No. 2021-004, concerning associations, foundations and networks, is an encouraging step towards enabling freedom of association, including for associations that support victims of slavery. This law changed the registration system for civil society organizations to allow such organizations to register and operate without prior government authorization.

### **C. Developments since the visit of the Special Rapporteur**

25. Mauritania has continued dialogue with the Special Rapporteur since his visit. It has established three bodies: (a) a technical committee to oversee the implementation of the recommendations made by the Special Rapporteur; (b) an interministerial committee to monitor the Government's action against trafficking in persons and smuggling of migrants; and (c) a joint unit comprising the Ministry of Justice, the Commission on Human Rights, Humanitarian Action and Relations with Civil Society and the public prosecutor to monitor the progress of slavery cases in the courts. The Government has also established a helpline to receive reports of slavery and trafficking.

26. Another important initiative is the establishment of a dedicated support fund to assist victims of slavery with their legal costs and basic needs. An initial \$140,000 were raised by the National Agency on Trafficking in Persons and Smuggling of Migrants, and the Government has promised to intensify fundraising, including through Taazour. Assistance to victims of trafficking through this fund has already begun, with disbursements made through national civil society organizations.

27. The National Agency on Trafficking in Persons and Smuggling of Migrants, created by Act No. 2020-017, has now begun operations. At least one case has already been successfully prosecuted under the new law, resulting in the perpetrator's arrest, trial and sentencing, and the payment of compensation to the victim. This is significant, as the perpetrator received a 10-year sentence and was not convicted in absentia, and the victim received compensation from the newly established victims' fund. The victim also received legal assistance from the Commission on Human Rights, Humanitarian Action and Relations with Civil Society, which included the provision of a lawyer.

## **IV. Areas of concern**

28. Despite the strides that the leadership of Mauritania has made in acknowledging the continued existence of slavery and the important measures implemented to strengthen the country's anti-slavery legislative framework and facilitate the integration of victims, descent-

based slavery continues to persist in Mauritania alongside contemporary forms of slavery and other slavery-like practices. Victims of slavery face social exclusion and significant barriers relative to other Mauritians in terms of accessing basic services, land rights, and decent work.

29. Slavery exists within Arabic-speaking communities, also known as Moors, as well as within Black Mauritanian communities such as the Soninke, Wolof and Fulani. The Moor community consists of two groups, the dominant Beydane, of Arab-Berber background, and the Haratine, descendants of enslaved persons originating from Black communities in the south of Mauritania who now share the culture of the Beydane. The Haratine have historically been subject to chattel slavery, and this practice persists, although it is perhaps less prevalent than in the past. Even where there are no formal ties of “ownership”, many Haratine remain economically, socially and culturally dependent on their historical enslavers owing to a lack of viable economic alternatives and the multiple forms of discrimination they face.

30. In Black Mauritanian communities, a caste-based system keeps those descended from enslaved persons economically, socially and culturally dependent on those from dominant castes. The caste system in the Soninke community is a case in point. The Special Rapporteur met with members of suppressed castes who informed him that they remained dependent on dominant castes for access to land and basic community infrastructure such as water points and markets, faced segregation in religious establishments and were excluded from community decision-making. Such discrimination is reportedly exacerbated by suppressed castes’ rejection of the slave identity imposed upon them by dominant castes. They face inaction at best and threats, harassment and violence at worst when attempting to report illegal discrimination to local authorities and policies. Elements of control, coercion and dependency are evident in many instances.

31. Various contemporary forms of slavery are also present in Mauritania, including forced labour and labour exploitation, as well as domestic servitude. Contemporary forms of slavery affect Mauritanian nationals of all backgrounds, as well as migrants.

## **A. Effective implementation of existing anti-slavery legislation**

### **Lack of awareness among victims**

32. While efforts by the Commission on Human Rights, Humanitarian Action and Relations with Civil Society, the National Human Rights Commission and the Ministry of Justice, in partnership with OHCHR, ILO, the International Organization for Migration (IOM) and civil society, to raise awareness of anti-slavery laws have been an important step, more work is needed to ensure that victims are aware of their rights and the process for seeking redress for violations.

33. Awareness-raising campaigns appear to have reached Black Mauritanian communities to a greater extent than the Haratine community. Black Mauritians originating from suppressed castes reported that such campaigns had made them aware that the slave identity and associated discrimination imposed upon them by dominant castes were illegal and that they had begun refuting this identity and claiming their rights as a result. However, Haratine affected by descent-based slavery, in particular in rural areas where there are more incidences of traditional chattel slavery, face far greater barriers in terms of access to information, as many lack education or literacy, remain confined within their enslavers’ homes and have no knowledge of a life beyond slavery. Some formerly enslaved Haratine reported that they had only become aware of their status and the illegality of slavery when their enslavers sent them away to hide from authorities investigating allegations of slavery.

34. Even victims who are aware of anti-slavery laws may not fully understand how to report slavery. Although victims are entitled to free legal aid, many victims, civil society organizations and some government officials report that, in practice, victims do not receive sufficient support to navigate the legal system. Victims often depend on civil society organizations to report slavery on their behalf, but this may be challenging for those in rural areas, where there are more incidents of slavery and fewer civil society organizations. The Special Rapporteur welcomes efforts undertaken to train and finance regional platforms of

civil society organizations to carry out awareness-raising campaigns and respond to reports of slavery, and to expand the legal assistance provided to victims through the National Agency on Trafficking in Persons and Smuggling of Migrants.

### **Limited numbers of slavery cases**

35. During the visit, a representative of the Ministry of Justice informed the Special Rapporteur that 38 cases were before the specialized anti-slavery tribunals, 15 were before the Supreme Court, 16 were before appeals courts and 7 were before courts of first instance. During the period August 2022–March 2023, judgments had been handed down in 51 slavery and trafficking in persons cases, and judgment was pending in 46 cases. Several factors may explain the relatively low number of slavery cases prosecuted to date. Civil society organizations cannot proactively launch cases until victims approach them for assistance. The lack of awareness of anti-slavery laws and complaint procedures among victims exacerbates the situation. Only civil society organizations that have been registered for five years or more have the standing to act as a civil party and bring slavery cases. Further, civil society organizations must bring such cases at their own expense and are not compensated.

36. Operational challenges with the specialized tribunals may have also contributed to the limited number of cases. The Special Rapporteur learned that they do not have the capacity or resources to cover all parts of the country. This particularly affects victims in remote rural areas, although he was encouraged to learn that the tribunals' budgets had been doubled in 2023, which had enabled the tribunal in Néma to hold mobile hearings within its jurisdiction, and that the courts would be equipped with vehicles. Most victims cannot afford the costs of travel to take part in proceedings. Sufficient assistance is reportedly not provided in practice, even though victims are entitled to legal aid. Further, precautionary measures such as pretrial detention and witness protection are at the discretion of judges and this, coupled with pressure exerted by enslavers, can deter victims from coming forward.

### **Protracted legal proceedings and lenient sentences**

37. The procedural complexity of slavery cases leads to prolonged delays in criminal proceedings.<sup>7</sup> This undermines confidence in the ability of the court system to deliver justice to victims of slavery in a timely manner. Members of the specialized anti-slavery tribunals noted that slavery cases took a minimum of one or two years to resolve, but this does not seem to be the case in practice. The Special Rapporteur met with multiple plaintiffs whose cases had been pending for at least five years without resolution, including cases lodged in 2013. Even in cases that have been fully adjudicated in their favour, victims wait indefinitely to receive compensation.

38. The sentences handed down are frequently not commensurate with the severity of slavery crimes or the penalties prescribed in anti-slavery legislation. Interlocutors, including victims of slavery, reported that reports of slavery were often rejected by the receiving authorities and subsequently requalified as lesser offences such as non-remuneration for work or employment of a minor, which carry less severe penalties. This can also happen before cases even reach court, owing to pressure being put on victims to downgrade their claims.

39. Even when slavery cases are appropriately classified, the maximum penalties are rarely applied. Prison sentences for offences under Act No. 2015-031 have, until recently, ranged from six months to 2 years, well below the sentences of 10 to 20 years enshrined in the law. Fines have ranged from 25,000 to 100,000 ouguiyas, while Act No. 2015-031 allows for penalties of up to 700,000 ouguiyas. The Special Rapporteur is encouraged that more stringent penalties have been applied since his visit, notably sentences of 20 years' imprisonment and 1 million ouguiyas handed down by the specialized tribunal of Néma to two perpetrators. Nonetheless, in this instance, the defendants were sentenced in absentia. It is not clear what efforts will be made to apprehend them. This creates a situation of *de facto* impunity and is a recurrent issue with slavery-related judgments.<sup>8</sup>

<sup>7</sup> ILO and OHCHR, "Bilan de l'application de la loi 2015-031 portant incrimination de l'esclavage et réprimant les pratiques esclavagistes en Mauritanie" (Nouakchott, OHCHR), para. 68.

<sup>8</sup> *Ibid.*, para. 101.



40. In addition, the full sentence is frequently not served, as punishments can be suspended on appeal and moral guarantors can secure a prisoner's release. Judges can also consider mitigating circumstances, such as the accused's health status or forgiveness by the victim or their family, to reduce sentences; this is problematic, as enslavers and their families have historically had more social and political power than victims and such forgiveness on the victim's part may be overtly or tacitly coerced.

41. While Act No. 2015-031 establishes a range for the financial penalties and prison sentences that correspond to each slavery-related offence, it does not provide guidance as to what aggravating factors merit a sentence at the top of these ranges or what mitigating factors merit a sentence at the bottom, although some guidance is provided in this regard under Act No. 2021-017, on trafficking in persons, which also applies in slavery cases. There are no guidelines to determine how much compensation should be provided to victims. The Special Rapporteur believes that more detailed mandatory sentencing and compensation guidelines would lead to greater consistency in the judgments issued and reduce the tendency to issue the lightest possible sentence. Several stakeholders within the justice system echoed the need for such guidelines.

42. Another issue is the composition of specialized anti-slavery tribunals, which consist of a presiding judge, two additional judges and two laypersons. While the presiding judge is generally specialized in slavery cases, other members of the court may or may not be. Nonetheless, all members must reach consensus on verdicts and have equal say. Officials within the Ministry of Justice expressed frustration that that undermined the tribunals' specialized nature, as non-specialized members could advocate for inappropriate sentences. Ensuring that all personnel are appropriately trained or implementing measures that give greater weight to the voices of tribunal members who are specialists would strengthen the functioning of the tribunals. The Special Rapporteur encourages the Government to work closely with OHCHR in Mauritania to study potential reforms to improve the specialization of tribunal members.

### **Culture of informal reconciliation**

43. Implementation of anti-slavery legislation is stymied by a deep-rooted and widespread culture of informally reconciling disputes outside the formal justice system, mediated by local community and tribal leaders. This affects all legal disputes, including those related to slavery. This parallel justice system results in reports of slavery being withdrawn in instances where they were initially brought by victims as a civil complaint, or not reaching law enforcement entities or the courts at all. Victims may be pressured to resolve disputes in this way, or in some cases may perceive this system as delivering a swifter and more specific remedy than the courts.

44. While informal settlements reached voluntarily and amicably by both parties may be reasonable for certain disputes, the structural power imbalances between enslavers and victims of slavery problematize the idea that such a system could equitably resolve these cases. Community leaders mediating this process also tend to occupy a social position closer to that of enslavers rather than the enslaved. It is unclear to what extent these settlements are truly voluntary, as many victims and advocates report that victims are actively discouraged from bringing slavery cases to the courts – occasionally through violence, threats and harassment – and pressured to seek informal reconciliation. Enslavers and their allies may pressure law enforcement and judicial officials to dismiss reports of slavery or otherwise obstruct investigation, prosecution and punishment in slavery cases. To avoid this undue influence, the Special Rapporteur believes that slavery and related practices should be excluded from such informal reconciliation processes.

## **B. Social, economic and political integration of victims of slavery**

45. Many victims of slavery remain economically, socially and culturally dependent on their former enslavers due to a lack of viable alternatives. Those who find other work are often limited to jobs characterized by casualization, precariousness, exploitation and abuse

due to discrimination, lack of education and documentation, and limited access to productive assets, including land.

### **Civil registration**

46. Civil registration is required for education beyond the primary level, formal employment, financial services, voting, owning land in many instances, and certain types of government benefits. Victims of slavery informed the Special Rapporteur that they faced significant challenges in registering. Registration requires applicants to produce vital records, such as birth, marriage and death certificates. Obtaining these is difficult as victims' life events are rarely, if ever, officially registered by their enslavers. Descendants of enslaved persons, even if never enslaved themselves, are also affected, as they cannot prove their parents' identity and status. Additional hurdles include limited access to information and registration centres and the illiteracy of victims.

47. The Special Rapporteur is encouraged by steps taken by the Government to rectify these hurdles. For example, single mothers can register children in their names, which can help those whose families were forcibly separated, or whose children were fathered but unacknowledged by their enslavers. The public prosecutor can register children in street situations, which includes many children who have escaped slavery or been forced into begging. Persons without vital records can obtain them through application to the courts for an official affidavit of birth, marriage, death or parentage that may be used for civil registration.

48. Nonetheless, barriers to civil registration persist for victims of slavery. The Special Rapporteur was informed that some local officials, in particular in rural areas, continue to discriminate against victims of slavery and refuse to issue them vital records and/or to register them in the civil registry. Special measures to register children without fathers or in street situations or to issue affidavits to those who lack vital documents are not honoured by all jurisdictions or are denied to victims of slavery.

49. Migrants and refugees also face challenges in registering their children's births, which would enable them to access civil registration and education in Mauritania. This is particularly true for migrants who had non-Islamic marriages, which the authorities may not recognize. Marriage certificates are often required for issuance of a birth certificate. The Special Rapporteur was encouraged to learn of pilot projects spearheaded by IOM and the Office of the United Nations High Commissioner for Refugees, in partnership with the Government, to deliver birth certificates to these children. He urges stakeholders to continue these efforts. He welcomes efforts to regularize the situation of migrants without papers in Mauritania, including the simplification of registration procedures, a campaign to waive fees for the regularization of migrants for 90 days and the establishment of a registration centre for migrant workers in Nouakchott, and encourages Mauritania to continue these efforts, with a particular focus on children.

### **Education**

50. Education is critical to enable victims of slavery to break the cycle of poverty and dependence on their former enslavers; however, it remains a major challenge. Children who are victims of slavery generally only attend public schools that interlocutors describe as underresourced, ineffective and rarely attended by Beydane, who instead attend private schools. Although the Special Rapporteur was informed that the President had proclaimed in 2019 that both private and public schools should be open to all students, regardless of their backgrounds, many victims of slavery did not believe that they could access private education, as it remained beyond their financial means. The Special Rapporteur encourages the Government to implement measures that would specifically benefit children affected by slavery as part of education reforms launched in 2022 under the "republican schools" project.

51. The Special Rapporteur was informed that boys in residential religious schools were at risk of being forced into begging. These students, known in the subregion as *talibés*, were traditionally supported by their communities to study the Qur'an, and would occasionally seek alms to teach values such as humility. In recent times, however, many have been exploited by unscrupulous instructors and forced to spend more time begging than studying.

The Special Rapporteur welcomes efforts by the Government and the Association of Ulama (religious leaders) to investigate and address this practice, including by establishing a technical committee to assess the scale of the problem, facilitating the enrolment of *talibés* in formal schools, ensuring the existence of school canteens and the payment of salaries for instructors, and opening social protection centres in major cities to support *talibés*.

### **Access to land**

52. Land law reform to facilitate access by victims of slavery to land was a key element of the Road map but was not reflected in Act No. 2015-031 or other legislation. Many victims of slavery depend on subsistence agriculture as their primary livelihood; secure tenure to arable land is crucial to their economic independence. Historically, land was tribally owned but primarily worked by enslaved persons, without any formal tenure or inheritance rights. The land law, Order No. 83-127, decrees that all land officially belongs to the State and abolishes traditional land tenure systems. However, civil society organizations and victims of slavery reported that this is not the case in reality. Haratine, who symbolically belong to the same tribe as their enslavers, remain dependent on their enslavers' goodwill to maintain their access to land. Cultivation rights are reportedly withdrawn upon their emancipation.

53. In Black Mauritanian communities, persons from historically enslaved castes have been able to cultivate the same plots of land for several generations, uncontested despite their lack of formal tenure. As public campaigns have raised awareness of slavery and its illegality, persons from traditionally enslaved castes have begun rejecting this identity and associated discrimination. However, the Special Rapporteur was informed that repudiating the "slave" identity has led to reprisals by members of dominant castes, most notably through the revocation of victims' land use rights and eviction, sometimes with the use or threat of force and the active support of law enforcement and local authorities.

### **Political representation**

54. While there are no official statistics, as the Government does not collect data on race and ethnicity, many sources report that both Haratine and Black Mauritians, in particular those of enslaved descent, are significantly underrepresented among Mauritania's political leadership. Most ministers, judges and members of the National Assembly are of Beydane origin, although various sources suggest that Haratine and Black Mauritians significantly outnumber Beydane as a share of the population. Some Haratine and Black Mauritians do indeed hold political office, but many victims of slavery felt strongly that that was tokenism and that most of those politicians were not interested in advancing their rights.

55. Haratine and Black Mauritians also reported challenges in voting, as many lack the civil documentation required. The Special Rapporteur was informed that political parties that aim to represent the interests of these ethnic groups are disqualified from political participation, sometimes on procedural grounds, further limiting their political participation.

### **Religion and belief**

56. The Special Rapporteur is encouraged by *fatwas* issued by the Association of Ulama, the country's most authoritative council of religious scholars, that state unequivocally the incompatibility of slavery with Islam. Such proclamations are critical to dismantling slavery in Mauritania, where religion continues to be instrumentalized to uphold slavery.

57. Formerly enslaved Haratine reported that their enslavers misused religion to justify their continued enslavement. This is exemplified in a phrase many Haratine recounted: "Paradise is under your master's foot." They are taught that subservience to their enslavers supersedes all forms of religious observance. Although Haratine identify as Muslim, like most Mauritians, they are not treated as such by their enslavers. They recounted being denied the right to fast during Ramadan to enable them to keep working. Haratine women stated that their modesty was not respected by their enslavers, who frequently sexually harassed and abused them.

58. In Black Mauritanian communities, persons from historically enslaved castes face significant discrimination in religious services. Venues of worship are segregated, with specific mosques attended by those from suppressed castes while others are reserved for

dominant castes. The Special Rapporteur was also informed that those from historically enslaved castes were denied the right to become imams, even in their own mosques.

### **Economic development**

59. In 2020, the Government established Taazour, replacing a previous development agency called Tadamoun, whose mandate included addressing the legacies of slavery. Tadamoun's effectiveness in this regard was questioned by many observers as it had implemented general anti-poverty programmes rather than projects specifically targeting victims of slavery.<sup>9</sup> It appears that that approach was taken even further in the establishment of Taazour, with any reference to victims of slavery being explicitly excluded from its mandate. Nonetheless, many in Government continue to refer to Taazour as a key official agency in addressing slavery and its legacies. The management of Taazour itself makes no such claim, emphasizing to the contrary in discussions with the Special Rapporteur that the agency did not have any programmes that specifically targeted slavery-affected populations, as aiding specific groups would be divisive and questions of ethnicity were not germane to poverty reduction.

60. Taazour primarily works to address poverty through infrastructure projects and cash transfers. The Special Rapporteur acknowledges that some victims of slavery are among the beneficiaries of these programmes. However, they do not necessarily address the structural barriers that keep victims of slavery in poverty, including deep-rooted discrimination and inequality that prevent them from accessing education, public services and decent work.

61. Moreover, focusing on infrastructure alone may not be the best use of resources, as this duplicates the work of other government bodies, such as the Ministry of National Education and Reform of the Education System and the Ministry of Health, that have a mandate to develop and manage public infrastructure. It is also unclear how the cash transfer programmes are linked to the national social protection system, which is managed by the Ministry of Social Affairs, Childhood and Family.

62. Civil society and slavery-affected communities raised concerns about the transparency and inclusivity of Taazour, stating that it did not engage them in its work or provide sufficient information on its expenditure or selection criteria for projects and beneficiaries. It was reported that Taazour's management was not ethnically representative. Taazour's perceived lack of transparency and diversity has led many victims of slavery and civil society organizations to believe that the agency primarily serves the interests of Beydane by contracting Beydane-owned firms to carry out its programmes and including many Beydane as beneficiaries of its programmes.

## **C. Contemporary forms of slavery**

63. The Special Rapporteur is encouraged by the fact that contemporary forms of slavery are also covered by Acts No. 2015-031 and 2020-017, but was not made aware of any legal efforts to specifically address these forms of slavery, except where they overlapped with descent-based slavery issues.

### **Forced labour and exploitation of migrants**

64. Mauritania attracts migrants from across West Africa as both a transit country for those seeking to reach Europe and a destination country for employment. Although some migrants take up formal work, the vast majority reportedly work informally, without contracts or residence permits.

65. Migrants in both the formal and the informal sectors may encounter similar forms of exploitation. The Special Rapporteur heard reports of migrants facing a range of abuses, including wage theft and unpaid labour, long working hours, denial of benefits such as severance and annual or sick leave, lack of health and safety measures in the workplace, and physical and verbal harassment and abuse, which collectively demonstrate clear indicators of

<sup>9</sup> [A/HRC/35/26/Add.1](#), paras. 47–51.

forced labour. Migrants in the informal sector are especially susceptible to exploitation, as they are often not legal residents. Their remuneration, benefits, unionization rights and access to justice are reportedly constrained relative to Mauritians. Although these practices are likely more widespread, they affect in particular migrants working for foreign enterprises or joint ventures in special economic zones, and in the fishing industry.

66. Trafficking in persons and smuggling of migrants affect persons in Mauritania, particularly women. They are sometimes fraudulently recruited abroad and pushed, upon arrival, into low-paid domestic work, or sex work. Migrants transiting the country on their way to Europe often face debt bondage from large debts owed to smugglers that they are forced to pay off through exploitative work in Mauritania before moving onwards, if they are allowed to move on at all.

### **Domestic servitude**

67. The Special Rapporteur welcomes legislation to protect domestic workers through Decree No. 2011-1797 and efforts by the Ministry of the Civil Service and Labour to cooperate with a union of domestic workers and organize related awareness-raising campaigns. However, this legislation remains difficult to enforce given the private nature of domestic work. Many domestic workers reported being obliged to work long hours without overtime pay, denied rest or annual leave, paid less than the minimum wage, and subjected to physical and sexual harassment, intimidation and abuse. Many are also children, which raises serious concerns. Although the Ministry of the Civil Service and Labour has dedicated labour inspectors to examine situations of domestic work, interlocutors suggested that such inspections rarely take place in practice.

68. Victims of domestic servitude are difficult to identify, as they rarely come forward and have limited awareness of their rights. Some employers may also be unaware that they are in violation of the law; the Special Rapporteur was informed that it is a relatively common practice for wealthier families to employ children to carry out household tasks in exchange for room, board and schooling and that some might not understand that this amounts to domestic servitude under national and international law.

69. Violations of domestic workers' rights affect victims of descent-based slavery in particular. Demand for enslaved labour is high in this sector, and exploitation is more easily concealed in this type of work because of its private nature. Even victims of slavery who are in principle no longer enslaved may have no other option than to work under conditions of domestic servitude, including for their former or historical enslavers, as they have never known any other type of work and lack awareness of their rights and access to education, literacy and vocational training.

### **Labour exploitation by subcontractors**

70. Workers report that labour exploitation is also prevalent in the operations of subcontracting agencies, referred to as *tâcherons*, a practice that reportedly persists despite being outlawed in 2013 under Act No. 2013-021. These agencies are the primary recruiters for several industries, including the extractive industry, multinational enterprises and public services such as water, electricity and transportation. Workers report that unscrupulous subcontracting agencies fail to provide them with contracts, force them to work long hours without overtime and do not provide leave or days off during the week or adequate health and safety protections for dangerous jobs such as mining. Subcontracting agencies reportedly also take more than half of workers' pay, leaving some workers with as little as 20 per cent. While the primary employer is legally responsible for ensuring that all its employees, including those recruited through subcontracting agencies, work in conditions that comply with Mauritanian labour laws, this is reportedly not enforced in practice.

## D. Acknowledgement of the racial and ethnic dimensions of slavery

### Race and ethnicity

71. The Special Rapporteur observed reluctance on the part of many government interlocutors to discuss questions related to race and ethnicity. In several meetings, he asked whether the ministry or agency in question could detail the representation of the principal ethnic groups – Beydane, Haratine and Black Mauritanian groups – in its leadership and workforce. No representative of any government body was willing to answer this question, and most insisted that such questions were considered offensive, and that no discrimination on the basis of ethnicity or race existed in Mauritania. The Government does not acknowledge or seek to address disparities between ethnic and racial groups in its official policies.

72. While an impartial approach to policymaking may be appropriate insofar as it benefits all populations without discrimination, the Special Rapporteur considers that positive measures specifically targeting Haratine and Black Mauritanian communities are necessary to break the cycle of discrimination, poverty and dependence and overcome the centuries-long legacy of slavery. The Special Rapporteur recommends positive discrimination measures in spheres where victims of slavery are underserved or underrepresented, including access to land, housing, education and vocational training, civil registration, social protection, entrepreneurship support and public employment opportunities, including in military and security forces.

### Disaggregated data

73. The Government does not collect data on race and ethnicity. The absence of such data obscures the extent to which poverty, income, health, education, employment, civil registration status, political representation and land rights vary across different racial and ethnic groups and how this has changed over time. This makes it difficult to understand the extent and types of discrimination that victims of slavery may face, and whether government measures to rehabilitate victims of slavery are having the desired impact. Such data should also inform positive measures to address the inequalities, discrimination and exclusion that these communities may face.

74. The Government argues that the lack of such data is due to the difficulty of imposing an identity on its citizens. However, a viable alternative in line with international best practice would be to base these statistics on self-identification by the individuals concerned.<sup>10</sup> The Special Rapporteur raised this point with government interlocutors, who replied that asking citizens to self-identify their ethnicity could be perceived as offensive; however, victims did not believe that this would be offensive to most citizens.

75. There is limited reliable data on the extent of slavery in Mauritania. Media reports have suggested that hundreds of thousands of Mauritians remain in slavery, while other stakeholders maintain that the phenomenon either does not exist or is extremely minimal. It is impossible to dismiss either perspective without an official estimate, established or endorsed by the Government, of the extent of slavery and slavery-like practices. This could help identify areas where slavery remains prevalent and could also inform future policies to complement existing anti-slavery legislation.

### Broad recognition of slavery

76. Despite the strides made by senior leadership in Mauritania in acknowledging slavery's existence, this recognition must be appropriated by authorities at all levels: the Special Rapporteur heard from some members of the central Government that slavery did not exist at all, or at least not within their jurisdictions. The Special Rapporteur was informed that some local public and law enforcement officials still denied the existence of slavery and refused to give due attention to reports of slavery and slavery-like practices by dismissing them out of hand or reclassifying them as lesser offences. Although Act No. 2015-031, as reinforced by Joint Circular No. 104-2021, outlines penalties for officials who fail to act

<sup>10</sup> [A/HRC/26/49/Add.1](#), paras. 36, 44 and 45.

appropriately on claims of slavery brought to their attention, these penalties have never been enforced.<sup>11</sup>

77. Some local officials reportedly also continue to discriminate against victims of slavery, denying them access to public services, including civil registration, and education, and failing to investigate claims of discrimination or crimes perpetrated against them. Persons from historically enslaved castes in Black Mauritanian communities reported that local officials did not pursue cases of land expropriation. Although discrimination against persons based on their presumed enslaved status is illegal under Act No. 2015-031, there are no penalties prescribed and practices that constitute such discrimination are not clearly defined.

## **E. Gender and the rights of children**

### **Forced and child marriage**

78. While Act No. 2015-031 criminalizes forced and child marriage, the practice seems to persist in some parts of the country. While the Special Rapporteur was encouraged by the establishment of a national committee for the fight against child marriage, which brings together civil society organizations, the United Nations and government departments to address the practice, and by the willingness of the Ministry of Social Affairs, Childhood and Family to support and provide assistance to victims of child marriage, he was not made aware of any prosecutions of forced and child marriages under existing laws. While the use of religion to justify slavery in general is declining, several interlocutors reported that religious grounds were still used to justify child marriage. The Association of Ulama explained that child marriage could be permitted if a girl was physically developed enough to bear children and provided her consent. Those who remain enslaved are also subject to forced and child marriages by their enslavers. The Special Rapporteur heard reports of underage enslaved girls being given in marriage by their enslavers as compensation for labour or being forced into marriages arranged by their enslavers, although such acts are crimes under Act No. 2015-031.

### **Violence against women and girls**

79. The Special Rapporteur heard harrowing stories from women who had endured physical, emotional and verbal abuse, sexual harassment and rape during enslavement. Enslaved women are treated as property. While it is not generally accepted for women to have children out of wedlock in Mauritania, the Special Rapporteur was told that enslaved women were an exception, as they commonly had many children out of wedlock, including from rape. Perversely, this is sometimes seen by their enslavers or society as a sign of their sexual availability, putting enslaved women with children born of rape at heightened risk of further sexual assault. Certain forms of violence against women and girls are criminalized by anti-slavery legislation, but no charges have been brought under these laws.<sup>12</sup>

80. Victims of sexual assault are often afraid of reporting their assault, as sexual relations outside marriage may be seen as adultery, or *Zina*; some victims of sexual assault are arrested for this crime. The crime of rape is also not defined under the law.<sup>13</sup> This affects not only victims of slavery, but also all vulnerable Mauritanian and migrant women and girls. The culture of informal reconciliation that often prevents slavery cases from reaching the courts also impedes prosecution of violence against women and girls.

81. The Special Rapporteur welcomes the willingness of Mauritania to tackle this issue through its consideration of a draft law addressing violence against women and girls. He was informed, however, that the bill remained controversial among certain elements of society and that, as such, the timeline for its adoption remained unclear.

<sup>11</sup> ILO and OHCHR, “Bilan de l’application de la loi 2015-031 portant incrimination de l’esclavage et réprimant les pratiques esclavagistes en Mauritanie”, para. 78.

<sup>12</sup> Ibid., para. 105.

<sup>13</sup> Ibid., para. 107.

### Children's rights

82. Some enslaved persons reported being forced to work from as young as 5 years old, for their enslavers as well as other households. Enslaved parents reported that their children were sometimes used as collateral and held captive to incentivize their parents' labour. Some enslaved children were permanently separated from their families as their enslavers "gave" them to other families as gifts or in marriage as "payment" for labour. These children are treated as property and subject to physical, emotional and sexual violence. They inherit enslaved status from their mothers, marginalizing them from birth.

83. Child labour is a significant issue, affecting children who are victims of slavery and other vulnerable Mauritanian and migrant children. Parents affected by descent-based slavery or extreme poverty often have no viable alternative to sending their children to work, although the Special Rapporteur was encouraged to hear of the Tekavoul programme from Taazour, which provides targeted cash transfers to households with children at risk of forced labour. Children are most often engaged in domestic work, livestock-raising and agricultural work and, in urban settings, in garages, construction, local shops and garbage-collecting.<sup>14</sup>

84. Children are subject to forced begging, with *talibés* the majority of those affected, although children in street situations, children with disabilities and refugee children are also said to be affected. Begging is a full-time occupation for most, limiting their access to education and exposing them to malnutrition, unhygienic living conditions, injuries and violence. While *talibés* sleep at their schools, other children forced to beg are generally experiencing homelessness.<sup>15</sup> The Special Rapporteur is encouraged by programmes implemented by the Ministry of Social Affairs, Childhood and Family to provide targeted cash transfers to parents of children with disabilities, and to provide these children with scholarships to end their dependence on begging.

## F. Improving implementation of the Road map and civil society relations

### Full implementation of the Road map

85. Although Act No. 2015-031 incorporates most provisions of the Road map, other measures therein have yet to be implemented. Positive discrimination favouring victims of slavery, namely reform of land laws to enable victims of slavery to access land and property, affirmative action for them to obtain employment and measures to support their entrepreneurship, is called for in the Road map. Certain economic development measures called for in the Road map – such as the establishment of a high-level institution to specifically oversee the socioeconomic inclusion of victims of slavery and the implementation of development projects specifically targeting victims of slavery – were previously covered by Tadamoun in principle, but Taazour does not have a mandate to address slavery. The establishment of reception centres and legal clinics for victims was also called for in the Road map; it is unclear whether such centres exist.

86. The Road map covers measures related to the private sector. Agreements between the State and multinational enterprises should include clauses banning the use of forced and child labour, and labour inspections should be carried out in conformity with ILO standards. Although labour inspections do exist in principle, migrant workers whom the Special Rapporteur met reported that they rarely took place. When they do, working conditions are not regarded as a priority. Employers also frequently have advance warning of such inspections, enabling them to conceal abuses. In addition, the Special Rapporteur was informed that labour inspections rarely occurred in domestic work, where slavery was relatively prevalent. The existence of forced labour in certain sectors also demonstrates that the Government must do much more to address such behaviour from businesses and employers, including subcontractors, so that they respect international labour standards and

<sup>14</sup> Commission on Human Rights, Humanitarian Action and Relations with Civil Society and German Agency for International Cooperation, *Etude sur la Mendicité des Enfants, le Travail Précoce et Forcé, le Mariage Précoce et Forcé, et la Prostitution Forcée* (Nouakchott, 2021), pp. 38, 39, 61 and 62.

<sup>15</sup> *Ibid.*, pp. 30–33.



protect the rights of workers. Businesses and employers should also develop a code of conduct in line with the Guiding Principles on Business and Human Rights to prevent labour exploitation.

87. Finally, an annual review on the implementation of the Road map should be conducted, in an open and transparent manner, with the active participation of the National Human Rights Commission, civil society representatives and other relevant stakeholders.

#### **Relations with civil society**

88. While it is encouraging that the registration process for civil society organizations was simplified under Act No. 2021-004, many such organizations reported that there were nonetheless arbitrary restrictions and overly burdensome documentation requirements. The law also prohibits civil society organizations from engaging in activities of a political nature, which could be problematic, depending on how this provision is interpreted.

89. The Special Rapporteur is encouraged by the increased commitment of the National Human Rights Commission to operating in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), which has resulted in the organization regaining A status from the Global Alliance of National Human Rights Institutions. The National Human Rights Commission has also been intensifying its efforts to tackle slavery and slavery-like practices, through awareness-raising campaigns and investigating reports of slavery. Nonetheless, there appears to be significant mistrust of the Commission by some civil society organizations that believe that it is not truly independent of the State, lacks transparency and fails to include civil society organizations in its work. It was also noted that victims of slavery are not represented in the leadership of the Commission.

90. The Special Rapporteur believes that there is scope to improve the relationship of the National Human Rights Commission with civil society. More regular dialogue, with assistance from other stakeholders such as international organizations, could alleviate misunderstanding and mistrust. Collaboration would also allow for the consolidation of resources and reduce the duplication of efforts for the more effective identification and protection of victims and investigation, prosecution and punishment of offenders.

## **V. Conclusions**

91. **Mauritania has made important strides in addressing slavery and slavery-like practices. Mauritania has continuously strengthened its anti-slavery legal framework, which in its current iteration should serve as an example to other countries in the region and beyond. Its institutional framework to address slavery has also improved, with more government bodies newly empowered or created to address slavery, slavery-like practices and the legacies of slavery. Mauritania has also committed to ending forced and child labour, trafficking and contemporary forms of slavery as a pathfinder country of Alliance 8.7. Official denials of slavery are now the exception rather than the norm, and the Special Rapporteur is encouraged by the steps that the country's leaders have taken to acknowledge, prevent and address slavery.**

92. **Considering the long history of slavery, however, progress in Mauritania towards eradicating slavery over the past decade represents the first steps on a long road ahead. It is crucial that the country's robust legislation to combat slavery be fully and effectively implemented, with real consequences for perpetrators and tangible reparations to victims of slavery. Moreover, measures to facilitate the social and economic integration of victims and eradicate discrimination against them are crucial to enable them to overcome poverty and dependence on their former enslavers. The Special Rapporteur calls for particular efforts to address the disproportionate impact of slavery and discrimination on women and children. He underlines the need for robust legislation to end violence against women and girls, given the outsized risks of sexual and gender-based violence faced by enslaved women and girls.**

93. The Special Rapporteur urges the Government to do more to tackle the root causes of slavery, including the deep-rooted societal and cultural acceptance of slavery and marginalization of victims. Officials at all levels, not only the central Government, must be held accountable for acknowledging slavery, promptly act on slavery-related violations brought to their attention and eradicate discrimination against victims. The Government must recognize the racial and ethnic underpinnings of slavery, poverty and inequality, and compile reliable disaggregated data covering the entire population. It should ensure that positive measures to address discrimination and inequality follow from the collection and analysis of disaggregated data.

94. The fight against traditional slavery should not obscure the need to address contemporary forms of slavery and trafficking in persons, which also persist in Mauritania and affect vulnerable nationals as well as migrants. The Special Rapporteur welcomes the adoption of new legal and institutional measures to combat trafficking in persons and encourages their effective and continued implementation.

95. Finally, the Special Rapporteur calls for the full implementation of the measures outlined in the Road map and for efforts by the Government to strengthen collaboration with civil society in the fight against slavery. Eradicating slavery and its legacies is crucial in ensuring equitable and sustainable development for all Mauritians and meeting the country's commitments under the Sustainable Development Goals, including target 8.7. Mauritania has the ability to serve as a model for other countries seeking to eradicate and overcome slavery and its legacies, but must maintain momentum and fully leverage every tool at its disposal in order to do so.

## VI. Recommendations

96. The Special Rapporteur recommends that the Government:

- (a) Continue awareness-raising efforts for victims and local officials, in particular in rural areas, regarding anti-slavery legislation and complaint mechanisms;
- (b) Ensure that victims receive the legal assistance that they are entitled to under Act No. 2015-031 and consider reimbursing civil society organizations for the costs of bringing slavery cases as civil parties;
- (c) Establish dedicated units on slavery within the judicial police and public prosecution service, with fully trained and specialized staff;
- (d) Properly resource all specialized anti-slavery courts, including by providing them with means of transport to reach victims in all parts of the country;
- (e) Develop sentencing guidelines for slavery offences in order to maintain consistency in sentencing and take the gravity of such offences into consideration;
- (f) Ensure that charges are brought for all related offences and all victims, and against all complicit family members, and make efforts to apprehend perpetrators rather than sentence in absentia;
- (g) Enhance the protection of victims of slavery and slavery-like practices during criminal proceedings by clearly defining protection measures, such as pretrial detention and victim and witness protection;
- (h) Enforce measures related to penalties for officials who fail to follow up on reports of slavery brought to their attention;
- (i) Exclude slavery and slavery-like practices and gender-based violence from informal resolution processes and conduct public awareness-raising to discourage the use of these processes for such cases;
- (j) Establish a multi-stakeholder national identification and referral mechanism to reduce the burden on victims to come forward;
- (k) Establish an effective early warning system to identify children at risk of child labour and other forms of exploitation, by working closely with parents, teachers,

social workers, civil society organizations and other relevant stakeholders, and expand support to at-risk households;

(l) Strengthen labour inspection in all sectors by allocating sufficient human and financial resources. Ensure that inspections are conducted without advance warning;

(m) Formalize informal jobs such as domestic work as expeditiously as possible in order to protect the rights of all workers and prevent them from falling into slavery and other slavery-like practices.

(n) Work with employers and businesses, including subcontractors, to promote human rights due diligence in the workplace, in line with the Guiding Principles on Business and Human Rights;

(o) Provide adequate and accessible information about workers' rights and about complaint mechanisms in case of violation of criminal and labour laws to all Mauritians and migrant workers in languages they understand;

(p) Improve working conditions for migrant workers in regular and irregular situations and provide equal access to basic public services such as health and social care, as well as education for their children without discrimination;

(q) Continue and expand measures to make civil registration easier for those who do not have identity documents, in particular victims of slavery, migrant workers and displaced persons, and take effective action against discrimination by local officials;

(r) Ensure equal access to quality education for all Mauritians, including through temporary special measures for children who are victims of slavery;

(s) Reform land laws to enable equal access and tenure for victims of slavery;

(t) Implement provisions of the Road map related to economic integration of victims of slavery, such as positive discrimination in employment, entrepreneurship support and economic development projects;

(u) Explicitly include the elimination of slavery and related practices in Taazour's mandate and allocate adequate resources to the agency;

(v) Prevent and address violence against women and girls by enacting the bill on this issue as soon as possible and enforcing existing legislation on forced and child marriages and violence against enslaved women and girls;

(w) Enforce provisions related to discrimination against persons on the basis of their actual or presumed enslaved status in relation to social, political, economic and religious participation;

(x) Acknowledge racial and ethnic disparities and develop and implement appropriate policies and measures to promote equality among all Mauritians;

(y) Promote balanced ethnic and gender representation in public offices, law enforcement entities and armed forces, in particular at the senior leadership level;

(z) Collect data on the extent of slavery and other slavery-like practices, as well as on gender, race and ethnicity, and ensure that these data inform the development of policies to address inequality and discrimination more effectively;

(aa) Encourage the Government and other stakeholders to strengthen their cooperation with the United Nations system in Mauritania to address all forms of discrimination faced by groups at risk, including victims of slavery and other slavery-like practices in line with the Sustainable Development Goals;

(bb) Tackle the deep-rooted culture of denial of slavery through formal recognition of its existence at the highest level of Government and communicate this clearly to the whole nation;

(cc) Establish a multi-stakeholder body to monitor progress on the implementation of the Road map annually.