

# Human Rights in Mauritania

IHEU Geneva  
13 September 2013



**Naoukchott, the Capital of Mauritania**



**Three quarters of the country is arid desert**

# Human Rights in Mauritania

## Introduction

On 13 September 2013, in collaboration with the anti-slavery association IRA-Mauritanie and Center for Inquiry USA, IHEU hosted a seminar at the 24th session of the UN Human Rights Council at the Palais des Nations, Geneva.

### Human Rights in Mauritania: Slavery, Forced Marriage and Death for Apostasy

A poor, mostly desert country, why is IHEU interested?

1. Mauritania has a higher proportion of its people living in slavery (estimated 18%) than any other country on Earth.
2. As an Islamic country it is an interesting example of the way that religion and traditional values are used to oppress women and ethnic and racial minorities, and
3. As a country with a very small population (under 4 million), a huge land area and considerable but under-exploited natural resources it has the potential, given good governance, to make rapid social and economic progress.



### Basic Data:

Land area:	1,030,700 km <sup>2</sup>
Population:	3.7 million
Population density:	3.6 per km <sup>2</sup>
Population growth	2.6% p.a.
GDP	\$US 4.3 billion
GDP per capita	\$1,154
Human Development index:	0.467
HDI ranking:	155th
Life expectancy at birth	59 years
Infant mortality rate:	66 per 1000 live births

(Sources World Bank 2011 and UNDP 2012)

### Speakers at the seminar:

- M. Khali Maouloud, Geneva Representative IRA-Mauritanie  
Dr. Elizabeth O'Casey, Vice-President, UK National Secular Society and CFI Main Representative UN, Geneva, specialist in global justice  
Ms. Raheel Raza, President, Council for Muslims Facing Tomorrow, Toronto, Canada  
Ms. Hannah Bock, International Representative, IHEU  
Moderator: Roy W. Brown, IHEU Main Representative, UN Geneva

## Introductory remarks by Roy Brown

Welcome everyone, and thank you for coming to this seminar at which we will be considering the situation of human rights in Mauritania.

I would like to start by introducing our four panellists. They are from my left to right:

Mr Khali Maouloud, Geneva representative of the Mauritanian anti-slavery association: the Initiative for the Restauration of the Abolitionist Movement in Mauritania: IRA Mauritanie.

Dr Elizabeth O'Casey, is vice president of the UK National Secular Society and Main Representative at the UN Geneva for the Centre for Inquiry, USA. Elizabeth is a specialist in global justice.

Ms Raheel Raza is President of the Council for Muslims Facing Tomorrow, and a well-known women's rights activist, and

Ms Hannah Bock is an international representative of the International Humanist and Ethical Union.

I will ask each of the members of the panel to speak for a maximum of 15 minutes and I will then offer the floor to any of you who have questions or who would like to make comments. Speakers may use either English or French - and I hope you will forgive us but our budget did not run to the provision of simultaneous translation.

We have a lot of ground to cover this morning. Our speakers will be discussing the continuing scourge of chattel slavery in Mauritania - which affects an estimated 18 % of the entire population of that country; a higher proportion of slaves than in any other country on Earth.

We will be looking at the racial background to slavery in Mauritania; at the human rights of women, including the practice of forced marriage and child marriage; and at the constitutional and legal background to these problems.

I must tell you that we had invited the Special Rapporteur on Contemporary Forms of Slavery, Ms Gulsan Shahinian to be one of the speakers this morning and had also invited the Mauritanian delegation to provide a speaker to explain their government's position on many of these issues. They preferred however to hold a parallel event on the overlapping issue of contemporary slavery worldwide. That event will take place immediately following this one, at 1pm, in this room.

I will now give the floor to each of our speakers in turn and will follow that by reading an extract from the end of mission statement by M. Mutama Ruteere, the Special Rapporteur on Racism, Xenophobia and related intolerance, who ended a one-week visit to Mauritania just last Sunday.



# **The Struggle Against Slavery**

*M. Khali Maouloud - IRA Mauritanie*

Excellencies, Ladies and Gentlemen,

The IRA (Initiative de Résurgence pour le mouvement Abolitionniste, created in 2006) fights against all forms of discrimination, in particular slavery in Mauritania.

With a population of 3.5 million people, Mauritania is a product of the union between the Arabic and African worlds. The population is split between Arabic Berbers, who make up 20% of the population and who hold political, social and economic power, and Mauritaniens of African origin, who are the remaining 80%, and 45% of whom are freed slaves.

Freed slaves have undergone a transfer of civilizations, like the West Indians or African Americans. Consequently, they are ignorant of their original society and culture. They form the most marginalized community within Mauritania. Their systematic exclusion, be that traditional or modern, leads towards a total deprivation of knowledge as to what or who can contribute towards their emancipation. The slave owners base their power upon this ignorance, which they maintain through a variety of methods, such as keeping the slaves in the dark, giving them a false interpretation of religion, and in isolating them as much as possible from the active population.

Every sector of Mauritanian society is concerned by slavery, including both the Arab-Berbers and the black Mauritaniens (Haall-pulaar, Soninké, Wolof and Bambara). Slavery is viewed as a moral dilemma for these different groups. The current existence of a caste system in this community imposes statutory inequalities between individuals who are usually accepted [in to society]. Every debate leads to weighing the practice and immorality of slavery against economic, political and legal interests, whichever the community in question.

The first conscious step against slavery was taken in the 1970s, with an organization called Elhor (Mouvement pour la liberation et l'emancipation des Haritane, or the movement for the liberation and emancipation of slaves). It was created on the 5<sup>th</sup> of March 1978, accompanied by international pressure, resulting in the first law on the abolition of slavery in 1981.

"Article 1: Slavery, in all its forms, is permanently abolished throughout the territory of the Islamic Republic of Mauritania."

Despite this declaration, the country was governed by Islamic Sharia Law, and certain pro-slavery mullahs imposed the following article on the anti-slavery law, restricting it under Sharia.

"Article 2 : In accordance with Sharia law, this abolition will lead to compensation in favour of those holding rights (presumably the slave owners).

Some years later, SOS Esclaves was born, [an organisation] that worked at first purely through legislative channels. Then, since 2000, the first IRA movement encouraged popular engagement with the issue of slavery, with travelling caravans to raise awareness.

Essentially, the IRA is distinguished by its dramatic actions, by the destruction of copies of the slave traders code, by the consistent denunciation of cases of slavery and by bringing them to the courts, and by protesting in front of public institutions so that justice can be obtained. As I speak to you, the president and delegation of the IRA are 200km away from the capital to rescue a young, 18 year old girl, enslaved since her birth, a slave due to her heritage. She has undergone physical and psychological mistreatment by her torturers, who are in fact senior officials of the state, who complicate the judicial process.

Following popular pressure and the realization by the black-African population (as well as by a proportion of the Arabic-Berber population) that the slave owners were keeping our country in chains and preventing the black population from blossoming, the government passed a law in 2007 which criminalised slavery. However, the application of this law remains imperfect and the senior officials and judges themselves must be judged.

Despite these small advances, we must maintain pressure on the government and support all of the initiatives intended to improve the condition of 80% of the population (the black-African) with the view of achieving equality and access to human rights. This must begin with the ruling classes respecting their obligations to effectively implement the laws that have been adopted and ratified. Despite all of the riches of our country (one of the most fish-rich coasts of the world, and with copper, phosphor, iron, gold and petroleum) in addition to the international grants that we have received, our country remains one of the poorest in the world. The vast majority of this wealth is in the hands of 20% of our population – the Arabic-Berbers.

The United Nations Special Rapporteur on contemporary forms of racism, xenophobia and related intolerance, Mr Mutuma Ruteere, recently completed an evaluative mission to Mauritania. He confirmed that there were victims of slavery-like practices throughout the country. The rapporteur requested that an amendment be made to the anti-slavery law of 2007, which would allow NGOs to assist in bring justice to the victims, such that we can improve our fight against impunity.

Thank you for listening.

[Translation from the French by A. Cooper]

# **Violating the Human Rights of Women and Girls**

*Ms Raheel Raza - Muslims Facing Tomorrow*

Ladies and Gentlemen. Mauritania is a poor country as reflected in many of its statistics. This West African nation comes 155<sup>th</sup> out of 187 in the Human Development Index (HDI) for 2012, and its evolution within the Index has followed the general pattern for low HDI countries. The country has also suffered from considerable political upheaval in the past decade, with an obvious effect on progress. In the country as a whole literacy rates are not high, but women lag behind men with literacy rates of 51% and 65% respectively.

Maternal mortality is high at 550 per 100 000 live births. Infant and under-5 mortality are also high at 66 and 105 per 100 respectively. This partly reflects a lack of maternity care as well as the widely dispersed rural population. But it can also be attributed to a high fertility rate, high illiteracy and too many births to under-age mothers (more on which below). According to the United Nations Population Fund, the current Government is making an effort to improve provision of midwife services, but it is clear that Mauritania is unlikely to meet its Millennium Development Goals in these areas.

## **Human Rights: The General Picture**

Mauritania is faced with numerous problems regarding human rights.

In terms of political and civil rights, there are many troubling issues to note. At the political level there is corruption and the marginalization of southern-based ethnic groups. The right of association is limited, and the right to demonstrate is not always observed either, with popular concern having been expressed regarding the Mauritania's security forces management of demonstrations. Arbitrary arrests, torture and beatings, enforced disappearances and extremely poor conditions in prisons, as well as sexual violence towards women in prison, are all issues of concern for those detained in Mauritania. As are its lengthy pre-trial detention periods and the government's influence over the judiciary.

Freedom of the media is limited; the state has a monopoly over television and radio broadcasting, and journalists are required to respect the principles of Islam and national cultural values. Newspapers are often censored and have limited distribution, and the approval of the Interior Ministry is required for the establishment of a publication.

In terms of personal freedom, religious freedom for non-Muslims is restricted and discrimination on racial and ethnic grounds is widespread and institutionalised. The use of child labour is another problem in Mauritania with labour laws being inadequately enforced.

As we have heard, slavery - and slavery-related practices - has been one of the most pressing of human rights concerns. For the rest of this presentation I want to concentrate on another of the most pressing human rights issues in Mauritania: the human rights abuses of women and girls. These kinds of abuses are perhaps some of the most notable, in terms of number and severity.

## **Abuse of Women's and Girls' Human Rights**

The gender inequality index is high in Mauritania, scoring 0.718 on a scale from 0 (total equality) to 1 (total inequality), and there continues to exist a deeply entrenched patriarchal ideology, customs and stereotypes that legitimise gender-based violence. Such violence includes: forced and early marriages; the trafficking of girls; conjugal rape; female genital mutilation (FGM); and the practice of force-feeding. I would like to speak a little about these issues now.

## **Prevalence of Forced Marriage**

To start with, child marriage is an issue still affecting girls in Mauritania. It is estimated that 19% of girls are married before the age of 15, and 43% before the age of 18. It is a practice that occurs throughout the country - although there are some areas where the practice is more

prevalent, such as Gorgol. And whilst child marriage is known to occur in all ethnic communities, it tends to be practiced more commonly in rural areas and amongst those of lower income levels and education.

Child marriage is by definition *forced* marriage, since a child is not capable of making such a life-defining choice. Child marriage has been shown many times to be dangerous for the physical and mental health of the child. Child brides are more likely to suffer violence from their husbands or their husbands' families. Penetration by an adult man can lead to severe internal injury for a girl and even, in some cases, to death. Immature girls who become pregnant are also at risk both from the pregnancy and from childbirth. Child marriage is the main contributor to the high maternal mortality cited above. A girl under 15 who gives birth is five times more likely to die in childbirth than a woman in her twenties, and even if she does not die, she is also much more likely to suffer from severe ill health, including obstetric fistula. The children of young mothers are also much more likely to die within their first year.

According to the Mauritanian Association for the Health of Mothers and Children three kinds of forced marriages are practiced in the country: the first is when a girl from a poor family is forced to marry a rich man for financial purposes; the second is when a girl is forced into a polygamous relationship with an influential man; and the third kind is a practice known as *maslaha*, where a girl is forced to marry her cousin, so that she can be financially supported by him. *Maslaha* accounts for 43% of the forced marriages in Mauritania.

### **Trafficking of girls**

In a further sinister turn, the practice of forced marriage has been connected with the *trafficking* of girls, and has become a serious problem. Young girls, usually between 5 and 12 years old, are sold for high prices by their families to Saudi men who take them as child brides and for whom they are nothing but sex slaves. Some Saudi men prize pre-pubescent brides and keep them purely for sexual purposes. When the girls reach puberty they may be thrown out and forced into prostitution. Both Mauritanian society in general and the Government seem to turn a blind eye to this practice.

### **Rape**

Girls and women in Mauritania are highly vulnerable to rape. Rape is not well defined and so a woman complaining of rape may be judged guilty of *zina* (illicit sexual intercourse — fornication or adultery). About 60% of women who complain that they have been raped are accused of *zina* and risk imprisonment. This acts as a huge disincentive to report rapes. In any case it is very rare for rapists to be punished.

There is a basic problem that the law is administered by untrained and ignorant male judges who are likely to think that victims are to blame for being raped. Women are barred from becoming magistrates and sexual assault is essentially a taboo subject.

### **Female Genital Mutilation**

Despite the government and international NGO's continued efforts to combat FGM in Mauritania, it remains yet another common form of abuse of females there. FGM is performed on young girls, often on the seventh day after birth and almost always before the age of six months. FGM can cause intense pain to the victim and can also prove dangerous for childbirth. It continues to be a widely practiced phenomenon by all ethnic groups in Mauritania - with 65% of women still being affected by it. This comes despite an ordinance prohibiting FGM, where the perpetrators are liable for imprisonment and a penalty of from \$400 to \$1,000. In addition, fatwas against the practice have been given by a number of religious leaders.

### **Forced Feeding**

An abuse of girls and women, and one that is almost unique to Mauritania, is forced feeding. Forced feeding brings about obesity in the victim - a condition that is highly esteemed in some echelons of Mauritanian society. The issue of forced feeding will be discussed in detail

by Hannah Bock, but I raise it here as another example of abuse of females and note that, as with child marriage and FGM, forced feeding is a threat to women's and girl's health and medical safety. The obesity that forced feeding incurs can cause any number of general health problems and harm many of the body's organs.

### **Conclusion**

In conclusion, the human rights situation in Mauritania, particularly where women and girls are concerned, is extremely worrying. Females there are vulnerable to some of the most cruel and violent forms of abuse: child marriage, girl trafficking, rape, FGM, and force-feeding. In a society ruled by deeply entrenched patriarchal ideology this gender-based violence has become normalised and accepted. For too long, women and girls in Mauritania have been treated as mere tools for sexual exploitation and abuse, as second-class citizens free only to be manipulated and commodified, their bodies harmed and endangered. This is a travesty that has been ignored by the Mauritanian Government and the International Community. It is a travesty that has to end now.

## Forced Feeding of Girls: Lablouth

*Hannah Bock - International Humanist and Ethical Union.*

Ladies and Gentlemen

In Mauritania, an overweight woman is considered the epitome of beauty and wealth, while a slimmer woman is considered inferior and can bring shame on her family. Fear of this dishonour has facilitated the continuation of the practice of 'lablouth', or forced-fattening, in Mauritanian society.

Lablouth is directly linked to child marriage: the purpose of it is to make young girls as attractive as possible, so that they can be married while they are between 12 and 15 years old.

Girls' rights are violated by three entrenched and interlinked practices: FGM, lablouth, and forced marriage.

According to the 2007 report, Mauretanischen Sozialen Solidaritätsorganisation, 7% of Mauritanian girls in the cities and 75% of girls in rural areas are victims of lablouth<sup>1</sup>. Indeed, lablouth is an accepted and well supported practice in rural areas, with Mint Taleb, a 55 year old Mauritanian, claiming that it is part of his '*cultural heritage*' and '*more than a necessity...[as] slim girls bring shame on their families and even their tribe*'<sup>2</sup>.

Between the ages of four and nine, young girls are taken out of school and are obliged to start the process of 'female fattening'. They are forced to consume around 16,000<sup>3,4</sup> calories per day, more than five times the amount a girl at this age needs to eat. Within just a few years, the girls weigh between 80 and 100 kilograms<sup>5</sup>.

They are forced to eat a puree of two kilos of porridge, butter, beans and sugar each day, followed by litres of camel's milk. If a girl cannot or does not want to eat, a 'Matron' will push down her tongue with a small tube, so that the puree is easier to swallow.

If being force fed leads a girl to vomit, she is subsequently made to drink her own sick.

This continues all day and throughout the night: a female fatterer explained that the girls sleep for around half an hour each day.

What would you do if you were a girl? Would you refuse?

If so, you would be subject to torture, conducted in front of the other girls at the fattening camp. One of the torture methods is the tying of sticks with sharp points around the girl's toes<sup>6</sup>. If a meal is not finished, the points are pressed in to the girls' toes in an extremely painful practice.

I now invite you to watch a short video to see that lablouth is based upon the torture of young girls, exacerbated by their refusal to eat.

<http://www.youtube.com/watch?v=WhJcECUD6Ew>

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<sup>1</sup> <http://edition.cnn.com/2010/WORLD/africa/10/12/mauritania.force.feed/index.html>

<sup>2</sup> CNN <http://edition.cnn.com/2010/WORLD/africa/10/12/mauritania.force.feed/index.html>

<sup>3</sup> <http://www.theguardian.com/world/2009/mar/01/mauritania-force-feeding-marriage>

<sup>4</sup> <http://hbo.vice.com/episode-five/ep-5-seg-2>

<sup>5</sup> <http://www.theguardian.com/world/2009/mar/01/mauritania-force-feeding-marriage>

<sup>6</sup> Force feeding in Mauritania, CBC Report, <http://www.youtube.com/watch?v=T2CDvlwJ--s>

Many families are too poor to fatten their daughters in this way. Instead, families buy hormonal drugs intended for livestock in order to fatten their daughters.<sup>7</sup>

Several years ago, the government forbade the purchase of such drugs for the practice of lablough. While we can recognize this as a positive first step, the practice will become even more common unless corruption and counterfeit drugs are combatted, as illustrated by the following video.

<http://www.youtube.com/watch?v=25DxHXz8ZUQ>

Lablough is indicative of the entrenched inequalities between men and women within Mauritanian society, and is a practice deriving from the opinion that women are commodities.

Ladies and gentlemen, it is time to take a look at the roots of this problem and fight against it – rather than passing laws on paper that are simply not implemented.

I thank you for your attention.



The Panel: Hannah Bock, Raheel Raza, Roy Brown, Elizabeth O'Casey, Khali Maouloud

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<sup>7</sup> <http://iheu.org/story/iheu-attacks-traditional-practices-leading-maternal-deaths>

# Legal and Constitutional Barriers to Women's Equality

*Dr Elizabeth O'Casey - UK National Secular Society and Center for Inquiry*

Thank you for the opportunity to speak on this important issue.

We have heard of about the experiences of Mauritanian women and slaves, and I am sure that everyone here is concerned by how much needs to be done to lessen their plight. So in this talk I would like to concentrate on the legal and constitutional barriers to women's equality in the country.

I will start by looking at the legal framework underpinning the position of women in Mauritania and the role of Sharia law. I will then look at what legal and institutional changes are needed if women and girls are to achieve equality and protection.

## Constitution and treaties

The preamble to Mauritania's 1991 constitution declares a "right to equality" and the "fundamental freedoms and rights of human beings". Article 1 of the constitution notes that "the Republic guarantees equality before the law to all of its citizens without distinction as to origin, race, sex, or social condition". Accordingly, Mauritania's constitution would seem to guarantee rights equally to men and women. Furthermore, Mauritania is a signatory of the ICCPR, the Convention on the Rights of the Child (CRC), and to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

If Mauritania were to honour these treaties, CEDAW in particular, the human rights of Mauritanian women would be well protected. But Mauritania has added a reservation to CEDAW that turns upon the role of Sharia law in the Mauritanian legal system.

The reservation states that:

*The Government of Mauritania [...] has approved [the CEDAW]...in each and every one of its parts which are not contrary to Islamic sharia and are in accordance with our Constitution.*

This reservation not only undermines any meaningful observance of CEDAW but significantly it also demonstrates the problematic role of sharia law within the legal system. Now, whilst Sharia law is not necessarily *per se* incompatible with the human rights rulings of international treaties, one of the problems is that it is not well defined, so citing 'Islamic law' in the context of these treaties is problematic because no one can be sure what it actually means. Without formal codification, references to the Sharia remain ill-defined and unlimited in their potential scope.

This confusion over what Sharia law is and how it is to be applied, can arbitrarily undermine women's right to equality. Not only is this an unsatisfactory reference for any legal system interested in protecting equality consistently, but it can also give rise to selective application dictated by those in power. In other words, opting out of international treaties in a selective manner grounded in religious principles can provide a convenient vehicle for excusing all manner of abuse. In reality, the abuses usually have more to do with local customs and practice than religious doctrine, but invoking religion removes any need to account for them or try to justify them. In fact, the Association of Women Heads of Households in Mauritania – a group that has focused in recent years on detecting manifestations of discrimination against women in Mauritanian law, conducted a study on Mauritania's general reservation to article 16 of CEDAW and concluded that there is nothing in CEDAW that is incompatible with the Sharia.

## Legislation

Turning now from the Constitution to legislation, Sharia norms have been included in a number of Mauritanian laws since its 1980's policy of Arabisation and Islamisation of the country. A 1983 law on judicial re-organisation abolished the separation of Islamic and modern chambers in courts and established a unified system applying predominantly Sharia law. Mauritania's Penal Code contains Sharia crimes such as heresy, apostasy, atheism, refusal to pray, adultery and alcoholism as well as punishments such as lapidation, amputation and flagellation. The Criminal Procedure Code and the Penal Code provide for the application of the Sharia rules of evidence. Sharia norms are further reflected by Mauritania's 2001 Personal Status Code – a legal code which regulates all matters related to marriage, divorce, family and inheritance issues. Its Article 311 states that for difficulties of interpretation as well as in cases where the Code is silent, reference should be made to Sharia – a further challenge to equality for women.

## Discrimination against women

Discrimination against women appears in many areas covered by the Code. For example, a woman's testimony in court is worth only half that of a man's and there are different rules for male and female inheritance and property ownership. Although women in urban centres tend to be better educated than in rural areas and may be able to have careers, they are grossly hampered by being unable to use more than 25% of their property, so there is massive economic inequality between men and women. Most fundamentally alarming however is that under this Personal Status Code, female citizens do not have any legal autonomy. It considers women to be minor citizens regardless of their age, educational, cultural or economic backgrounds. *Every* woman has a guardian who has the ability to make all decisions about aspects of her life, including marriage. The underlying principle of men's exclusive responsibility to take these decisions enshrined in the Code is an example of how tradition and Islamic teaching have been mixed; it has no basis in the Sharia.

But it is not only the Personal Status Code that is responsible for legally entrenching discriminatory treatment of women; Mauritania's labour law also discriminates against women in many ways, specifically in matters of retirement. The age of retirement for women is 45, whereas men are allowed to work until the age of 65. Furthermore, the family of a deceased retired woman is not eligible to benefit from her retirement rights, whereas the family of a deceased retired man is.

## Areas for Reform

With these legal and institutional issues in mind, I would suggest four key focal areas for reform in order to achieve equality for women.

The first is **constitutional**. If Mauritania is to be serious about guaranteeing equality for women it needs to implement two key constitutional reforms. It needs to withdraw its reservation to CEDAW and it needs to incorporate within its constitution a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of CEDAW. These constitutional commitments will demand the elimination of all forms of violence against women, including FGM, early marriage, and forced feeding.

But changes to the constitution will be impossible to bring about without a democratically controlled and strengthened legislature. Historically, Mauritania's legislative bodies have been weak relative to the executive, and it has had little experience of democracy, with only one year (March 2007 – August 2008) under a democratically elected President.

There also needs to be **reform of the existing legislation** and the removal of Sharia law's influence within Mauritania's Penal Code, Criminal Procedure Code and, perhaps most

significantly for women, within its Personal Status Code. Reform of the Personal Status Code has been advocated by the Association of Women Heads of Households on advice from legal experts, Sharia scholars and actors who promote women's and family rights. The Association has argued that the Personal Status Code should include the right of women to choose agents they deem appropriate to conclude their marriage contracts; that divorce should be a joint decision by both parties; that women be allowed access to divorce through the courts; and that the estate of the deceased father, if he has no sons, should be distributed amongst the daughters and wife only, and not to his brothers.

The third necessary area for reform is in **enforcement**. In Mauritania there is a significant difference between the legal codes and actual practice; often, whilst there may be legal protection for women and girls, it is not observed or enforced. One striking example is child marriage. The minimum legal age of marriage is 18, but child marriage is still practised in Mauritania and girls as young as six years old are married. Whilst a marriage is supposed to require the consent of the woman, forced marriages of both women and under-age girls are still happening, particularly in rural areas. With a view to improving enforcement, there needs to be a strengthening of the National Human Rights Commission of Mauritania and the capacity of other relevant programmes and policies to secure the advancement of human rights.

The final key reform necessary is in **education**. Education of the Mauritanian people is essential so that they can understand the laws in existence, obey those laws, but also be in a position to question, reflect upon and change those laws in an informed and democratic way. This education must extend to all females. In a report on Mauritania in 2007, the CEDAW Committee called on the Mauritanian government "to make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes of formal and non-formal education, and through adult education and training". The Committee also highlighted the importance of educating the general public, public officials, the judiciary and the legal profession about CEDAW and Mauritania's obligations as a signatory so that a legal culture supportive of women's equality with men and non-discrimination on the basis of sex will be firmly established in the country".

## **Conclusion**

Overall, for Mauritanian women and girls to achieve equality and protection by law, Mauritania needs to reform the legal codes mentioned above and remove the influence of sharia upon them. Mauritania needs to enshrine within its constitution a definition of discrimination against women and to withdraw its reservation to CEDAW. It also needs to educate *all* of its people, including girls and women, and strengthen the democratic rule of law. Only once it has made these reforms will the women and girls of Mauritania have equality and autonomy and safe against misogynist abuse.

Thank you.

**Extract from the End Of Mission Statement by M. Mutama Ruteere**  
*Special Rapporteur on Racism, Xenophobia and related intolerance*

Nouakchott, Mauritania, 8 September 2013

Ladies and Gentlemen,

I undertook an official visit to Mauritania from 2 to 8 September 2013. During my visit, I have held meetings in Nouakchott, Rosso and Kaedi. I have met the highest representatives of the Government, at the national and local levels, as well as representatives of civil society, non-governmental organizations, human rights defenders, victims of human rights violations including slavery-like practices and racial discrimination....

I came to Mauritania to evaluate progress made since my predecessor first visited the country in 2008, obtain an up-to-date understanding of the situation in the country and identify the remaining challenges to the elimination of racism and racial discrimination.....

Let me begin by commending the Government for acceding to many international human rights instruments. The cooperation between Mauritania and international human rights mechanisms, special procedures, treaty bodies and UPR, must also be acknowledged. There is no doubt that there has been real progress in the implementation of some of the recommendations made by human rights mechanisms, namely the establishment of a National Human Rights Commission, the amendment of the constitution to acknowledge the country's ethno-cultural diversity, the adoption of the law on slavery, just to name a few. Yet a number of challenges still persists and should be addressed as a matter of priority.....

A thorough assessment cannot be undertaken without statistics disaggregated by descent and ethnic origin, sex and age; as CERD recommended in 2004 the collection of such statistics should be based on self-identification. Without ethnically disaggregated data, it remains difficult to determine the situation of marginalized groups and assess progress in addressing discrimination and exclusion. Without baseline data and indicators it also remains difficult to assess whether the development programmes put in place by the Government, which are absolutely important and much needed, have resulted in the intended aim to improve the living conditions of those groups who have been historically discriminated.....

I note that there are significant challenges in the pace and effective implementation of the [anti-discrimination] law. As a result, many individuals are losing confidence in these institutions and the justice system.

I encourage different Ministries to include in their annual budgets adequate resources to tackle issues of racial, ethnic, and caste discrimination as well as slavery-like practices within their areas of responsibility and maintain the continued cooperation with relevant UN agencies, and in particular with the Office of the High Commissioner for Human Rights in Mauritania.

I have found that the Mauritanian society is deeply stratified; discrimination along ethnic or caste lines cuts across and within communities; poverty also cuts across and within communities. It is important to recognize poverty as [an] underlying cause of discrimination, as the Government has set to do by investing substantially in programmes to uplift historically marginalized groups from poverty.....

As my predecessor found, although discrimination is not to be found in the letter of the law, de facto many individuals feel that they do not have equal opportunities vis à vis education, employment, and business opportunities. For example language is perceived as a means of domination of some groups over others.

Another manifestation of exclusion felt by some groups, which I regularly heard, is the insufficient diversity in key Government and public administration posts.....

Although slavery has been outlawed, there are still individuals who are victims of slavery-like practices. Women and girls in such conditions continue to be particularly vulnerable and subject to various forms of violence, including sexual violence. The institutional and legal frameworks have to be given teeth so that perpetrators are held to account. Amendment to the 2007 anti-slavery law to provide for capacity of NGOs to act on behalf of victims of slavery like practices could be a way to combat impunity for these human rights violations. In addition support services for those freed from slavery-like conditions remain limited and must [be] strengthened.

These are my preliminary findings. ... I will present my report to the Human Rights Council in June 2014 and hope to continue the constructive dialogue initiated with the Government throughout."

## **Comments from the floor**

Following the speeches, comments were invited from the floor. Two speakers took the floor, the first, the Mauritanian ambassador spoke for more than 15 minutes.

### **Comments by H.E. the Mauritanian Ambassador**

The Ambassador began by lamenting the lack of French and Arabic interpretation (the two official languages of Mauritania). He criticised many of the points made by the speakers, questioning their data and statistics as unreliable and unverifiable (but adding no alternatives of his own) and criticised the lack of citations to our sources (although all key data were referenced in the handouts).

He contested the data on the racial make-up of the country (drawn from official statistics) and argued that Mauritania is not a racist society - in the face of the evidence presented by the Mauritanian speaker, Khali Maouloud and the UN Special Rapporteur, Mr Ruteere following his visit to Mauritania just one week earlier.

In general he felt that our points were all exaggerated, and that we didn't have a comprehensive picture of Mauritanian society.

He claimed that the French colonial period in Mauritania had "helped to entrench slavery within society", and the importance of understanding the social and historical tradition of slavery. It was during the French colonial period however that slavery was first outlawed.

He recognized that slavery was very difficult to overcome through purely legislative means, and claimed that in order to combat slavery, the government is currently financially supporting anti-slavery groups that work at grassroots level, as well as referring to their 2007 legal abolition of slavery. However, he did not address the totally inadequate implementation of the legislation.

His response to Hannah's speech on lablough used similar arguments of cultural tradition: in the video that she showed, a young girl's fingers were being crushed by wooden pliers to force her to finish the bowl of camel's milk. He pointed out that the girl's mother, using the pliers, was saying 'gently, gently', and that society's have their own way of doing things. He did not take in to account, however, that 'doucement, doucement' was drowned out by the young girl's cries.

Further, he defended the copious amounts of camel's milk that the girls have to drink (20 litres per day) by saying that different regions depend on different foodstuffs for each season, and that in the Berber region (where lablough takes place most often), the population have camel's milk as one of their seasonal principal source of nutrition.

With regard to placing CEDAW under Sharia law, he stated that Islam is the fundamental source of human rights in this country. However, he did not address Dr O'Casey's point that there is nothing in CEDAW that is incompatible with Sharia Law.

He claimed that Mauritania is not a race-based society, and spoke about the politics of identity, during which he identified himself as an Arab, rather than black, as his skin colour would suggest. Further, he stated that the most senior politician in Mauritania is black, and that other governmental positions are occupied by black people. Khali responded by saying that while there may be black people in government, there are only four.

Dr. O'Casey pointed out that rather than as a defence of Mauritania, the ambassador's self identification as Arabic is indeed indicative of the interlinked racial and social divisions between the darker and lighter skinned population: as a man in power, he identifies himself as an Arab.

The ambassador disputed our statistic about the racial make-up of the Mauritanian population, saying that he didn't think it was right, but, once again, did not offer an alternative.

However, his personal reactions betrayed his discomfort about having Mauritania criticised in such a manner: laughing off our points, talking throughout the panel, and cutting in to dispute the panel's responses to his questions.

### **Comment by a representative of the Mauritanian Human Rights Commission**

The second speaker from the floor, a representative of the Mauritanian Human Rights Commission, lamented the cliched emphasis on slavery in Mauritania by Western voices whilst simultaneously ignoring the slavery that occurs in the others states such as the US ! We chose not to respond.

## **Concluding remarks by Roy Brown**

As you have heard, slavery is alive and kicking in Mauritania today. Despite the law of 2007 which aimed at outlawing the practice, implementation has been patchy and hundreds of thousands of Mauritians are still held in slavery. The Mauritanian Ambassador stated here last year that slavery no longer exists in his country, but what we are witnessing is a "post-slavery" situation. But it would be interesting to know how the majority of those held as slaves can tell the difference.

You have heard of the how women and children in Mauritania face serious economic, social, cultural and legal obstacles in their up-hill struggle to enjoy many of the rights which their sisters in most other countries take for granted.

Our organisation and our Mauritanian colleagues stand ready to help the government in any way we can to address the human rights challenges they face. But we would ask the government to accept that we share their desire to see the de facto as well as the de jure elimination of slavery, and ask them to no longer treat human rights defenders as enemies of the state, and to work sincerely to address the enormous human rights challenges that remain.

Thank you for your attention.