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مجلس حقوق الإنسان

الدورة السابعة والعشرون

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

تقرير المقررة الخاصة المعنية بأشكال الرق المعاصرة، بما في ذلك أسبابها وعواقبها، غولنارا شاهينيان

إضافة

بعثة متابعة إلى موريتانيا**

موجز

أجرت المقررة الخاصة المعنية بأشكال الرق المعاصرة، بما في ذلك أسبابها وعواقبها، بعثة متابعة إلى موريتانيا من ٢٤ إلى ٢٧ شباط/فبراير ٢٠١٤. وكان الهدف الرئيسي من زيارتها تقييم التطورات الجديدة التي طرأت منذ بعثتها الأولى عام ٢٠٠٩ والمبادرات التي اتخذتها الحكومة استجابة لتوصياتها. وقامت على وجه الخصوص بتقييم وضع خريطة الطريق التي أعدت بالتعاون مع مفوضية الأمم المتحدة السامية لحقوق الإنسان والرامية إلى تنفيذ توصياتها بإنهاء الرق في موريتانيا وبالترويج لاعتماد الخريطة رسمياً. وتولت المقررة الخاصة أيضاً تقييم التشريعات والآليات المؤسسية والبرامج والسياسات القائمة الرامية إلى مكافحة جميع أشكال الرق، كما تولت تقييم تطبيقها على أرض الواقع.

* يعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق هذا الموجز، فيُعمم باللغة التي قُدِّم بها وباللغة الفرنسية فقط.

** تأخر تقديم هذا التقرير.

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الرجاء إعادة الاستعمال



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وترحب المقررة الخاصة بما أبدته موريتانيا من التزام وتعاون. ولاحظت أن الحكومة أحرزت تقدماً جيداً في اتخاذ تدابير تشريعية ومؤسسية ترمي إلى مكافحة أشكال الرق في موريتانيا. و إثر زيارة المقررة الخاصة، اعتمدت الحكومة رسمياً خريطة الطريق في ٦ آذار/مارس ٢٠١٤، وهي تشكّل مرحلة جديدة تدخلها الحكومة في مكافحة جميع أشكال الرق والممارسات الشبيهة بالرق، منتقلة من الموافقة على توصيات المقررة إلى تنفيذها. وبشكل خاص، لا توفر خريطة الطريق الإرشاد فحسب وإنما تشكّل معياراً لقياس التقدم المحرز في التنفيذ الذي يتطلّب أيضاً لإنجازه إرساء تعاون وثيق مع المجتمع المدني.

وألغى الاسترقاق في موريتانيا عام ١٩٨١ وجُرم عام ٢٠٠٧ واعتُبر جريمة ضد الإنسانية بموجب الإصلاح الدستوري لعام ٢٠١٢، وهذا يشكّل إنجازاً رئيسياً للقضاء على ممارسات الرق. واستُكملت هذه المبادرة بإعلان الحكومة إنشاء محكمة خاصة مكرسة لمقاضاة مرتكبي جرائم الرق. وعلى الرغم من التدابير المؤسسية والقانونية المتخذة، أعربت المقررة الخاصة مجدداً عن قلقها إزاء ضرورة تنفيذ القوانين والسياسات تنفيذاً كاملاً. وفيما يخص فجوة التنفيذ، أشارت المقررة الخاصة على سبيل المثال إلى العدد المنخفض من الملاحقات القضائية بموجب قانون تجريم الرق، وشددت على ضرورة تعديل هذا القانون لضمان مزيد من الحماية للضحايا المعترف بهم كعبيد.

ولا تزال المقررة الخاصة تشعر بالقلق إزاء عدم وجود معلومات موثوق بها، وهو أحد الشروط المسبقة لفعالية البرامج الحكومية. وتشدّد أيضاً على ضرورة أن تنشر الحكومة في الجريدة الرسمية لموريتانيا، في أسرع وقت ممكن، اتفاقيات مكافحة الرق التي صدقت عليها، وذلك من أجل التوعية بأن العمل أياً كان يجب أن يُراوَل بحرية وأن يحترم الحقوق الأساسية للإنسان.

Annex*[English and French only]***Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her follow-up mission to Mauritania (24 – 27 February 2014)****Contents**

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I. Introduction

1. Pursuant to her mandate contained in Human Rights Council resolution 24/3, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences conducted an official visit from 24 to 27 February 2014 to Mauritania, to follow up on the mission conducted in 2009.¹ The Special Rapporteur met in Nouakchott with Government authorities and representatives of international and non-governmental organizations, trade unions, and religious leaders, community members and others working in the area of combating all forms of slavery. The objective of her visit was to assess new developments since her first visit and the initiatives taken by the Government in response to her recommendations. In particular, she sought to assess the status of the road map for the implementation of her recommendations to end slavery in Mauritania, which was prepared in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), and to promote its formal adoption.

2. During her mission, the Special Rapporteur held extensive consultations with the President of the Republic, the Prime Minister, the President of the National Assembly, the Minister for Foreign Affairs and Cooperation, the Minister for Justice, the General Prosecutor, the Minister of the Interior and Decentralization, the Minister for Social Affairs, Children and Family, the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society, the President of the National Human Rights Commission, the Director-General of the national agency Tadamoun, and other senior Government representatives and representatives of civil society organizations, academia, trade unions, the United Nations country team and the donor community, and religious leaders.

3. The Special Rapporteur expresses her gratitude to the Government of Mauritania for its full cooperation during the mission and the previous one, as well as during her subsequent visits. She also thanks the Government for its renewed invitation for the future, as well as for its efforts in preparing the road map for the implementation of the recommendations she made as a result of her mission to the country in 2009, as well as the constructive dialogue and continuous commitment to cooperate in the fight against all forms of slavery. She furthermore greatly appreciates the assistance of numerous civil society organizations and institutions within Mauritania and internationally, as well as the cooperation of the United Nations country team and OHCHR for facilitating and providing logistical support for her mission.

4. The Special Rapporteur applauds the pledge made by the Government of Mauritania on 6 March 2014 to adopt the road map formally as an essential step forward in the fight against slavery. Its implementation will mark a new stage in efforts to eradicate slavery in Mauritania and its remnants once and for all.

5. The road map embodies the recommendations made by the Special Rapporteur following her first mission to Mauritania in 2009; she subsequently presented her findings and recommendations to the Human Rights Council in 2010 (see also para. 28 below).² The road map is not only an expressed commitment and plan of action prepared by the Government of Mauritania in cooperation with the OHCHR Field Office in Nouakchott in order to delineate the way forward, but also provides a yardstick for measuring progress and tools for identifying remaining or new challenges to the eradication of all forms of slavery and slavery-like practices. The aim is to provide constructive guidance, which, it is hoped, will assist in the further implementation and, ultimately, the full realization of the road map.

¹ See A/HRC/15/20/Add. 2.

² Ibid.

6. The Special Rapporteur stresses that her follow-up mission is just an element of continuation of the frank and fruitful human rights dialogue commenced in 2009. In acknowledging the very good progress made to date, she believes that a common ground for action has been found with a concrete common goal, namely, to increase compliance by Mauritania with human rights and thereby work towards the eradication of all forms of slavery and slavery-like practices. The road map will determine the way forward in addressing the different challenges; cohesive cooperation by all stakeholders will be required to achieve the full implementation of the road map.

II. Status of implementation of anti-slavery action

A. Slavery laws

7. Against the background of its ethnic, linguistic and culturally diverse populace, consisting of mainly Arab Berbers (also known as “Moors”), black Africans (including the Pular, Soninke and Wolof) and the Haratine peoples (also called referred to as “black Moors”, who are black by skin colour, but an integral part of the Moorish ethnic group), Mauritania has a shared language and culture, although societal stratification along ethnic lines and community groups still persists and translates into functional and practical power structures.

8. Several attempts have been made to abolish slavery in Mauritania over the past century. Order No. 081-234 of 9 November 1981 on the abolition of slavery in Mauritania was crucial, despite its vague definition of slavery (namely, not including reference to slavery-like practices) and its lack of implementation, given that it was conceived as a single measure without enabling factors and/or any transposing regulation. Article 1 definitively abolished slavery throughout the national territory; article 2 stated that, in accordance with sharia law, compensation for the abolition of slavery would be provided to rightful claimants (namely, slave owners). The compensation scheme was to be decided by a commission composed of *ulemas* (Islamic scholars), economists and administrators; no legal or practical measures were however adopted, which rendered the law de facto ineffective.³

9. On 3 September 2007, Slavery Act No. 2007-048 was passed, a milestone in the eradication of slavery and slavery-like practices. The Act needs, however, to be implemented and enforced fully if concrete changes in practice are to be realized.

10. The Slavery Act criminalizes slavery and slavery-like practices. It defines in its article 2 the exercise of all or some of the rights of property over one or more persons as slavery; in article 3, it prohibits all forms of discrimination against persons “alleged to be a slave”. The slavery *corpus delicti* refers to “any person who reduces another person or person under their care or responsibility to slavery, or incites them to forfeit their liberty or dignity for the purpose of enslaving them” – elements of the crime of slavery that must be proven in a fair trial before an individual may be tried. The crime is punishable by 5 to 10 years of imprisonment and a fine of between \$2,000 and \$4,000. Offences of slavery are sanctioned by a prison sentence of between six months and two years, and a fine of \$200 to \$840 can also be imposed. The Act is characterized by its broad regulatory approach, given that it also provides for assistance and pecuniary compensation for victims of slavery or of slavery-like practices, such as sexual slavery.

³ Ibid., para. 23.

11. The Special Rapporteur remains concerned at the very low number of prosecutions under the Act, and urges its application, without any presuppositions, by all institutions and stakeholders. As noted by the Special Rapporteur in her previous report,⁴ the law addresses the individual criminal liability of slaveholders only; to be enforced, it relies entirely on the police and prosecution, which have shown a reluctance to follow up on allegations of slavery-like practices, with most cases being closed without any proper investigation. Moreover, no civil cause of action for victims of slavery, which would give victims of slavery or an independent mechanism acting on their behalf the right to appeal directly to the courts, has yet been introduced. This of particular importance in the case of slavery, given that victims of slavery often do not report crimes committed against them, also out of fear of retribution or lack of awareness. Moreover, the burden of proof under the Act lies on the victim; an investigation can therefore only be initiated if a complaint has been lodged by the victim. To date, there has been only one successful prosecution under the Act.

12. During her meeting with the Minister for Justice, the General Prosecutor and other senior officials, the Special Rapporteur was assured that instructions were given to apply and enforce the law, and that prosecutors were instructed to investigate any allegation of slavery and slavery-like practices within the scope of the law. The Minister pointed out that a commission had been established to review the law and to make suggestions for strengthening it, and indicated its readiness to redress any shortcomings. The General Prosecutor specified that, since the first condemnation for a case of slavery in 2010, some 26 final judgements had been handed down to date. The General Prosecutor added that not all persons were ultimately convicted, given that magistrates are independent and each case had its own procedural process based on the facts of the cases, the body of evidence or proof submitted and the crime alleged. The General Prosecutor promised to convey these 26 final judgements to the Special Rapporteur for her information, though has to date not done so. Both the General Prosecutor and the Minister for Justice stressed the cooperation with the leading non-governmental organization SOS Esclaves and the Director thereof, Boubacar Messaoud, who assists the victims not only during legal proceedings but throughout the entire process.

13. Besides the general difficulties experienced by rights-holders in their access to the judicial sector and the sociocultural obstacles encountered when filing cases of slavery, the lack of effective compensation for discrimination and of support for the integration of victims beyond a criminal justice approach, as well as a certain disinclination of independent judges to prioritize these cases seem to be the main reasons for the low numbers of cases brought to trial.

14. The Special Rapporteur reiterates the concerns that she expressed in her previous report, namely, that the Slavery Act does not cover all forms of slavery, given that it makes no reference to serfdom.

15. The constitutional reform of 2012 (loi constitutionnelle No. 2012-015), which recognizes slavery as a crime against humanity, reflects the Government's commitment and political will to eradicate slavery in the country. The new article 13 of the Act specifies that, no one may be held in slavery or any form of servitude or subjected to torture and other cruel, inhuman or degrading treatment. It also describes such practices as crimes against humanity and punishable by law. The Special Rapporteur encourages the Government to take all necessary measures to implement this provision in practice.

16. The Special Rapporteur was pleased to learn that, in August 2011, the Government had enacted a new law securing the rights of housemaids and domestic workers in private households, to replace legislation dating back to 1953 on domestic work. The new law

⁴ Ibid., para. 90.

seeks to improve and adapt provisions to social and regulatory requirements in the field of employment, and lays down the responsibilities, rights and duties of the employee and the employer.⁵ The Special Rapporteur encourages in this regard the Government to ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO).

B. Institutional framework

17. The National Agency for the Fight against the Consequences of Slavery, for Reintegration and for the Fight against Poverty, Tadamoun, established in March 2013 by decree No. 2013-048, took over responsibility for overseeing the reintegration of repatriated refugees from the former National Agency for the Welcome and Reintegration of Refugees. Besides designing, coordinating and implementing reintegration programmes for returnees and promoting programmes to eradicate poverty, as advocated by the World Bank in its Poverty Reduction Strategy Paper on Mauritania,⁶ Tadamoun is responsible for identifying and proposing programmes to eradicate the consequences of slavery and to ensure their implementation.

18. The Special Rapporteur welcomes the setting-up of Tadamoun as an important step towards a more holistic and sustained approach to address all forms of discrimination and poverty at all levels of society. In view of the fact that the new agency combines three distinct mandates, however, it will be important to ensure targeted and tailored solutions for former slaves in order to prevent the eradication of the vestiges of slavery from being incorporated into more general programmes on poverty alleviation.

19. According to article 2 of decree No. 2013-048, Tadamoun may lodge complaints against alleged perpetrators of slavery-like practices on behalf of the victims as civil party and be associated in a court action with the public prosecutor. The Special Rapporteur had indeed called for the establishment of an independent Government-funded mechanism, enshrined in legislation, that would be empowered to carry out investigations on its own initiative and have the standing to bring civil cases of slavery or discrimination before the courts.⁷ She is however concerned that the agency is, administratively, part of the Presidency of the Republic, and that its standing as a civil party contravenes the principle of the separation of powers.

20. When meeting with agency representatives, the Special Rapporteur was informed that, even though the legal cell was operational, the agency had not received any complaints alleging slavery or slavery-like practices.

21. Tadamoun is also engaged in awareness-raising and public information activities, as well as in land and property rights protection and restitution cases, and projects to alleviate poverty for those living in very precarious conditions. Although at the time of the visit it was premature for non-governmental interlocutors to comment on the work of the new agency, some indicated that it was not perceived as independent and that they were waiting to see how it would develop its legal casework.

22. The Special Rapporteur welcomes the promulgation of Law No. 31 on 20 July 2010, which improved compliance of the national human rights commission with the Paris Principles and strengthened its independence. As a result, the commission was accredited

⁵ CAT/C/MRT/Q/1/Add.1.

⁶ Available from <http://documents.worldbank.org/curated/en/2011/06/14473144/mauritania-joint-staff-advisory-note-third-poverty-reduction-strategy-paper>.

⁷ A/HRC/15/20/Add.2, para. 105.

with “A” status in 2011 by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

23. The national human rights commission is mandated to monitor human rights-related issues, to provide advisory opinions on national legislation and to raise awareness on human rights issues. It also has the power to investigate human rights violations brought to its attention and to take appropriate measures in coordination with the authorities concerned. The Special Rapporteur was informed that the commission had conducted several investigations in Nouakchott and inside the country on allegations of slavery. To date, however, the commission has not submitted any public reports on its investigations, which could support the implementation of the law adopted in 2007 and the road map.

24. Both the President and the Prime Minister of Mauritania confirmed in a meeting with the Special Rapporteur the recently announced intention of the Government to establish a special tribunal to prosecute suspects accused of involvement in slavery. The justification provided for the creation of the tribunal was to enforce slavery laws effectively. The Special Rapporteur encourages the Government to adopt a rights-based approach in establishing and designing the tribunal, which she notes would be an important element in the effective implementation of the law and for redress.

C. Road map

1. Drafting history and adoption

25. On 6 March 2014, the Council of Ministers, chaired by the President of the Republic of Mauritania, Mohamed Ould Abdel Aziz, considered and approved a road map for the elimination of the vestiges of slavery, drawing on the recommendations made by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. The President instructed the Government to take all measures necessary to enable the implementation of the measures already taken to eradicate the legacy of slavery.

26. Further to the Special Rapporteur’s mission to Mauritania in 2009, a workshop, jointly organized by the Commissioner for Human Rights and Humanitarian Action and Relations with Civil Society in partnership with OHCHR, was held on 21 July 2011 on the recommendations she had made following her mission on the economic and social aspects of law to foster the fight for and awareness of the eradication of the legacy of slavery. Several themes were identified during the workshop: (a) the legal and normative framework; (b) policies, measures and programmes; and (c) recommendations for the international community and economic actors (namely, foreign enterprises). Each topic was covered in depth by a working group, with a view to elaborate a draft plan of action for the implementation of the recommendations of the Special Rapporteur.

27. The Special Rapporteur participated in the follow-up workshop organized by the OHCHR on 30 and 31 January 2012 held to validate the plan of action (namely, the road map) elaborated during the seminar. The workshop was organized around several presentations, including on the context of slavery, the Slavery Act of 2007 and its implementation, and the challenges encountered in implementing the recommendations of the Special Rapporteur, followed by an interactive dialogue and exchange of views among participants. The final road map was prepared in cooperation with the Government, civil society actors and OHCHR and its representatives in Nouakchott.

28. The road map was the result of a participatory approach involving Governments and civil society, with the support of technical and financial partners of Mauritania. In this

regard, the Special Rapporteur took note of some editorial and substantive changes made to the original road map by the Government prior to its adoption. These changes put a particular onus on the Government to implement the road map quickly and comprehensively in cooperation with the other participants in the process. The road map has legal, economic and social dimensions designed to bridge the gaps in the implementation of the previous laws to eradicate the scourge of slavery, includes concrete timelines and attributes responsibilities for the implementation of the recommendations made by the Special Rapporteur. The road map is not only an expressed commitment and a plan of action for the way forward, but also provides a yardstick for progress and a set of tools for identifying the challenges to the eradication of all forms of slavery and slavery-like practices, with a view to developing constructive recommendations for its implementation.

29. The Special Rapporteur hails the formal adoption of the road map as an essential step forward in the fight against slavery. Its full implementation will mark a new phase in the State's efforts to eradicate slavery and its remnants once and for all.

30. The Special Rapporteur see the adoption of the road map on 6 March 2014 as a turning point, grounded on the way in which this human rights dialogue was conducted, its candid and constructive spirit aimed at building cooperation in the fight against slavery in Mauritania. The final formal adoption of the road map is not only symbolic, but also marks a palpable and traceable commitment of the State and is a benchmark against which progress can be measured, impediments to implementation identified and solutions discussed and developed to enable, assist and accelerate anti-slavery action and measures.

31. The final, formal adoption of the road map should be seen as a unique opportunity for further action, as it creates momentum for the fight against slavery. The Special Rapporteur pleads for a concerted undertaking by all stakeholders, including government authorities, civil society actors, academia, international, United Nations and other agencies and the donor community.

2. Follow-up and monitoring commission

32. The establishment of a follow-up commission mandated to monitor all measures, initiatives, projects, programmes and proposed activities as determined in recommendation 28 of the road map is an essential element to its effective implementation. The recommendation should be realized with immediate effect. Responsibilities in this regard lie with the State and civil society actors in the human rights domain, which have a tremendously important role in raising awareness, collecting material and monitoring. The participation of OHCHR as a standing member of the commission through its Field Office in Nouakchott is a particular asset that favours a targeted and systematic approach to the eradication of all forms of slavery.

33. The overall role of the commission is to engage in follow-up activities to ensure that the 29 recommendations contained in the road map are implemented effectively and in a timely manner by an interministerial committee, as provided for by the road map. Beyond its purely monitoring function, the commission could also act as a platform for support and benefit from the input of its members to generate expertise and find solutions, with a view to the targeted and efficient adoption and implementation of anti-slavery actions. It could ensure a systematic approach to anti-slavery action and its mainstreaming into all government policies and legislative and normative action, as well as its ability to instigate information-sharing. The Special Rapporteur believes that the commission will be able not only to identify obstacles to implementation, but also provide adequate solutions. In no case should the commission have a mere watchdog function.

III. Conclusions and recommendations

A. Overall strategy

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

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

B. Slavery law and policies

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

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

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

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

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

C. Awareness-raising and training

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

D. Study and statistics

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

E. Recommendations for the international community

43. The international community has an important role to play in assisting and cooperating with the Government of Mauritania to implement the road map fully, in tandem with non-governmental organizations and all civil society actors. The road

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

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

F. Recommendations for businesses

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