

The difficult path to freedom

**10 years of work to eradicate slavery
in West Africa**

Anti-Slavery International - 2019

The difficult path to freedom

10 years of work to eradicate slavery in West Africa

By Valerie Couillard, consultant for Anti-Slavery International



© Anti-Slavery International 2019

Anti-Slavery International would like to thank the US Government Bureau of Democracy, Rights and Labor for funding this research and report. The views expressed are those of Anti-Slavery International and its partners, and in no way reflect the opinion of the funder.

Cover Photo: Michael-Hylton

Graphic design: Diane Delom

Acknowledgements

The following people made significant and direct contributions to the drafting of this report and we extend them our warmest gratitude: El Kowry Sneiba – SOS-Esclaves, Ahmedou El Wedia – SOS-Esclaves, Mohamed Mogaze – Timidria, Mohamed Almansour – Timidria, Ibrahim Ag Idbaltanat – Temedt, Abdoulaye Macko – Temedt, Soumaguel Oyahit – Temedt, Emmanuelle Trémeau – Anti-Slavery International, Karine Penrose-Theis – Anti-Slavery International, Sarah Mathewson – Anti-Slavery International, Kate Elsayed Ali – Anti-Slavery International, Me Abdourahaman Chaibou (Nigerien lawyer), Salimata Lam – SOS-Esclaves, Me Elid Mohameden (Mauritanian lawyer), Jennifer Castello – Minority Rights Group International, Nagham Hriech Wahabi (clinical psychologist), Romana Caccholi (former Head of programmes at Anti-Slavery International), and all those who helped the workshop participants submit the contributions of their respective organizations.

SUMMARY

Executive summary	5
Introduction	9
Research methodology	10
Circumstances of slavery in West Africa	10
<i>Number of people in slavery: indicative estimates</i>	11
Recent legal advances and political context	12
Section 1. Overview of programmes and initial observation	16
Mauritania	16
Mali	18
Niger	19
Section 2. Achievements and obstacles: practical perspectives	23
Mauritania : Obstacles to conducting effective national advocacy	23
Mauritania and Mali: the media as awareness-raising tool	25
Mali: non-existent legislation and an ineffective judiciary	26
Mali: humanitarian crisis, funding and recognising the existence of slavery	27
Niger: extremely slow judicial system and ineffective application of the law	28
Niger: education as a tool of community representation	29
Mauritania, Mali & Niger: victim support from civil society	29
Section 3. Capitalising on lessons learned and looking to the future	32
Legal reform	32
Government commitment	33
Self-determination and partnerships	34
<i>Partnerships with international organizations</i>	34
<i>Partnerships with financial backers</i>	35
<i>National and regional networks and the anti-slavery movement</i>	36
Women, justice and representation	36
<i>Legal redress</i>	37
<i>Representation and participation</i>	38
<i>Learning from 10 years of anti-slavery work – partners’ recommendations</i>	39
Conclusion	43



SOS-Eslaves, Mauritania. Photo: Michael-Hylton

Executive Summary

This report was drafted with the aim of identifying the lessons learned over 10 years (2008–2018) of programmes to combat descent-based slavery in West Africa. The research and analysis underpinning the report focuses on a range of initiatives rolled out in Niger and Mauritania since 2007 and in Mali from 2007 to 2012, primarily involving the concerted actions of Anti-Slavery International and national civil society organizations: Timidria (Niger), SOS-Esclaves (Mauritania) and Temedt (Mali). The text draws the reader's attention to a certain number of case studies and lessons learned, including the medium- and long-term impact of the work of Anti-Slavery International and its partners. It analyses contextual changes and opportunities and identifies avenues for reflection and strategic intervention going forward.

The **Introduction** explains the research methodology, the context of slavery in West Africa, recent legal advances and the underlying political context. It becomes immediately clear that despite significant legislative progress over the last decade, major implementation difficulties continue to affect all three countries due to inadequate capacities and a lack of political will.

Multiple human rights violations are suffered by people born into slavery. These people work without remuneration, typically looking after the land and animals of those who describe themselves as their masters. They do not have access to schooling and have no possibility of getting identity documents. “Masters” consider people born into slavery as their property, in some cases even offering them as gifts. When the master dies, they are inherited by his children. Women are particularly vulnerable to sexual abuse at the hands of their master, and it is not unusual for them to be the victims of forced pregnancy. Their children, despite carrying the master's genes, do not acquire a birth certificate and in turn become slaves through their maternal lineage.

The main problem that stems from this situation has been directly targeted by the projects implemented over the last 10 years: extricating oneself from slavery is practically impossible without extensive support. Without recognition of their civil status and in the absence of identity papers such as a birth certificate, it is impossible to gain access to civil, political, economic, social or cultural rights. These people cannot vote, go to school or open a bank account. It is this situation that prevents most of them from fleeing slavery or perpetuates the discrimination and subordination they face even if they do.

Section 1 provides an overview of the programmes implemented in the three countries over the last 10 years. It is based on the experiences presented by the programme heads from each organization, who conducted a detailed review of their activities and considered what had worked well and not so well. During the workshop on lessons learned, held in Bamako in November 2018, the partners assessed the projects implemented during the reference period. This self-assessment exercise, as well as the independent assessments carried out, point to some initial observations. This section also reports some of the conclusions drawn in the independent expert assessments conducted at the end of each project.

Section 2 highlights the practical perspectives of the anti-slavery organizations in terms of what was achieved and the obstacles they faced in the fight to eradicate slavery. During the interviews with the partners, several very interesting and relevant questions emerged. Case studies examined in the preparation for this report (for example, in the project evaluation reports) were presented and discussed at the Bamako workshop and during individual interviews. The findings of these cases are selected and presented herein to draw attention to certain trends that have marked efforts to eradicate descent-based slavery in the region.

Observations are drawn from the partners' specific experiences as well as their general impressions of all three countries. In Mauritania, although advocacy at an international level had a positive impact, the very possibility of effective national advocacy and the implementation of certain activities were largely compromised by the absence of State cooperation. However, in Mali and in Mauritania, the use of the media significantly facilitated the fight against slavery. In the former, the absence of specific legislation on slavery is problematic and efforts to seek justice before the courts have proven ineffective. The humanitarian crisis there has also hampered requests for funding to support the cause. In Niger, the judicial system suffers from extreme delays and the law is not effectively enforced, although programmes focusing on education have had a remarkably positive impact. Finally, across all three countries it is clear that it is civil society that provides the most support for victims, and in this regard it takes on the responsibilities that should be incumbent upon the State, but which the State does not have the capacity to honour.

Section 3 provides analysis with a view to capitalising on lessons learned and reflecting on future initiatives. The state of national legal reform provides particularly interesting avenues for further reflection, because we know that the effective application of the law can lead to change. The inadequacy (and sometimes absence) of government commitment to the fight against slavery also emerges from the analysis as a major obstacle and one that it is very difficult for civil society to negotiate. Areas of critical analysis with regard to relations between international partners, funders and national anti-slavery movements are also highlighted, particularly with regard to the self-determination of communities of slave descent. Lastly, a few suggestions are made to address some of the specific problems affecting women in these communities. The difficulty in accessing justice, the discrimination they face within the judicial system itself, and the low levels of representation and participation from which they suffer are all aspects that were raised as especially problematic.

For each of the three countries, it is clear that the movement to combat slavery has helped raise awareness and achieve recognition of this problem within the international community, the general public and governmental authorities. All of the partners pointed to this progress in their own way, explaining the nuances, reticence and resistance observed in each country. From a legislative and normative point of view, several significant advances have also been made.

In Mali, "slavery is no longer taboo", but draft legislation specifically criminalising slavery has for years been stuck in the final legislative stages before it can be passed. In Mauritania, a 2007 law criminalising slavery was reinforced in 2015, and three criminal courts specialized in combating slavery were set up to address specific issues related to slavery. However, the government's discourse continues to deny the existence of slavery practices on Mauritanian soil, relegating this issue to the past and doing no more than managing the "vestiges" of a phenomenon that has supposedly ended. In Niger, the legislation criminalising slavery (passed in 2003) is an indication that the problem has been recognised, but proper application of the law on the ground has yet to follow, with slavery being punished by the courts as a minor offence rather than as a serious crime.

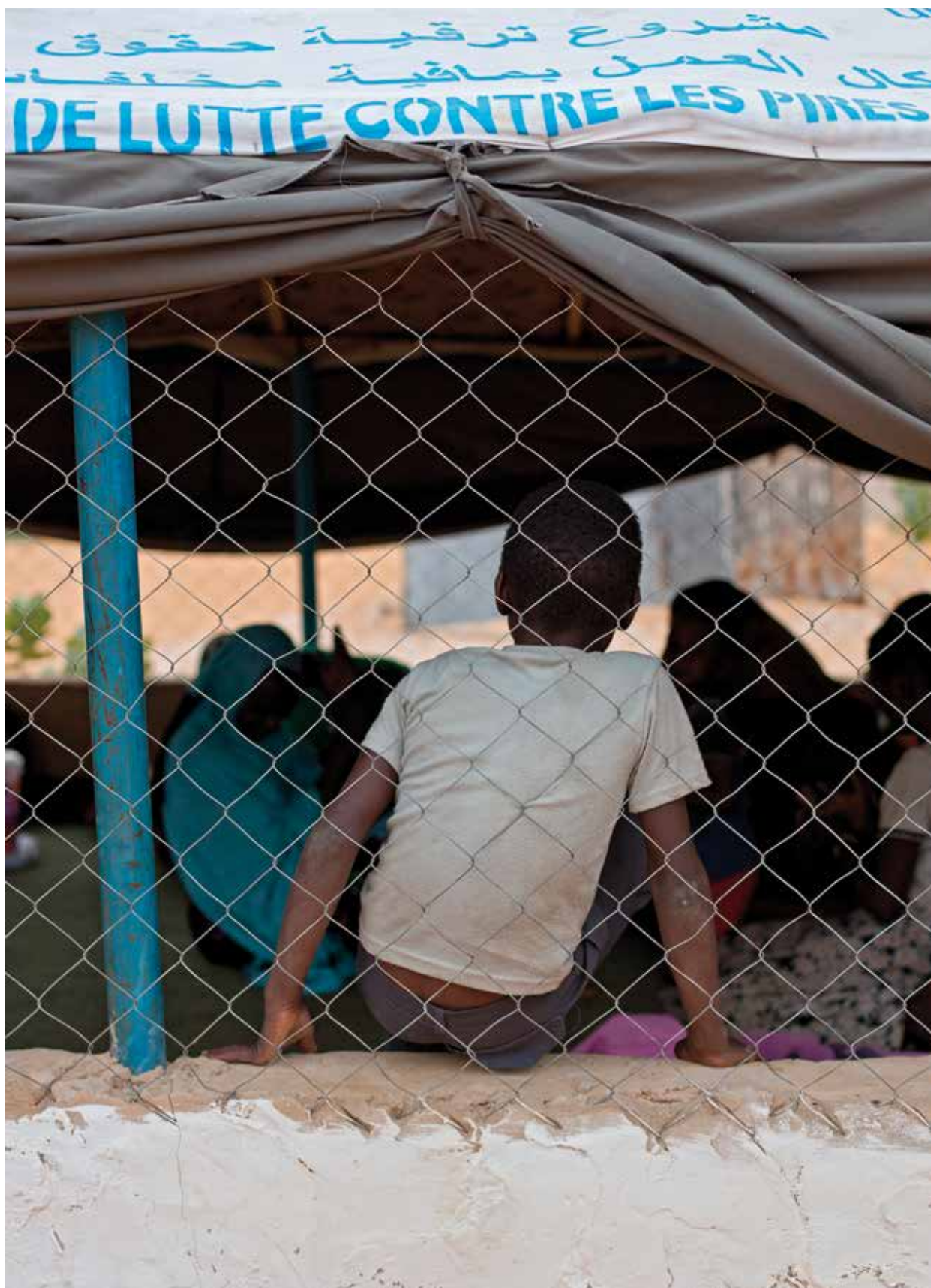
In all three countries, political will and the capacity of the authorities with decision-making powers to face up to the reality of descent-based slavery remain so limited as to constitute the primary obstacle to the eradication of this practice. The legislative gains made are not enough, and in practice neither the State authorities nor the judicial bodies play a sufficient role to enforce the laws in such a way that their own objectives could be achieved. National policies designed to ensure application of the law are non-existent, and the courts apply the law inconsistently. Capacity-building initiatives for judges may have begun to improve the application of the law.

Victim support is one of the cornerstones of the fight to eradicate slavery in all three countries: either there is no legislation in place or it is inadequately (or not yet) applied, or the policies designed to protect and rehabilitate victims are non-existent. As a result, civil society organizations must double their efforts to support the victims of slavery, continue to help those still held captive to escape and rehabilitate those who have been freed. The review of achievements over the past ten years of programming reveal that efforts to improve the self-sufficiency of the victims of descent-based slavery through economic support have produced astonishing and clearly positive results. An evaluation of the psycho-social needs of victims has also just been completed in Mauritania to strengthen the work of staff from SOS-Esclaves, who on a daily basis deal with the responsibility of supporting victims traumatised by extreme acts of violence.

However, such initiatives are no more than a sticking plaster, and fundamental legal and political changes are needed to win the fight. Such changes can be supported by an international civil society that is culturally respectful of the right to self-determination of those whose heritage has been marked by slavery for generations.



Men from a community of slave descent in Niger



Mauritania. Photo: Michael-Hylton

Introduction

This report was drawn up with the aim of identifying the lessons learned following 10 years (2008–2018) of programmes to combat descent-based slavery in West Africa. The research and analysis underpinning it focused on a range of initiatives rolled out in Niger and Mauritania since 2007 and in Mali from 2007 to 2012, primarily involving the concerted actions of Anti-Slavery International and national civil society organizations: Timidria (Niger), SOS-Esclaves (Mauritania) and Temedt (Mali).

Timidria’s overall mission is to help promote human rights in Niger. The organization endeavours to improve the socio-economic situation of victims of slavery by reintegrating them into society and helping them achieve greater autonomy with skills that generate revenue, as well as fostering child protection systems and promoting respect for and the dignity of human beings. Through these approaches, Timidria tries to preserve social cohesion and promote national unity. It is present throughout Niger: in nine regional sections and representations, 34 sub-sections, 182 offices in rural and urban communities, and 682 offices in villages and camps. It has around 300,000 members and supporters across the country.

SOS-Esclaves, founded in 1995 by central figures of the El Hor movement, is Mauritania’s oldest anti-slavery organization. With more than 2,000 members and “focal points” in every region and most cities in Mauritania, SOS-Esclaves has the ideal structure to identify and support those who have extricated themselves from slavery in Mauritania. It has already helped hundreds of people to achieve emancipation. SOS-Esclaves has also gained international status through years of advocacy, sending out strong anti-slavery messages in public forums, whether in the media or during sessions of various UN bodies. With the support of Anti-Slavery International, it has set up regional offices in three bastions of slavery: Atar, Nema and Bassiknou.

Temedt’s mission is to promote democracy in Mali by eliminating the practices and traditions of slavery that exclude and marginalise former slaves. Founded in 2006, the organization currently has more than 38,000 members and representatives across all of the country’s regions. Over the last 12 years, Temedt has run awareness-raising campaigns targeting hundreds of thousands of people, directly contributed to the liberation and support of slaves, provided legal aid to victims of slavery, trained judges on slavery-related issues, and advocated for the criminalisation of slavery. It continues to support the victims of slavery and slave descendant communities. Temedt is currently the only organization in Mali that exclusively concentrates on slavery and the rights of slave descendants. It worked with Anti-Slavery International from 2007 to 2012; together they published a report on the prevalence of slavery in Mali, brought 18 cases of slavery before the courts, and trained judges to better understand the legislation and international law on slavery and human rights.

Anti-Slavery International's vision is a world without slavery. Founded in 1839 by members of the British abolitionist movement and based in London, for many years it has stood out for its far-reaching achievements in the pursuit of its objectives. Since it was first set up, the organization's campaigns have focused on a broad range of slavery practices worldwide, leading to a number of remarkable successes; it also played a very active role and was highly influential in the development of UN and ILO conventions on forced labour and slavery. Anti-Slavery International runs projects and programmes in collaboration with national partners on issues of slavery around the world: human trafficking, descent-based slavery, child slavery, domestic slavery and forced labour, including debt bondage.

Research Methodology

The analysis presented in this report is deeply rooted in the perspective of the representatives of civil society organizations in Mali, Mauritania and Niger, who participated in the implementation of the projects under study. The partners from all three countries met in Mali in November 2018 specifically to analyse 10 years of partnership with Anti-Slavery International. That meeting is one of the foundations of this report. Individual interviews were also conducted with several of the people involved.¹ As well as the interviews held on the margins of or during the Bamako workshop, a questionnaire was distributed and discussed by participants ahead of the workshop. As the report was being drafted, interviews conducted remotely continued, providing useful discussions for further clarification, in-depth analysis and validation of the information collected.

The analysis is also based on the study of several project documents, including the following: assessments of the different programmes published by independent experts; log frames, funding requests and activity reports; and other results of the activities put in place, i.e. studies published, qualitative and quantitative data on the reduction of slavery, reports submitted to human rights treaty bodies, special mechanisms for the protection of human rights and State authorities, materials used to train judges, etc. A significant amount of documentary research further backs up the observations made here, and the on-the-ground realities described by the partners.

Context of Slavery in West Africa

In Mauritania, Mali and Niger, the problem of descent-based slavery was the basis for the projects implemented with Anti-Slavery International over the last decade. Descent-based slavery is defined by Anti-Slavery International as follows: *“a situation where people are born into slavery because their ancestors were captured into slavery and their families have ‘belonged’ to the slave-owning families ever since. Slave status is passed down the maternal line.”*² Anti-Slavery International also explains that descent-based slavery continues to exist in the Sahel region – Mauritania, Niger, Mali, Chad and Sudan – and that in many other African societies some people are still considered slave descendants and others slave owners.

¹ The list of interviewees is provided in the appendix.

² www.antislavery.org/slavery-today/descent-based-slavery

Anti-Slavery International believes it is very difficult, if not impossible, to ascertain the number of people in descent-based slavery. The statistics indicate the extent to which the available information is scarce and disparate. For various reasons, few meaningful nationwide studies have ever been conducted. For one thing, States do not have the sufficient resources or the necessary political will to carry out censuses that would shed light on this issue. Furthermore, the very sensitive, taboo and illegal nature of slavery makes it difficult and dangerous for the organizations in contact with those affected to collect comprehensive data. They believe that many others remain in the shadows due to a lack of resources and information, for fear of reprisals or out of shame, but it is extremely difficult to provide an accurate estimate of their numbers.³

Number of people in slavery: indicative estimates

From the statistical data made available, the Global Slavery Index provides the following figures for 2019:

Comparative table – slavery in all three countries⁴

	MALI	MAURITANIA	NIGER
Population	17 467 905	4 182 341	19 896 965
GDP per inhabitant	2 130 \$	3 860 \$	988 \$
Estimated number of people living in slavery	62 000	90 000	133 000
Estimated proportion of people living in slavery	3,57 / 1 000	21,43 / 1000	6,71 / 1 000
Vulnerability to modern slavery	55,88 / 100	62 / 100	65,56 / 100

Other statistical estimates based on observations of NGOs working on the ground suggest the following:

- In relation to the fifth wife practice known as “Wahaya” in Niger, Anti-Slavery International estimates that the problem is “extremely widespread in certain regions”.⁵ This is based on research that involved interviewing 165 Wahaya over a short period;

³ Sarah Mathewson, *Conférence sur la problématique de la persistance de l’esclavage au Sahel et en Afrique de l’Ouest : Quel impact sur la construction de l’État de droit et la démocratie*, on June 8-10 2013, Hôtel Colibri.

⁴ Global Slavery Index, accessed on 12 March 2019: www.globalslaveryindex.org/2018/data/maps/#prevalence

⁵ Sarah Mathewson, *Conférence sur la problématique de la persistance de l’esclavage au Sahel et en Afrique de l’Ouest : Quel impact sur la construction de l’État de droit et la démocratie*, on June 8-10 2013, Hôtel Colibri.

- The number of people affected by the most extreme form of descent-based slavery in Mali is estimated to be 40,000 by Anti-Slavery International;⁶
- A roundtable discussion on the issue of descent-based slavery, held recently in Bamako by civil society organizations and chaired by the Minister of Justice, led to a public announcement that an estimated 800,000 people were affected by this phenomenon in Mali.⁷ Temedt estimates that 200,000 people are currently living in slavery;⁸
- According to the ILO, among those affected by modern slavery, women represent 71% and children 25%.⁹

The partners consulted explained the many human rights violations suffered by people born into slavery. These people work without remuneration, typically looking after the land or animals of those who describe themselves as their masters. They do not have access to schooling and have no possibility of getting identity documents. “Masters” consider people born into slavery as their property, in some cases even offering them as gifts. When the master dies, they are inherited by his children. Women are particularly vulnerable to sexual abuse at the hands of their master, and it is not unusual for them to be the victims of forced pregnancy. Their children, despite carrying the master’s genes, do not acquire a birth certificate and in turn become slaves through their maternal lineage.

The main problem that stems from this situation has been directly targeted by the partners of the projects implemented over the last 10 years: extricating oneself from slavery is practically impossible without extensive support. Without recognition of their civil status and in the absence of identity papers such as a birth certificate, it is impossible to gain access to civil, political, economic, social or cultural rights. These people cannot vote, go to school or open a bank account. It is this situation that prevents most of them from fleeing slavery or perpetuates the discrimination and subordination they face even if they do.

Recent Legal Advances and Political Context

Mauritania has seen remarkable legislative progress over the last decade, with a law passed in 2007 (amended in 2015) that created three criminal courts specifically dealing with slavery, allowed anti-slavery associations to act as plaintiffs, and established a national anti-slavery day.¹⁰ However, the 2015 legislation continues to be poorly applied.¹¹ Training provided for judges and legal experts responsible for slavery trials has had a certain impact, but there have been significant delays in the concrete application of the objectives underpinning the legislation. The lack of political will is a flagrant problem: the Mauritanian State publicly and explicitly denies the very existence of slavery practices on national soil.¹²

⁶ Internal information about the Africa programme, Anti-Slavery International, 2015.

⁷ Dr Contin Marie Thérèse Dansoko, Malian Minister of Justice, chaired the meeting. The following representatives of civil society participated: Coalition Malienne des Défenseurs des Droits Humains (COMADDH), ABA ROLI, Association des Juristes Maliennes (AJM), Association au Regard des Couches Vulnérables (ARCV) and Association pour la Consolidation de la Paix, le Développement, la Protection et la Promotion des Droits Humains (Temedt). « Esclavage par ascendance : la COMADDH demande aux autorités de prendre une loi contre le phénomène », Bamako, March 2019: <https://mali7.net/2019/03/28/esclavage-par-ascendance-la-comaddh-demande-aux-autorites-de-prendre-une-loi-contre-le-phenomene-2>

⁸ Internal information about the Africa programme, Anti-Slavery International, 2015.

⁹ Global estimates of modern slavery, International Labour Organization, Geneva, 2017: www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipec/documents/publication/wcms_596484.pdf

It recognises the history of slavery but submits that the legal, political and social measures it has taken are intended to manage the “vestiges” it has left behind. SOS-Esclaves explains that “it is in the interest of the feudalists in power for slavery to continue [...], most of those in power are actively involved in or at least linked to the world of slavery, while very few people of Haratine origins hold positions of power, and those who do support the government’s position”.¹³ A handful of slavery cases have been prosecuted with prison sentences below the terms in the sentencing guidelines, but these seem to coincide with international attention to the issue, e.g. visits from UN Special Rapporteurs. Very recently, in 2018, one of the special criminal courts created under the 2015 legislation imposed one-year prison sentences and fines of \$600 on three people in three different trials for insults constituting moral harm after they “described others as slaves”.¹⁴ These were the first sentences handed down for moral harm. Anti-Slavery International is nonetheless sceptical about the scope of national advocacy efforts and the independence of the judiciary.

Mali does not have any specific legislation prohibiting slavery, which is categorised in the country’s penal code (2001) as a crime against humanity and a war crime.¹⁵ In practice, the result is that the violence inflicted on victims of slavery is punishable as a criminal offence (assault, brutality, torture, etc.) but without accounting for the overriding context of a tradition of descent-based slavery.¹⁶ Between 2013 and 2016, the Ministry of Justice supported legislation drafted by Temedt and others criminalising the practice of slavery and brought it before the necessary legislative bodies. However, as a result of positions being reassigned within the Ministry, the bill has been inadequately followed up and has made little progress since 2013. A recent public event addressing descent-based slavery saw participation from representatives of civil society and the Ministry of Justice, demonstrating that there is at least a certain amount of dialogue in place.¹⁷ According to Temedt and its partners in Mali, “slavery is no longer taboo”, but specific legislation must be passed.

In Niger, legislation criminalising slavery (adopted in 2003) recognises the problem, but several organizations denounce the lack of enforcement and the failure by the judicial and customary authorities to recognise slavery as a serious crime. Slavery is sometimes punished but “as a minor offence instead of being treated as a serious crime by the courts”.¹⁸ Furthermore, there is no specific policy to deal with members of the population who are slave descendants.

¹⁰ Nema, Nouakchott and Nouadhibou.

¹¹ For example, those found guilty of the crime of slavery by the special criminal courts have received inferior sentences to those provided for in the legislation. The law stipulates sentences of 10 to 20 years (Article 7 et seq. of law no. 052/15 dated 12 August 2015, which repealed and replaced law no. 2007-048 dated 3 September 2007 and criminalised slavery and slavery practices).

¹² See for example: www.antislavery.org/can-mauritanian-government-get-away-denying-existence-slavery

¹³ Interview with Salimata Lam, SOS-Esclaves, 15 February 2019.

¹⁴ *En Mauritanie, un an de prison pour « avoir traité autrui d’esclave »*, Le Monde, 24 April 2018.

¹⁵ The 2001 penal code defines slavery as a crime against humanity and a war crime (Articles 29 and 31: law no. 01-079 dated 20 August 2001 establishing the penal code, official gazette, 43rd year, February 2002).

¹⁶ 2011 – The periodic report of the Republic of Mali, submitted to the African Commission on Human and People’s Rights: penal code and labour code prohibiting slavery and all analogous practices; penal code sanctioning acts of torture and violence followed by mutilation, amputation or any other infirmity or illness; law no. 02-056 dated 16 December 2002 establishing the status of police officials and prohibiting officers, whether on duty or off duty, from conducting acts of torture, abuse or inhuman, cruel, degrading or humiliating treatment.

¹⁷ See: <https://mali7.net/2019/03/28/esclavage-par-ascendance-la-comaddh-demande-aux-autorites-de-prendre-une-loi-contre-le-phenomene-2>

¹⁸ Notes from an interview with Me Chaibou, 7 February 2019.¹⁹

The objective of one of the current projects in Niger is to develop government policies that target their needs, in particular access to justice, education and better economic opportunities.¹⁹ Relations with the State when it comes to addressing slavery are relatively unhindered: “there is a permanent and cordial relationship between the authorities and the communities, and it is a lasting relationship”.²⁰ As a representative of Timidria explains, in contrast to Mali and Mauritania, the question of slavery is clearly “on the table”. However, the State lacks the resources to tackle the problem effectively. In recent years, several Timidria/ASI programmes with external funding have been implemented in collaboration with the State. These programmes have primarily used education to approach the issue in an effort to reduce the inequality caused by slavery; reliance on legislation and the judicial system, however, remains insufficient.



Pupils in the classroom of a community school, created by Anti-Slavery International and Timidria, in Niger

¹⁹ Notes from an interview with Emmanuelle Tremeau, 1 February 2019.

²⁰ Waffo Uilrich Inespéré, ‘Community schools for children of slave descent’: Final evaluation of the Comic Relief Programme, January 2018



A woman participant in an income-generating activity in Mauritania. Photo: Michael Hylton

Section 1. Overview of Programmes and Initial Observation

During the workshop to capitalise on lessons learned, held in Bamako in November 2018, the partners assessed the projects carried out during the reference period. This self-assessment exercise, combined with the findings from previous independent project evaluations, pointed to some key learnings.

Mauritania

SOS-Esclaves shared a list of **18 projects** implemented over **periods** of 1 to 5 years.²¹ The primary **objectives** of these projects were as follows: eradicate and prevent slavery in Mauritania through the development and implementation of a legal framework clearly defining slavery as an unacceptable practice punishable by sentences that reflect it as a serious crime; put in place financing and emergency support systems for people fleeing slavery; support the development of policies and programmes to promote the rights of vulnerable persons affected by slavery and bring an end to the discrimination they face; facilitate the education and autonomy of those affected by slavery, in particular women, who face multiple forms of discrimination and rights violations because of their sex.²² An impressive number of activities have been rolled out to achieve these **objectives**.²³ The details of some of them are presented in Section 2.

The self-assessments presented by the Mauritanian partners who participated in the Bamako workshop highlighted the following points:

- Activities aimed at developing the **autonomy of survivors through socio-economic independence** were partially successful: revenue-generating activities (community stores) and small emergency allocations worked well, but the money distributed was not repaid. The creation of opportunities to earn a living enabled several people to free themselves from their dependence on their masters, support their families, establish social links and set an example for others. For many of them, economic independence was the path towards real freedom and autonomy.

²¹ The financial backers included: Baring Foundation, Irish Aid, European Union, National Human Rights Commission (Geneva), UNICEF, United Nations (Voluntary Trust Fund on Contemporary Forms of Slavery; UNDP; Trust Fund to End Violence against Women), US Embassy, Fondation pour l'égalité des chances en Afrique, Dutch ministries of overseas trade and cooperation on development, Freedom Fund, Fondation IARA LEE and the High Commission for Human Rights in Mauritania. The partners included Anti-Slavery International and Minority Rights Group International.

²² Internal information about the Africa Programme, Anti-Slavery International, 2015.

²³ Activities presented by SOS-Esclaves members during the workshop in Bamako in November 2018: raise awareness among the general public, civil society and authorities about law no. 048/2007 and the promotion and implementation of its provisions; develop case law in application of law no. 048/2007 and follow-up on ongoing cases; identify victims; create professional training centres for victims (women in particular) and develop leadership among women; literacy for child victims of slavery; awareness-raising at all levels to present slavery as one of the specific forms of violence against women and reduce the prevalence and impact of this violence; capacity-building for civil society and SOS-Esclaves, in particular with institutional support and the development of its network; facilitate access to justice for women and child victims of slavery.

- **Local advocacy** did not achieve sufficiently encouraging results. In the towns where SOS-Esclaves has offices, it was able to conduct advocacy targeting administrative authorities and community leaders. Awareness-raising meetings with people affected by slavery also took place. However, the initiative failed in terms of securing the commitment of the national authorities and religious elders. Although a few “official” meetings were held, SOS-Esclaves reported that it was never given the opportunity to present its case to anyone with real authority. The discussions did not therefore lead to tangible actions by the government.
- As for **international advocacy**, it is seen as a success in its own right, in particular due to the active participation of SOS-Esclaves in the mechanisms for the protection of human rights.²⁴ The organization submitted a report that influenced the UN’s Universal Periodic Review and led to several member states making observations that were relevant to the work of SOS-Esclaves.²⁵ Its participation in such international bodies helped build the capacities of the organization’s members, and the impact of the submitted reports encouraged and supported the continuation of its efforts in the fight against slavery, putting pressure on government authorities responsible for implementing these mechanisms at a national level. SOS-Esclaves also received the French Republic’s human rights award in 2010.
- The **awareness-raising activities** effectively “ended the taboo and harmonised general recognition of the practice of slavery”.²⁶ They made slavery a national issue, a practice tackled as a very real phenomenon. However, there is a stark contrast between this recognition and the position of the government, which publicly insists that slavery no longer exists in Mauritania today. In recent years we have therefore seen a dichotomy between the claims being made by civil society and those of the State with regard to the very existence of slavery practices.
- The **creation of regional/national networks** and the activities they put in place were a success, in particular victim support and literacy for adults and children of slave descent. In the face of the Mauritanian government’s refusal to recognise the existence of contemporary slavery, these networks fuelled the anti-slavery movement, which sought to contest the State’s public discourse in different ways.²⁷
- The partners also noted that **media coverage** of the problem is insufficient and that influential institutions seek little involvement, if any, in the fight against slavery. The activities implemented to a certain extent provided a response to the situation, in particular through training for journalists.²⁸

²⁴ Mauritania is a State Party to several international conventions for the protection of human rights (and most of the associated protocols), including: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities. Mauritania is also a signatory to the African Charter on Human and People’s Rights, as well as various protocols including the Protocol on the Rights of Women in Africa. It has also ratified the African Charter on the Rights and Welfare of the Child, and the Committee on the Rights and Welfare of the Child issued a ruling that Mauritania had violated the rights of child victims of slavery in the case of Said and Yarg (Communication no. 7/Com/003/2015, Decision no. 003/2017, African Committee on the Rights and Welfare of the Child, 15 December 2017).

²⁵ The list of observations made to Mauritania by various UN member States during the different cycles of the Universal Periodic Review (UPR) is available at: www.upr-info.org

²⁶ Representatives of SOS-Esclaves.

²⁷ These approaches are discussed throughout the report. SOS-Esclaves used strategic litigation, for example, to seek enforcement of the law and the creation of a database of all reported cases.

- Efforts to secure civil status did not achieve the desired outcome. As explained by the representatives of SOS-Esclaves: *“National advocacy to secure inclusion for identity documents has not yet produced many results. In the regions where SOS-Esclaves is active, some municipal authorities have encouraged the association’s representatives to use the blood link approach, which involves searching the national register for blood relatives, even distant, and registering the individual on that basis. This has never worked. It should be noted that survivors of slavery have been isolated from any form of administration for a long time, not attending school, not voting and not working for any formal institutions.”*²⁹

Mali

The participants from Mali discussed **7 main projects** implemented during the reference period (2008–2018). Two of these were extended to cover the whole period, i.e. more than 10 years,³⁰ while the others lasted 1 to 3 years.³¹ As well as the projects to receive external funding, Temedt has been running its operations since 2017 with a modest amount of internal finances. Funding for its activities has been gradually and significantly compromised since the national crisis was triggered in 2012 and all joint financing applications submitted with ASI have failed since then.

The **objectives** of the projects run by Temedt in collaboration with Anti-Slavery International targeted emancipation and greater autonomy for slave descendant communities through their social and political participation and their involvement in peace and development negotiations. The participation of women benefited from particular support. Awareness-raising and developing the anti-slavery movement were also among the objectives targeted, along with access to sustainable means of subsistence outside of slavery. One final objective, but by no means less significant, was to advocate for specific legislation criminalising slavery.³² Temedt explained that in addition to these projects, several other activities were carried out.³³ Some of these will be discussed in Section 2.

The following lessons emerged from the Temedt partners’ self-assessment:

- **Institutional support** enabled Temedt to set up in an equipped office. However, the office is of limited benefit as it is located in Bamako and its staff is not permanent and do not have access to the vehicles they would need to bring support to more isolated regions, where it has been demonstrated that there are still many victims of slavery.

²⁸ Activities involving training for journalists in Mauritania are discussed in Section 2.

²⁹ Salimata Lam, SOS-Esclaves.

³⁰ These projects were conducted in partnership with the Rosa Luxemburg Foundation and MZC (Mujeres en Zonas de Conflicto is Spanish for “women in conflict zones”).

³¹ Funders for this period: Irish Aid (via Anti-Slavery International), Rosa Luxemburg Foundation, UNESCO, MZC, American Bar Association (Rule of Law).

³² Internal information about the Africa programme, Anti-Slavery International, 2015.

³³ Activities presented by Temedt at the Bamako workshop: eradication of descent-based slavery, advocacy to combat descent-based slavery, fight against forced child labour, support for the reintegration of child victims of the Malian crisis, support for female governance through literacy and revenue-generating activities, greater autonomy for those working in informal sectors.

- The **training provided to lawyers and judges**, which was extended to legal assistants and senior staff at Temedt, has had a very positive impact but suffers from insufficient numbers and a lack of follow-up.
- As for **victim support**, Temedt explained that many victims had been identified and freed but that material and psychological support for them continues to be a problem due to a lack of financial and professional resources. Economic reintegration efforts were successful for some victims, but the funds allocated to this scheme were far from adequate.
- **Legal aid** made it possible to compile 12 cases and bring them before national bodies. However, these have not yet been dealt with and more funding is needed to pay for lawyers' services.
- **Advocacy** efforts enjoyed some success insofar as a coalition was put in place and the message sent to the institutions in Bamako was heard. For example, annual inter-community forums led to solidarity initiatives being extended and greater visibility for the cause at national and international levels.
- **Research** activities led to the publication of two books on slavery.³⁴
- Activities targeting **professional reintegration** worked well, but once again limited financial resources and poor project design compromised the value added of these projects.³⁵

Niger

The workshop participants representing Timidria in Niger shared their experience of the **13 projects** rolled out during the reference period. These included one that was extended for a 9-year **period** and another for 5 years, while the remaining projects lasted between 1 and 3 years.³⁶ The **objectives** underpinning the projects carried out in collaboration with Anti-Slavery International mainly related to access to education for children of slave descendants, legal aid and capacity-building. The first phase of the programme led to the creation of six community schools. More recently, in 2018, three more schools were established. Other objectives included providing access to basic social services and justice. Anti-Slavery International and Timidria played a key role in the Hadijatou Mani case, in which the ECOWAS court ruled that the State of Niger had failed in its obligation to protect the rights of the young girl sold into slavery when she was just 12 years old.³⁷ ASI and Timidria also brought 19 slavery cases before the courts, leading to five convictions between 2008 and 2015.³⁸ Several activities were rolled out to support the achievement of these objectives.³⁹ Some of these are highlighted in Section 2.

³⁴ L'esclavage au Mali, Dir. Naffet Keïta, University of Bamako, Anti-Slavery International, Harmattan, 2012. <http://www.editions-harmattan.fr/index.asp?navig=catalogue&obj=livre&no=36111&razSqlClone=1> ; « L'esclavage au Mali : des victimes témoignent », Justice, Paix et Développement TEMEDT, 2014 www.editions-harmattan.fr/index.asp?navig=catalogue&obj=livre&no=44456&razSqlClone=1.

³⁵ In the north, 5 multi-function centres for the professional reintegration of women, including slave descendants, have been set up but they lack funding. Temedt also supported the professional reintegration of 55 people in Gao and Timbuktu, but the young trainee mechanics were unable to practice their new profession as they did not have the necessary tools or partnerships with established mechanics.

³⁶ The following financial backers supported these projects: Oxfam GB, European Union, Novib, United Nations High Commissioner for Human Rights (Geneva), Fondation Assistance Médicale Internationale (AMI), Anti-Slavery International, USAID, National Endowment for Democracy (NED), Oxfam, Oxfam (Voice), FAO, DFID and US Department of State – Bureau of Democracy, Human Rights, and Labor (USDRL).

The self-assessment conducted by the Nigerien partners who participated in the Bamako workshop revealed the following lessons:

- All of the activities carried out as part of these projects worked well generally, with a particular emphasis on **education** for slave descendants. Several projects focus on this area, and so a particularly positive impact in terms of education can be observed. Timidria has also continued to develop its own specific expertise in this area that is now a marker of its identity.
- **Political participation** in slave descendant communities has improved thanks to the involvement of Timidria in the organization and monitoring of elections.
- A mitigated impact of efforts to improve **access to justice** was reported. Cases languish in the judicial system and, although there have been a few convictions, the sentences handed down are less strict than those provided for by law and all too often are not enforced. The ruling by the ECOWAS court in the Hadijatou Mani case marks a significant step forward in principle insofar as it confirmed the practice of slavery and its illegality, but it failed to result in the adoption of proactive national policies targeting the eradication of this practice.
- One case of **international advocacy** was presented as a success, one that led to the liberation of Mariama Oumarou (who had suffered the harmful effects of the Wahaya practice at the hands of a Niger merchant). Her participation at an international conference in South Africa on racial discrimination and at sessions of UN bodies for the protection of human rights in Geneva gave her an opportunity to share her experience. Financing from Novib further contributed to her socio-economic reintegration, and she now lives with her mother in Madaoua, where she leads an active life and tells those around her about Timidria.
- One activity that was reported as incomplete yet carries high expectations is the **teaching of human rights** in some educational institutes in Niamey. Partners explained that they had been unable to extend the experience to all of the institutes, that the activities had not been assessed and suffered from a lack of follow-up, hampering the project's continuity in the long term.

³⁷ See Hadijatou Mani case brought before ECOWAS.

³⁸ Two 6-month prison sentences, two 1-year and two 5-year sentences, all combined with the payment of damages. The lawyer responsible for these cases described the sentences as inadequate and too lenient (see below).

³⁹ Activities presented by Timidria at the Bamako workshop: access to education and quality of teaching for children from marginalised communities in the Tillabéri region, advocacy on the specific needs of children from slave descendant communities in the Tchintabaraden department, promoting and protecting human rights and the eradication of slavery, forced labour and other forms of discrimination, human rights teaching in schools, support for the economic development and improvement of living conditions for certain population segments in the Tillabéri region, support for victims of slavery through schooling, revenue-generating activities for women and civic education, electoral monitoring, training for observers and monitoring/observations on the ground during elections, food support, legal aid, support for the emancipation and civic participation of female victims of slavery (knowledge of human rights, access to citizenship, organizational skills, awareness-raising and advocacy by and for women at national and international levels) in the Tillabéri, Tahoua and Maradi regions.

Independent evaluations commissioned over the last 10 years confirmed the partners' perspectives. Among the primary obstacles identified in the fight against slavery are the lack of political will and the slow pace of the judicial system: the constant unwillingness in political circles blocks change across all three countries, while delays in the courts and their inability to deal with cases of slavery can also be observed in all three.⁴⁰ Legal efforts are considered a key component of programmes to deal with the inaction of the political and judicial authorities. The perseverance of the lawyers involved in defending cases (strategic litigation in particular) as well as training for those working in the judicial system have been and continue to be highly important aspects. The State apparatus fails to pursue those responsible for crimes against slave descendants or victims of slavery.⁴¹

The actions of Temedt, Timidria and SOS-Eslaves were described in the various independent evaluations as having influenced the increasing recognition that the problem exists.⁴² The independent experts also noted that there was no guarantee that the value added of these activities could be maintained beyond the projects: several significant advances were identified, but the objectives were long term and, already in 2012, the success of the programmes had resulted in a large increase in the number of requests for assistance.⁴³ It was pointed out that, despite the limited number of loans, the microcredit scheme had brought about real changes such as greater autonomy, reduced levels of exclusion and the restoration of victims' dignity.⁴⁴

The partners demonstrated their capacity to develop national and international strategic approaches and it was suggested that the three organizations could improve their approaches by integrating new partnerships and new allies such as traditional chiefs and former masters.⁴⁵ It was also pointed out that professional training and revenue-generating activities should be extended to include men as well as women, and that they should *"make it easier for members of slave descendant communities (men and women) to access decent employment and the means of production (agricultural land, capital, etc.) so they can achieve successful social integration"*.⁴⁶



A slavery survivor, Mauritania. Photo: Michael Hylton

⁴⁰ Norris, 2012, pp.10, 11 et 20.

⁴¹ Norris, 2012, p.9.

⁴² Norris, 2012, p.9.

⁴³ Norris, 2012, p.4.

⁴⁴ Norris, 2012, p.9.

⁴⁵ Norris, 2012, pp. 4 et 9.

⁴⁶ Waffo, p.viii.



An SOS-Esclaves staff member in front of the organisation's Vocational Training Centre. Photo: Michael-Hylton

Section 2. Achievements and Obstacles: Practical Perspectives

Over the course of interviews with the partners, several interesting and relevant questions emerged. Case studies examined in the preparation for this report (for example, in the project evaluation reports) were presented and discussed at the Bamako workshop and during individual interviews. The issues raised in these case studies have been selected and presented here to draw the reader's attention to trends that have marked efforts to combat descent-based slavery in the region.

Mauritania: Obstacles to conducting effective national advocacy

In Mauritania advocacy efforts at a national level were unsuccessful. These were planned in a way that was relevant and appropriate, but due to the political context it was impossible to effect any change. While activities to support victims in their fight for justice and the training provided to judges sitting in the special courts were an unmitigated success, some other aspects of the advocacy strategy could not be implemented.

The programmes put in place were firmly rooted in an advocacy strategy designed to secure the State's explicit recognition of the existence of slavery. While this strategy was approached and implemented in a realistic way (the partners were and continue to be aware of the major obstacles when it comes to political will at the level of the State), the tangible success of advocacy at a national level depends on this recognition, which has not yet been achieved.

SOS-Eslaves provided intensive support to victims seeking justice, allowing them to act as plaintiffs seeking damages, with 50 cases filed and four convictions in the national courts. The use of international mechanisms for the protection of human rights to change the way claims are processed at a national level was a huge success, with several recommendations from UN human rights bodies.⁴⁷ Before the African Commission for Human and People's Rights, the Mauritanian government emphasised that it had passed legislation in 2015 allowing victims to serve as plaintiffs seeking damages and had established a national day to combat the "vestiges" of slavery.⁴⁸ It is also worth noting the 2017 decision by the African Committee of Experts on the Welfare and Rights of the Child in the case of Said and Yarg.⁴⁹ Furthermore, international advocacy work put pressure on the government to allocate funds to the national Tadamoun Agency⁵⁰ as part of the State budget to implement programmes to combat the wounds of slavery.

⁴⁷ See for example: in 2009, the UN Committee on the Rights of the Child noted the ineffective application of the law, expressing its grave concerns that people continued to be held in servitude on the basis of caste, the lack of available services for child victims and the inefficacy of measures designed to raise awareness among the general public about slavery (Committee on the Rights of the Child, Concluding observations: Mauritania, CRC/C/MRT/CO/2, 17 June 2009, para. 36; 2014 report on contemporary forms of slavery by the UN Special Rapporteur: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/147/12/PDF/G1414712.pdf?OpenElement>

After the State had established three criminal courts specialized in the fight against slavery, SOS-Esclaves and its international partners⁵¹ organised a 2-day legal training course for the judges and magistrates sitting in all three of the new courts in Nouakchott, Nema and Nouadhibou; this initiative clearly had a positive impact.⁵² The workshop was a response to the need to develop knowledge on how to implement the 2015 national legislation as well as international norms for the protection of human rights when it comes to slavery and the resulting exploitation and discrimination. Legal experts spent two days discussing the procedural aspects involved in processing evidence in cases of slavery allegations, as well as testimony procedures, the vulnerability of victims, the importance of high-quality investigations, and handing down sentences that are appropriate and reflect national legislation and international law.

However, this training initiative and the actions taken before the courts have yet to produce tangible and material consequences for the victims. Contrary to what had been hoped, the number of cases described as instances of slavery by the courts, with sentences that reflect the legislative provisions, has not significantly increased. Those consulted in preparing this report were sceptical about the chances of legal decision-makers holding onto their jobs if they were to effectively apply the sentences provided for in the 2015 legislation.⁵³ Workers from the humanitarian sector explained that the independence and impartiality of the judiciary in Mauritania are clearly compromised by the interference of the political classes.

The failure of capacity-building efforts for law enforcement authorities is a reflection of this problem. In the context of national advocacy, one of the projects implemented involved plans in 2018 to provide training for law enforcement authorities in Mauritania (including the police, gendarmerie and officers of the courts) on the 2015 legislation. When the moment came to request authorisation for this initiative, the programme heads from national and international NGOs were unable to secure the cooperation of the State. As the organisers explained:

⁴⁸ 10th, 11th, 12th, 13th and 14th periodic reports by the Islamic Republic of Mauritania on the implementation of the provisions of the African Charter of Human and People's Rights, July 2016. The periodic report before the Commission emphasises the legislation passed in 2015 which repealed and replaced law no. 048/ 2007, which criminalised slavery, sought to crack down on slavery practices and gave NGOs the right to act as plaintiffs. This is a measure that the Mauritanian government said it supported by creating a national day to combat the wounds of slavery (6 March each year). The vocabulary used by the State (wounds) refers to the consequences of a practice which it is implied no longer exists. The use of such vocabulary has been criticized by NGOs working to eradicate slavery, as it represents a nuance that marks the government's refusal to recognise that this practice continues to exist.

⁴⁹ Minority Rights Group International and SOS-Esclaves, acting in the names of Said Ould Salem and Yarg Ould Salem in the case against the government of the Republic of Mauritania (Communication no. 7/Com/003/2015, Decision no. 003/2017, African Committee of Experts on the Welfare and Rights of the Child, 15 December 2017). It should be noted that efforts to enforce this ruling at a national level are ongoing, with the possibility of an extraordinary appeal against the decision before the Supreme Court (Me Elid).

⁵⁰ In 2013, the national TADAMOUN agency received 2.8 billion UM (\$9.7 million) from the State budget.

⁵¹ Minority Rights Group International et Anti-Slavery International.

⁵² The Mauritanian lawyer who works with SOS-Esclaves on the programmes under study explains that since the training course in 2016, judges sitting in the special courts have applied the sentences provided for in the legislation, which was not the case beforehand. A total of 26 members of the judiciary have received training, including special magistrates, public prosecutors and examining magistrates from Nouakchott, as well as examining magistrates from regions (Atar, Nema and Nouadhibou) and court clerks.

⁵³ On this point, Salimata Lam from SOS-Esclaves points out that *"most of those who benefited from the workshop were transferred to other courts. This makes it hard to assess the effects of capacity-building efforts. Furthermore, in contrast to many other countries, Mauritanian judges never spend more than 1 or 2 years in the same court"*.

*“Training for law enforcement authorities is like the training provided for magistrates. Its aim was to ensure a common understanding of the procedures so prosecutions could be conducted more successfully, better taking into account the interests of survivors. The State did not adopt the approach based on dialogue, collaboration and sharing suggested by the association, probably seeing it as a way of manipulating gendarmes and police officers or of getting them “on board”, but it also exploited the situation to sever what little contact it had with the association by prohibiting its activities in public.”*⁵⁴

The US Embassy (as a financial backer) also got involved in discussions with the Mauritanian government to support training for law enforcement authorities. However, its efforts were in vain and the initiative remained stuck at the proposal phase for several months before finally being pulled.⁵⁵

Failed efforts to hold meetings with local authorities is another manifestation of the lack of political will in Mauritania. The project included plans to hold meetings with the administrative authorities (governor and prefect), representatives of the judiciary (public prosecutor and examining magistrate), security forces (gendarmerie unit captains and police commissioners), and municipal authorities (mayors). Over a two-year period only three meetings were held, whereas the project provided for a total of six (two per region). These activities are described as having failed to achieve their objectives due to a lack of political will as SOS-Esclaves never had the chance to engage with any authorities in a meaningful way. Representatives from the organization explained they had to settle for meetings with subordinates without the power to make decisions or even the capacity or mandate to pass the information on to those who did. The public prosecutors and examining magistrates expressed reservations about the possibility of attending such meetings. For SOS-Esclaves, this was a sign that the State did not wish to enter into a collaborative dialogue about possible solutions to the slavery problem: *“In reality, all of this reluctance can be explained by the official position in relation to the problem”*.

Mauritania and Mali: The media as awareness-raising tool

Contrary to all expectations, given Mauritania’s political position on slavery, SOS-Esclaves and its partners reported extensive press freedom and freedom of expression in their country. They supported this view with the results of several successful activities such as training provided for 15 journalists and the allocation of funds to 9 journalists so they could conduct media projects: reports, documentaries and investigations. This generated greater visibility for the problem of slavery with regular media coverage of slavery cases following an increase in interest among journalists. The large numbers of journalists in attendance at last year’s SOS-Esclaves Congress (26, 27 and 28 August 2018) was cited as an example of the success of activities designed to strengthen the role of the media. One of the organization’s members had this to say: *“It must be said that despite the hostility of the State on this issue, even going so far as to deny its existence, the climate of press freedom nonetheless allows journalists to express themselves freely about this problem”*.⁵⁶

⁵⁴ Salimata Lam, SOS-Esclaves.

⁵⁵ As a result of the time constraints in relation to the implementation period, the financial backers and local and international programme heads jointly decided to discontinue this activity as it was becoming increasingly unlikely that implementation would be possible, and instead to redirect financial resources to activities expected to have a positive impact for victims of slavery over the project implementation period.

⁵⁶ The two members of SOS-Esclaves who participated in the Bamako workshop in November 2018 shared similar views. The extent of press freedom in the country was also confirmed by Salimata Lam during the discussions that followed the workshop.

Partners in Mali also emphasised that the media is a good vehicle for change. They explained that following a vast national and international media campaign children who had been taken from their parents by their former masters (profiting from the chaos of a northern rebellion to reassert control over slave descendant communities) were subsequently released. Temedt held a press conference broadcasting the testimonials of the parents of some of the children taken, followed by widespread coverage in the press. The partners explained that *“The press talked about it for two weeks. That’s why the rebel leaders had all the children released and returned to their parents”*.⁵⁷ They also reported that slavery was no longer taboo largely due to that media campaign, which significantly reduced stigmatisation surrounding the issue, thus enabling the wider public to discuss questions of slavery and allowing some victims to come out from the shadows.

Mali: Non-existent legislation and an ineffective judiciary

Since 2012, eight cases before the courts have been stuck in limbo.⁵⁸ Temedt set up a legal clinic in Gao and recruited a lawyer and legal assistants to support the victims. It claims that efforts to secure justice for victims of slavery have so far failed. One of the main reasons for this is the slow pace of the judicial system and the insufficient financial resources to pay for legal professionals, even though they have the skills and motivation necessary to represent victims in court.



Aichana Mint Boilil, the first slavery survivor assisted by SOS-Esclaves in Mauritania.
Photo: Michael-Hylton

Even more problematic, as explained above, is the fact that Mali has no special legislation prohibiting slavery. The country’s 2001 penal code describes slavery as a crime against humanity and a war crime.⁵⁹ In practice, the result is that the violence inflicted on victims of slavery is punishable as a criminal offence (assault, brutality, torture, etc.) but without accounting for the overriding context of slavery.⁶⁰ Between 2013 and 2016, the Ministry of Justice supported draft legislation criminalising the practice of slavery and brought it before the necessary legislative bodies. However, as a result of positions being reassigned within the Ministry, the bill has been inadequately followed up and has yet to be passed.

⁵⁷ Temedt pointed out, however, that these media events have not been archived.

⁵⁸ Oral testimony from Temedt during the Bamako workshop. It was not possible to independently verify this information or obtain more details about the cases or their duration, etc. The lawyers working on the ongoing cases could not be contacted.

⁵⁹ The 2001 penal code defines slavery as a crime against humanity and war crime (Articles 29 and 31: law no. 01-079 dated 20 August 2001 establishing the penal code, official gazette, 43rd year, February 2002).

⁶⁰ 2011 – The periodic report of the Republic of Mali, submitted to the African Commission on Human and People’s Rights: penal code and labour code prohibiting slavery and all analogous practices; penal code sanctioning acts of torture and violence followed by mutilation, amputation or any other infirmity or illness; law no. 02-056 dated 16 December 2002 establishing the status of police officials and prohibiting officers, whether on duty or off duty, from conducting acts of torture, abuse or inhuman, cruel, degrading or humiliating treatment.

Mali: Humanitarian crisis, funding and recognising the existence of slavery

Temedt and Anti-Slavery International explained that since the crisis, funding for civil society to address slavery in Mali has been almost impossible to obtain. ASI's latest regional programmes in Mali ended in 2012. The Malian partners are nonetheless still considered partners, and ASI has tried on several occasions since 2012 to secure funding to support the work of Temedt. ASI believes that the lack of funding can be attributed to several different factors.

First, since the coup d'état in 2012, the crisis ravaging the country seems to have significantly influenced the priorities of financial backers and resulted in financial resources being redirected to emergency humanitarian aid, temporarily leaving to one side longer-term programmes such as the fight against slavery. Second, some funders and international organizations doubt whether slavery practices continue today in Mali. While the country's history of slavery is universally recognised and its consequences continue to be felt through contemporary social inequality and the long-standing geographic discrimination against certain communities, it is not easy to obtain funding for programmes targeting the liberation of slaves in Mali.

Anti-Slavery International explains that, unlike the situation in Mauritania, there have been very few documented cases of individuals under the control of others over many years, and it would appear that things have evolved. It is nonetheless beyond any doubt that people suffer from marginalisation and discrimination for both geographical and historical reasons:

*“As a result of the conflict in Mali and the lack of funding, it has been difficult to travel and reach the regions traditionally affected by slavery. For this reason, it was impossible to confirm the extent to which slavery continues to be practised, for example, to determine whether there are still people being held captive and under the complete control of their master. Cases like that have not been reported to us recently. It would appear that, as in Niger, we are dealing with villages where people are considered slaves and discriminated against as a result of that status.”*⁶¹

Yet “slavery is no longer taboo in Mali”, according to the President of Temedt and other members of the organization, who say there has been a change in mentalities in recent years regarding the existence of slavery in the country. They also say that the actions of Temedt have significantly contributed to this change, particularly the activities funded between 2007 and 2012 and continued on a voluntary basis (mostly without funding or with minimal financial support) by the organization's representatives and other sectors of civil society. A recent debate on the issue of descent-based slavery organised by civil society representatives and chaired by the Minister of Justice showed just how much the existence of the problem is accepted as a fact.⁶²

⁶¹ Interview with Sarah Mathewson, Anti-Slavery International, 7/11/2018.

⁶² « Esclavage par ascendance : la COMADDH demande aux autorités de prendre une loi contre le phénomène », Bamako, March 2019: <https://mali7.net/2019/03/28/esclavage-par-ascendance-la-comaddh-demande-aux-autorites-de-prendre-une-loi-contre-le-phenomene-2/>.

With the means at its disposal, Temedt documents whatever cases of slavery it can.⁶³ It says that many people are effectively victims of slavery in Mali. The organization explains, however, that “In Mali the anthropology of slavery is complex; slavery is not associated with a particular people, some are slaves serving others”.⁶⁴ A study carried out by Temedt as part of the 2007–2012 project with partners from all three countries highlights the complexity of anthropology referred to here. It shows that in some regions slavery continues to be practised and reveals the complex processes that reproduce slavery and maintain groups of people in situations and conditions of slavery.⁶⁵

Niger: Extremely slow judicial system and ineffective application of the law

The 2003 law criminalising slavery was a clear sign that the problem had been recognised, but, as a Nigerien lawyer working with Timidria explained:

*“The judges don’t take the crime of slavery seriously or treat it with the gravity it deserves. Slavery is considered a minor offence rather than as the serious crime it is. Often it is also the customary courts who deal with questions relating to slavery, in the context of claims over ownership of the land that slave descendant communities have been cultivating for centuries.”*⁶⁶

There is therefore a problem of clarity when it comes to the legal classification of cases involving descent-based slavery, which are sometimes brought before criminal courts and sometimes before customary courts. In criminal cases, the sentences handed down do not reflect the seriousness of the crime of slavery. Non-criminal cases, because the financial resources of victims are so meagre, become completely futile when heard by village chiefs who have accumulated their wealth over the years, in particular by selling the land made valuable by slave descendants.⁶⁷ In all of these cases, progress is slow and the procedures are burdensome.

The lack of clear and coherent mechanisms to revise judicial rulings is another aspect deplored by some legal professionals. According to the same Nigerien lawyer who works to defend the rights of the victims supported by Timidria, appealing at a national level is pointless because *“in practice it is not possible to challenge a judge who improperly deals with a case”*. In the face of such human rights violations, *“the only hope is international justice”*.⁶⁸

⁶³ For example, during the Bamako workshop in November 2018, a recent video clip was presented showing people being humiliated and forced to do a «slave dance», while wearing T-shirts bearing the word «slave». The purpose of this act, according to Temedt, is to subjugate these individuals into the role of slave and to sow terror among those who might try to escape. The organization explained that those who refuse to perform the dance are beaten and tortured until they submit. Temedt provided further evidence of such violence, although it has been kept confidential to protect the people involved, who fear for their lives. Temedt explains that terror is even used to draw up memorandums of understanding between the victims and their masters, exonerating the latter for the physical and material damage inflicted on their victims during these acts of violence and other abuses.

⁶⁴ Abdoulaye Macko, Bamako workshop, November 2018.

⁶⁵ *L’esclavage au Mali*, Dir. Naffet Keïta, University of Bamako, Anti-Slavery International, Harmattan, 2012: <http://www.editions-harmattan.fr/index.asp?navig=catalogue&obj=livre&no=36111&razSqlClone=1>.

⁶⁶ Notes from the interview with Me Chaibou, Nigerien lawyer representing the causes defended by Timidria, Niger, 7 February 2019.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.* This question of judicial reviews is crucial for the smooth running of the justice system, the independence of the judiciary and the rule of law in general. The problem raised by the lawyer working with Timidria deserves more detailed analysis, although this was not the focus of the report. The conclusion presents a few ideas regarding the origins of this problem and possible support actions.

Niger: Education as a tool of community representation

Throughout the reference period, education was the cornerstone of the work done in Niger. The partners reported that *“the activities relating to education are going well and are crucial to the success of Timidria’s work”*. The success of initiatives to rehabilitate former slaves is strongly linked to the creation of schools. Not only do children get the opportunity to study and participate in a wide range of community support schemes (e.g. children’s councils), but a whole community support structure for former slaves has been put in place in connection with the schools.

Timidria explains that before it was established and these educational initiatives were implemented, the village populations were dispersed. The work of Timidria and Anti-Slavery International encouraged them to become organised using the schools as a focal point. Today, thanks to the support of these two organizations, these villages benefit from different kinds of support, particularly in relation to their socio-economic development. Most of the schools established have now been handed back to the State.

The communities in the nine villages that receive support are represented in meetings at local, regional, national and even international levels whenever such opportunities arise as part of the project. Timidria identifies the following positive outcomes: new villages formed comprised of slave descendant communities; creation of schools; internal elections to appoint chiefs of the newly-formed villages; claims to assert their rights; closer links with the administrative authorities, who show more interest in the needs of slave descendant communities, whether at local, regional or national levels.

Mauritania, Mali & Niger: Victim support from civil society

In all three countries, a significant proportion of the activities implemented in partnership with Anti-Slavery International helped people living in slavery to definitively escape the situation they faced through emancipation and greater autonomy. Civil society used international funding to take on responsibilities that usually fall to the State. Salimata Lam from SOS-Esclaves explains:

“Despite the difficulty of generating dissuasive case law and despite purely symbolic sentencing, legal assistance remains the primary activity of SOS-Esclaves. The media coverage that accompanies national and international trials provides further proof that the phenomenon exists, causes concern for masters who refuse to free their slaves, and also encourages victims to flee or rebel.”

Initiatives to strengthen economic self-sufficiency (e.g. micro-credit schemes, emergency allocations and professional training) have achieved positive outcomes in all three countries as they are direct responses to the need for emancipation of those living in slavery. These activities worked so well that the number of victims requesting support from NGOs continues to rise.⁶⁹

⁶⁹ See for example Norris, 2012.



Slavery survivor, Mauritania. Photo: Michael-Hylton

In Mauritania, as well as providing socio-economic support, SOS-Esclaves is involved in activities that provide psychological assistance to victims. The organization's members recently collaborated with a consultant psychiatrist to evaluate the psychological needs of victims and develop a support scheme with tools for staff who work with the victims. Revenue-generating activities and efforts to develop greater self-sufficiency are seen as strengths of the work done by SOS-Esclaves, which laid the foundations for the provision of psycho-sociological support. This enables victims to move beyond the "survival mode" in which they find themselves at first, and begin to tackle questions about their mental health. Members of SOS-Esclaves have also shown a strong capacity for self-reflection in their victim support work, interacting extensively with the victims and thus acquiring practical knowledge of the reality on the ground. This is all the more true of locations where field visits are frequent and members of the organization spend time and resources, such as Atar, where field work is an important part of advocacy. This enables the latest information about the victims' situation to be communicated back to SOS office staff.⁷⁰

Although civil society intervenes to carry out the duties of the State, it does not appear that the State recognises or values this contribution. On the contrary, according to one member of SOS-Esclaves:

*"It should be pointed out that the State's approach is only to recognise the actions of civil society when to do so validates its own actions in the eyes of international partners. At a national level, civil society is "demonised", its activities are not taken into consideration, and its very existence is sometimes called into question."*⁷¹

⁷⁰ Interview with Nagham Hriech Wahabi, 21 March 2019.

⁷¹ Salimata Lam, SOS-Esclaves.



A woman and child in a neighbourhood of Nouakchott. Photo: Michael-Hylton

Section 3. Capitalising on lessons learned and looking to the future

The organisations' experiences over the last 10 years have been summarised, with some common aspects that merit analysis. The state of national legal reform provides particularly interesting avenues for further reflection, because we know that the effective application of the law can lead to change. The inadequacy (and sometimes absence) of government commitment to the fight against slavery also emerges from the analysis as a major obstacle and one that it is very difficult for civil society to negotiate. A few areas of critical analysis with regard to relations between international partners, funders and the local anti-slavery movement are also highlighted, particularly with regard to the self-determination of communities of slave descent. Lastly, a few suggestions are made to address some of the specific problems affecting the women in these communities. The difficulty in accessing justice, the discrimination they face within the judicial system itself, and the low levels of representation and participation from which they suffer are all aspects that were raised as especially problematic.

Legal Reform

In all three countries, aspects of the projects that involve seeking justice before the courts have encountered many challenges. In Mauritania and Niger, strategic litigation is possible and it is essential to continue building the capacities of those who work in the judicial system. Even though these two countries already have specific legislation in relation to slavery, it is not yet adequately applied to the letter of the law. National policies must also be transformed so that international norms and the legislative progress made at a national level can effectively be accounted for in practice through the adoption of tangible measures to combat slavery and the resulting exploitation and discrimination.⁷²

In Mali, the absence of specific legislation on slavery makes it more difficult to seek legal redress before the courts. While in theory there are other ways to punish acts of slavery, in practice Temedt relied on moral and religious principles to convince masters to free their slaves. Both the opportunities for and obstacles hindering the reform of national legislation in Mali should be explored further. The legislative advances made in Mauritania could be used as an example to influence the legislative reforms that Temedt and its partners are calling for.

In all cases, the lawyers asked to represent victims with the support of civil society organizations face the harsh reality of an ill-equipped legal system that does not enjoy the necessary impartiality it should have under the rule of law. As pointed out by the partners, training for lawyers and other legal experts achieved positive outcomes and should continue. The use of international mechanisms for the protection of human rights also led to positive change, and it is essential to ensure that the progress achieved by these initiatives is sustained in the long term and exploited as much as possible by civil society organizations through their national advocacy efforts.

⁷² On this point, Salimata Lam from SOS-Esclaves emphasised the fact that “*capacity-building for those working in the judicial system is a challenge for Mauritania due to the lack of independence of judicial bodies and interference from the institutional executive. Mauritania needs support measures like specific public prosecutors, dedicated examining magistrates and specialized police officers who are adequately trained and equipped with sufficient means for prosecution.*”

The slavery problem is also compounded by inherent problems relating to access to land and ownership rights. Slaves are marginalised in this respect and the sedentary/nomadic question (or sedentary vs pastoral farming) largely explains the lack of land ownership among slaves and former slaves. Initiatives to support national reform should take this into account, in particular through alignment with other initiatives targeting the reform of land laws in African countries.

Government Commitment

In all three countries, political will and the capacities of governmental authorities are major obstacles to change. In general, in the humanitarian aid and human rights protection sectors, financing projects aimed directly or primarily at capacity-building for those in positions of authority are few and far between or even non-existent. Resources are instead allocated to NGOs responsible for programme implementation. Civil society therefore often finds itself taking on responsibilities that in principle should fall to the State, in other words doing the State's work.

Faced with this situation, ASI is concerned that *“there is a risk of developing a parallel system managed by civil society: how can these responsibilities be transferred back to the State?”*⁷³ The organization expressed a certain powerlessness in response to a scenario it described as the “parallel State problem”, in which civil society creates structures that effectively replace the State and carries out the tasks that should fall under its responsibility. Under international law, protecting human rights and ensuring effective access to justice and rehabilitation services are responsibilities incumbent upon the State. In all three countries, civil society organizations have taken on these responsibilities in the case of slave descendants, with support from their international partners.

So how can these responsibilities be transferred back to the State once functional parallel systems have been put in place? While it appears evident that close collaboration is necessary between the State and civil society, the path to achieving it is not so simple. Six of the nine schools established in Niger have been handed back to the State, and it is to be hoped that they will continue to operate. In June 2014, Mauritania adopted a national plan to eradicate slavery.⁷⁴ This roadmap was developed with support from the UN's special mechanism on slavery, following a field visit.⁷⁵ SOS-Esclaves is a member of the inter-ministerial committee responsible for monitoring and implementing the roadmap, but its contribution on this committee “does not amount to effective participation”.⁷⁶

Building the capacities of governmental authorities, an aspect that is sometimes overlooked by projects or not feasible, is important in avoiding a scenario where civil society carries out the duties of the State. It would be useful for the organizations involved to revise their strategies and take into account the “parallel State problem”. Using the international capacity-building mechanisms for States and improving collaboration between NGOs and governments is one effective approach already in place, but others need to be identified and implemented.

⁷³ Kate Elsayed Ali, Advocacy Manager, Anti-Slavery International. Interview held on 28 February 2019. Sarah Mathewson, interview held on 22 March 2019.

⁷⁴ For more on this, see for example: . The document relates to the implementation of 29 recommendations on combating slavery and its negative consequences through a multi-sector approach involving the legal, economic and social spheres.

⁷⁵ UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences.

⁷⁶ Interview with Salimata Lam, February 2019.

Self-determination and Partnerships

Partnerships with international organizations

Relations with international partners in programmes designed to seek the application of the law and international norms can be fraught, and some failures in this respect were identified, particularly by those in charge of ASI's programmes. According to their observations, strategic litigation efforts repeatedly ran up against the inability of some international partners to display sufficient sensitivity to cultural differences. Some collaborative endeavours either did not take place or failed specifically due to a lack of respect for the self-determination of the organizations working on the ground and the communities they represent.⁷⁷ Some local partners also explained that they sometimes feel “worn out by the administrative tasks imposed” by their international partners, that “the freedom of their actions is sometimes limited” and that providing effective support for organizations is often “difficult”.

ASI highlighted the risks inherent in partnerships between international and local organisations, emphasising the risk of a relationship based on dependency rather than emancipation (though this is clearly a risk with all international partnerships in the sector). The schools set up in Niger are an example of this. The outcomes received a positive assessment by Timidria, which feels that the initiative to create schools has given greater autonomy to the slave descendant communities and opportunities to extricate themselves from the marginalisation they faced. Communities developed around and because of the schools, thereby establishing a support system built on education, something these people had not had for a long time.

For its part, ASI pointed out that traditionally these people were semi-nomadic and travelled through deserted regions with their masters. Building schools meant they became largely sedentary, thus giving rise to new needs: the children's attendance throughout the school year meant they had to settle near the schools, whereas previously they were accustomed to move wherever resources could be found. It quickly became necessary to construct wells near the schools, canteens, solar panels, medical centres and other infrastructure to support their new way of life. So much so that requests for support after project implementation spiked out of control and ASI was forced to provide basic services for communities that had come to depend on it.⁷⁸

ASI also pointed to its work with partners in Mauritania to illustrate the unintended effects of some of the activities. Emergency financing and microcredit for people emerging from slavery in Mauritania are schemes that have worked well, but ASI brings a critical perspective:

“It was unrealistic to expect that within just a few years people would be moving on from the support programmes to fully autonomous lives. Microcredit targets an objective of self-sufficiency, but the same groups keep asking for more financing.”⁷⁹

⁷⁷ Interview with Sarah Mathewson, 22 March 2019.

⁷⁸ This analysis of once semi-nomadic communities becoming sedentary as a result of support provided was put forward by ASI, raising questions about the risks associated with the provision of support. Some local partners felt that this analysis deserved further reflection and were careful to point out that several other causes might also explain the switch to a sedentary lifestyle. The conclusion is not of course that ASI is responsible, directly or indirectly, for this change; it should be noted that this issue could not be analysed in depth, but it is worth reporting the concerns raised by ASI in terms of due diligence and assessing the risks of support initiatives through international partnerships.

⁷⁹ Interview with Sarah Mathewson, 22 March 2019.

According to Anti-Slavery International, this situation raises questions about the merit and relevance of long-term partnerships for the self-determination of communities, who in some cases end up depending on the resources financed by projects and, as a result, the projects continue to be funded over long periods.

However, it is clear that the partnership between ASI and the three African organizations is based on mutual respect and an egalitarian relationship. Respect for the self-determination of partners is particularly important in the context of liberation movements. This is central to the approach adopted by ASI and has facilitated robust and lasting partnerships. The organizations involved believe that it is this type of partnership that leads to change. ASI commented that relations between these West African organizations and other Western organizations have often suffered in cases where the latter have been too demanding and less respectful of the priorities and approaches adopted by the former.

Partnerships with financial backers

Several problems linked to financing emerged from the consultations that formed the basis of this report. In the context of international humanitarian aid, the difficulties associated with funding are numerous and even systemic.⁸⁰ With regard to the programmes to combat slavery implemented by SOS-Esclaves, Temedt and Timidria, certain aspects were highlighted to show how relations with financial backers and the effective implementation of programmes as structured by them can often be difficult.

In particular, the conditions and formalities necessary to obtain funding, as well as the implementation and monitoring/evaluation of programmes, are often obstacles that hinder achieving the very objectives of those programmes. Anti-Slavery International explained that the multiple demands with regard to sharing information and evaluating progress constitute an unrealistic burden to place on the shoulders of the partner organizations carrying out the work on the ground.⁸¹ To ensure that monitoring/evaluation efforts are useful in terms of achieving objectives, it is often necessary to train staff responsible for implementing a funded programme according to the instructions of the financial backer. The programme evaluation reports also recommend strengthening the capacities of the organizations and individuals responsible for monitoring/evaluation.⁸²

ASI points out that in reality there is a “problem of balance” with regard to the proposals made by funders. In practice, international organizations are in a position of power when it comes to writing financing proposals: in most cases they identify the opportunities and negotiate the terms.⁸³

⁸⁰ A diverse range of experiences (sometimes similar) can be observed in several areas of intervention. For a more in-depth analysis, the reader can consult the findings of studies on financing in international development.

⁸¹ Interview with Sarah Mathewson, 22 March 2019.

⁸² Waffo, *op cit.* p. viii & xx; Norris for Mauritania, *op cit.* p. xx.

⁸³ Interview with Sarah Mathewson, 22 March 2019.

It is also often difficult for national and international organizations representing the rights of communities to prioritise their own strategies since securing funding generally requires their activities to comply with a certain number of predetermined criteria imposed by the funder. This gives rise to scenarios where the funder's objectives take precedence over the expertise and knowledge of the organizations in the field, thus compromising the impact of their activities.

The excessively short duration of programmes is another problem worth noting, especially considering that the fight against slavery requires efforts that extend far beyond the duration of the projects that have been financed. The short duration of financing also causes a problem in terms of ensuring that lessons learned and achievements can be sustained in the long term. Many projects that are too short require more follow-up if their benefits are to last. This is true of capacity-building efforts in the area of human rights.

National and regional networks and the anti-slavery movement

One way to promote the self-determination of slave descendants is to support their initiatives for the creation and maintenance of networks, while at the same time also supporting opportunities to build an anti-slavery movement that can be led by the people affected themselves.

The evaluations carried out over the last 10 years have revealed that the advances made are fragile in terms of partnerships in support of the anti-slavery movement in the region. This was also emphasised by participants at the Bamako workshop, and in particular the Malian partners. For this reason, it is essential to ensure a lasting and robust partnership between the NGOs across all three countries, with the ongoing support of ASI and other international partners to facilitate the self-determination of slave descendants. Relations between the partners in the three countries were considerably strengthened through the 2007–2012 project, which involved capacity-building activities, training courses and regular visits, thus allowing all parties to improve the strategies for each country. The increasing strength of the network is an aspect that must be supported if objectives in the region are to be achieved.⁸⁴

Women, Justice and Representation

Women of slave descent are particularly disadvantaged and subjected to multiple forms of rights violations. They are exposed to extreme violence, as explained above.⁸⁵ The discrimination they face is enabled through a diverse range of social structures, the absence of legal protection and/or the existence of discriminatory legislation. The decision to escape from slavery is a more difficult one to take for women, who often have children in their care and have little hope of becoming financially independent in the long term. Among other factors, they must consider *“the loved ones they would leave behind”*. In Mauritania, *“children must be declared at birth by the father, but there are hundreds of children who have not been recognised by their fathers”*.⁸⁶

⁸⁴ Norris, 2012, pp. 4 & 10.

⁸⁵ The scope of this report does not allow the question of women's rights violations to be explored in any depth or even briefly. On the specific issue of the rights of female slave descendants, see for example: <https://minorityrights.org/2015/07/03/esclaves-et-discriminee-lemancipation-des-femmes-haratines-de-mauritanie/>; https://minorityrights.org/wpcontent/uploads/2015/10/MRG_Rep_Maur2_Nov15_FRE_21.pdf.

⁸⁶ Salimata Lam, SOS-Esclaves.

Legal redress

In dealing with the courts, women face many obstacles, mainly because of the application of discriminatory principles that are deeply rooted in profoundly unequal societies. To cite just two examples raised by the programme evaluators: the evidentiary value of women's testimony is in some cases considered to be lower than that of men;⁸⁷ and women run the risk of being unfairly incriminated when they turn to the courts to denounce acts of slavery.⁸⁸ The application of such discriminatory legal presumptions against women was evident in the cases of Dame Hadijatou Mani in Niger⁸⁹ and Said and Yarg in Mauritania.⁹⁰ A programme evaluation report from 2017 revealed that 330 judges served in the Mauritanian judiciary, just two of whom were women. What is more, of those 330, only eight had Haratine origins.⁹¹

It is of the utmost importance that positive measures to help women free themselves from slavery and take legal action before the courts be adopted. All those who contributed to this report pointed out that the violence inflicted on female slaves is indescribable. Programmes need to take into account the difficulties observed and provide for monitoring and victim support in a way that uses the justice system and accounts for the multidimensional nature of the problem and the long-term needs of victims seeking legal redress.

Greater reliance on international and regional mechanisms for the protection of human rights could facilitate change at a national level. For example, the Protocol on Women's Rights in Africa (Protocol to the African Charter on Human and People's Rights) is a powerful instrument for tackling the specific problems women from slave descendant communities face. This African legal instrument honours the continent's cultural values but prohibits harmful practices. In the three countries under study, the weight of harmful traditional values is extremely burdensome on women. Mauritania and Mali have ratified the Protocol and Niger has signed it. This instrument cannot only be used to support the development of legislative reforms, but may also prove to be a robust tool for strategic litigation.



Boubacar Messaoud, President of SOS-Esclaves, Mauritania.
Photo: Michael-Hylton

⁸⁷ The programme assessment reports revealed that women's testimony in judicial systems is sometimes influenced by judicial authorities with a religious foundation such as sharia law, which in some circumstances attaches less evidentiary value to the testimony of women than to that of men. Norris, p.24.

⁸⁸ Female slaves who are not married, for example, are at risk of being accused of unlawful sexual activities. The threat of criminal proceedings has been explicitly used against female survivors, most likely with the aim of discouraging them from pressing charges. Norris, p.24.

⁸⁹ In Niger, Dame Hadijatou Mani was accused of bigamy before a national criminal court by her ex-master, who had held her in slavery as a Wahaya spouse for 9 years. This case was later presented before the ECOWAS court in 2008.

⁹⁰ In the case of Said and Yarg in Mauritania, the children's mother, herself a slave, was blamed for «allowing» her children to become slaves.

⁹¹ Norris, p.24.

Representation and participation

During the research and preparatory phases of this report, it became clear that women's rights is a very important issue for all participants who attended the Bamako workshop. Anti-Slavery International also explained that when it comes to women's rights, the programmes placed great importance on the advent of female leadership in the anti-slavery movement, as well as women's participation in general. However, it made it clear that little had changed in these areas over the last 10 years:

*"There are several initiatives in place on women's rights, but they are not always a success. When we take part in gender workshops, the remarks made by participants demonstrate that their knowledge is pretty weak when it comes to the historic, cultural and political structures that are unfavourable for women and the changes needed to respect their rights. It is important to support initiatives by women with the potential to serve as positive models for collective action so steps can be made towards real change."*⁹²

ASI's vision and approach are underpinned by respect for the self-determination of communities and the local organizations that represent them. It serves as a partner offering support but does not play a role in the decisions made by local organizations. It is up to NGOs to decide how to manage and choose the participants who will represent them in their activities on the ground. However, as one staff member explained: *"It's a challenge to ensure diversity in the participation of representatives from civil society organizations at international forums, and when it comes to making women's voices heard, it's even harder."*⁹³

Not a single woman attended the Bamako workshop on behalf of a national anti-slavery organization.⁹⁴ During the workshop, several projects mainly targeting women were discussed. The impact of setting up training centres and efforts to support economic emancipation was assessed, and the importance of activities with a specific focus on women was carefully emphasised. However, the discussion did not lead to any tangible avenues for reflection or scope for action to protect women's rights in a way that would address their specific problems.

The people interviewed outside of the workshop pointed out that the lack of women's representation is striking, even in organizations that work to defend their rights.⁹⁵ Three interviewees said they were shocked to see that in some meetings held by the anti-slavery organizations, women did not participate in the discussion and instead prepared tea for the other participants. Some of these meetings even included aspects relating to gender training.

⁹² Sarah Mathewson, Anti-Slavery International.

⁹³ Kate Elsayed-Ali, Anti-Slavery International.

⁹⁴ The interviews conducted on the margins of the workshop were nonetheless an opportunity to talk to women: 1 member of SOS-Esclaves, 3 women from Anti-Slavery in management positions, 1 expert in international development who was previously with ASI, and 1 clinical psychologist and researcher.

⁹⁵ It should be noted that several women are represented in SOS-Esclaves and that one woman would have participated in the Bamako workshop if she had not had prior commitments.

In short, efforts to support economic independence seem to have been prioritised and to have had the most impact over the last 10 years in activities focused on women's rights. The work of Anti-Slavery International is firmly based on the premise of greater autonomy. It is nonetheless clear that further efforts to eradicate the violence inflicted on women (including but not limited to sexual violence) are just as necessary in the current context. Similarly, activities designed to increase women's participation in political life would also be a welcome step towards effecting real change in the inegalitarian structures that pervade society. Education is another powerful approach, and given that in Niger activities are based around education it would be worthwhile to analyse what can be done to improve women's rights in this way. Disaggregated data is also crucial to making progress on women's rights, but without the cooperation of the State it is most impossible to obtain such data, as explained at the beginning of this report.

Learning from 10 years of anti-slavery work – Partners' recommendations

Legal redress:

- In the countries where specific legislation exists (Niger and Mauritania), continue to facilitate cases being brought before the national judiciary
- In the country where there is no specific legislation (Mali), support national advocacy efforts to put pressure on the government to pass the legislation stuck in the proposal phase

Capacity-building for all decision makers and influencers:

- **legal experts** – continue to hold training courses for members of the judiciary (judges, clerks, bailiffs, notaries)
- **political and administrative decision makers** – develop and implement training courses for mayors, prefects and law enforcement authorities
- **other actors** – develop and implement training courses for actors from the private sector such as carriers, who are often involved in slave trafficking

Victim support:

- Continue to facilitate and further develop victim support programmes including socio-economic initiatives
- Include psycho-social support for victims within all programmes
- Take into account at all levels that slavery is compounded by problems relating to access to land and ownership rights; slaves cannot traditionally own land.

Use of the media:

- In Mauritania, continue to support training for journalists with the aim of capitalising on the relatively high levels of press freedom in order to feed media coverage and continue to raise awareness among the population of the various issues, including the law criminalising slavery
- In Mali, take inspiration from the experience in Mauritania and prepare and submit a request for financing to train and support journalists so they can report cases of slavery in the south
- In Niger, take inspiration from the experience in Mauritania and prepare and submit a request for financing to train and support journalists so they can report how the judiciary deals with slavery cases

Human rights education:

- Conduct advocacy work targeting the authorities in charge of education so that raising awareness of human rights, including the problem of slavery, can be made part of the national school curriculum.
- Continue supporting education projects, because overall, they have proved key to breaking the cycle of slavery.
- Offer training to religious leaders and extend this initiative at a regional level across all three countries
- Continue capacity-building efforts for communities affected by slavery

International advocacy:

- Continue to submit alternative reports to the human rights treaty bodies and as part of the universal periodic review procedure, and follow up on recommendations at a national level
- Continue to support activities involving the special UN mechanisms and make further use of those of the African Commission
- Mali: secure status as observer for the African Commission for Human and People's Rights and use this mechanism for advocacy

National advocacy:

- Further develop strategies for the application of international norms, in particular recommendations made by regional and international bodies for the protection of human rights

Governance and representation:

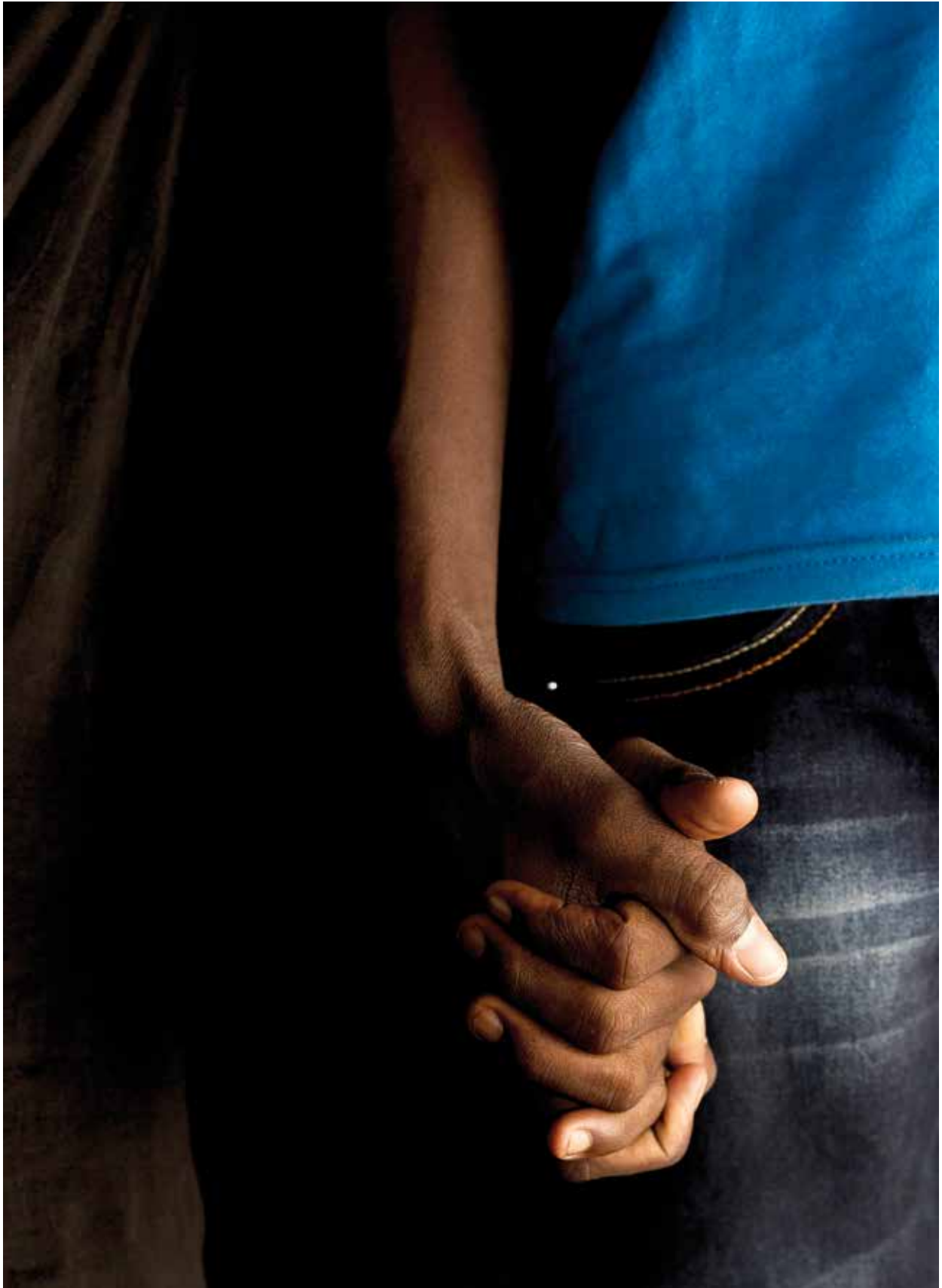
- In civil society organizations, encourage diversity and the inclusion of all, especially in their articles of association, so the different population segments can be represented. In particular, encourage leadership and active and significant participation by women, youths and elders to achieve better distribution of the decision-making powers in organizations
- Strengthen the capacities of the organizations and individuals responsible for monitoring/evaluation
- In Mauritania, use the study of obstacles blocking access to civil registers to support advocacy efforts and thus facilitate the participation of slave descendants in national elections

Partnerships:

- Strengthen the capacity of local NGOs to maintain strong and direct links with financial backers. Sustain and further develop networking between countries, in particular by funding regional exchange programmes and putting in place robust regional coordination
- Work with the State where possible to avoid the risk of setting up parallel systems
- Pursue and fund projects for longer terms in order to see the benefits, ensure they last and ensure that the capacity of human rights organisations are effectively reinforced
- Ensure respect (by international organisations in particular) for the right to self-determination of communities and movements who have traditionally been in slavery for generations.



A slavery survivor, Mauritania. Photo: Michael-Hylton



Two young slavery survivors who won their case against former master in Mauritania. Photo: Michael-Hylton

Conclusion

For each of the three countries, it is clear that the movement to combat slavery has helped raise awareness and achieve recognition of this problem within the international community, the general public and governmental authorities. All of the partners pointed to this progress in their own way, explaining the nuances, reticence and resistance observed in each country. From the legislative and normative point of view, several significant advances have also been made.

In Mali, “slavery is no longer taboo”, but draft legislation specifically criminalising slavery has for years been stuck in the final legislative stages before it can be passed. In Mauritania, a 2007 law criminalising slavery was reinforced in 2015, and three criminal courts specialized in combating slavery were set up to address specific issues related to slavery. However, the government’s discourse unequivocally denies the existence of slavery practices on Mauritanian soil, relegating this issue to the past and doing no more than managing the “vestiges” of a phenomenon that has supposedly ended. In Niger, the legislation criminalising slavery (passed in 2003) is an indication that the problem has been recognised, but application of the law on the ground has yet to follow, with slavery being punished by the courts as a minor offence rather than as a serious crime.

In all three countries, political will and the capacity of the authorities with decision-making powers to face up to the problem of descent-based slavery remain so limited as to constitute the primary obstacle to the eradication of this practice. The legislative gains made are not enough, and in practice neither the State authorities nor the judicial bodies play a sufficient role to enforce the laws in such a way that their own objectives could be achieved. National policies designed to ensure application of the law are non-existent, and the courts apply the law inconsistently. Capacity-building initiatives for judges have begun to improve the application of the law.

The result of this is that civil society organizations must double their efforts to support the victims of slavery, continue to help those still held captive to escape and rehabilitate those who have been freed. The review of achievements over the past ten years of programming reveal that efforts to improve the self-sufficiency of victims of descent-based slavery through economic support have produced some astonishing and clearly positive results. There is also a need to support the psycho-social needs of victims. An evaluation of the psychosocial needs of victims has just been completed in Mauritania to support the work of staff from SOS-Esclaves, who on a daily basis deal with the responsibility of catering for victims traumatised by extreme acts of violence.

Victim support is one of the cornerstones of the fight to eradicate slavery in all three countries: either there is no legislation in place or it is inadequately (or not yet) applied, or the policies designed to protect and rehabilitate victims are non-existent. Funding programmes intended to give autonomy to former slaves are another form of social justice, one that works on an individual level in most cases. However, such initiatives are no more than a sticking plaster, and fundamental legal and political changes are needed to win the fight. Such changes can be supported by an international civil society that is culturally respectful of the right to self-determination of those who have been held in slavery all these years.

Anti-Slavery International, founded in 1839, is committed to eliminating all forms of slavery throughout the world. Slavery, servitude and forced labour are violations of individual freedoms, which deny millions of people their basic dignity and fundamental human rights. Anti-Slavery International works to end these abuses by exposing current cases of slavery, campaigning for its eradication, supporting the initiatives of local organisations to release people, and pressing for more effective implementation of international laws against slavery.

For further information see: www.antislavery.org. Registered charity: 1049160

© Anti-Slavery International 2019

Anti-Slavery International would like to thank the US Government Bureau of Democracy, Rights and Labor for funding this research and report. The views expressed are those of Anti-Slavery International and its partners, and in no way reflect the opinion of the funder.



SOS-Esclaves, Mauritania



Temedt, Mali



Timidria, Niger



Anti-Slavery International

Thomas Clarkson House
The Stableyard
Broomgrove Road
London SW9 9TL
United Kingdom
Tel: +44(0)20 7501 8920
Fax: +44(0)20 7738 4110
e-mail: info@antislavery.org
www.antislavery.org