



Anti-Slavery International, SOS Esclaves, Temedt and Timidria

Response to the Special Rapporteur on Contemporary Forms of Slavery's call for input on contemporary forms of slavery as affecting persons belonging to ethnic, religious, and linguistic minorities: Mauritania, Niger, and Mali (February 2022).

This submission by Anti-Slavery International¹, SOS Esclaves², Timidria³, and Temedt⁴, provides evidence on descent-based slavery in Mauritania, Niger and Mali and pervasive discrimination against people considered of slave descent (or 'slave-caste') who are no longer under the direct control of their 'master'.

1. Is there evidence of minorities being subjected to contemporary forms of slavery in your country/community?

Descent-based slavery in Mauritania, Niger, and Mali

In Mauritania, Niger and Mali, there is a strict hierarchy based along ethnic and sometimes racial lines. People in slavery and their descendants belong to a 'slave caste', with this status ascribed at birth and passed on from one generation to the next.

People in descent-based slavery in Mauritania, Niger, and Mali are treated as 'property' by their masters⁵ and are forced to work without pay, most commonly undertaking domestic and agricultural work. They are subjected to physical and psychological violence. Children can be rented out, loaned, given as gifts in marriage, or inherited by the masters' children.

Mauritania: The Mauritanian population is made up of several ethnic groups. The population of slave descent (or 'slave caste') is the Haratine, who represent more than 40% of the population. There is no official data available, but SOS Esclaves estimate that significant minority⁶ of the Haratine are still held in descent-based slavery today, practiced by the Moor community who dominate the country's administration, military, and justice system. An ILO qualitative study on 'working relations that may result in a risk of forced labour' was undertaken but not yet published.

¹ Anti-Slavery International, founded in 1839, is committed to eradicating all forms of slavery throughout the world.

² SOS Esclaves has been leading in the fight against slavery in Mauritania for over 20 years. It seeks to expose the realities of the practice, challenge its widespread acceptance, and defend the rights of those seeking to escape slavery. It also works to end discrimination faced by people of slave descent.

³ Timidria is a community-based organisation that was established in 1991 to fight against slavery and discrimination of all forms in Niger.

⁴ Temedt is a Malian organisation established by people of slave status in 2006 with the mission of promoting democracy and peace, with a focus on eradicating slavery and ending the marginalisation of people of slave descent.

⁵ The practice is known as descent-based slavery, where the 'master' is exercising 'powers attaching to the right of ownership' of those affected as per the 1926 Slavery Convention definition.

⁶ SOS Esclaves further estimate that this may total tens of thousands of people still in descent-based slavery.

Niger: Descent-based slavery persists to some degree in Niger although affecting much lower numbers than around twenty years ago. Despite the absence of statistical data, it's known to exist across the country in rural and urban areas. The regions of Tillaberi, Tahoua, Maradi and Agadez have the highest numbers of people affected. Descent-based slavery is practiced predominantly by the white Tuaregs, Arabs, Zarma, Songhai and Peulh⁷ ethnic groups, with the black Tuaregs most affected by slavery.

Women and girls experience heightened vulnerability to slavery when gender discrimination intersects with ethnic or caste discrimination. In Niger, despite a 2019 Court ruling that the practice is unlawful, girls of slave status are sold as *Wahaya*, a 5th wife in addition to the four wives permitted by Islam. Predominantly taking place in the region of Tahoua and Maradi, a *wahaya* has none of the legal rights of a wife and is treated solely as property, forced to work without pay, facing regular rape and physical abuse from their 'master'.⁸

Mali: Temedt estimates that there are around 800,000 people of slave descent in Mali with some 200,000 of this number in descent-based slavery under the direct control of their 'masters'. Descent-based slavery is primarily practiced by the Tuareg ethnic group, with the black Kel Tamasheq⁹ most affected, and is most widespread in northern Mali. In the past few years, due to the lack of state authority in Kayes (West Mali), the traditional slave-owning classes have been reasserting their power over communities of slave descent, including forced evictions. Humiliating and violent ceremonies have reportedly been carried out by 'masters' within communities of slave descent to reinstate their subjugation.

Temedt report that slavery affects all categories of the population, but women, children, and the elderly are the most vulnerable. Young girls fall victim to repeated rape by their 'master's or family members. Children are often used for fieldwork or grazing, denying them access to education.

2. What types of personal, situational, and structural factors push minorities into contemporary forms of slavery in your country?

Discrimination against people of slave descent in Mauritania, Niger, and Mali

People of slave descent (considered to be of 'slave caste') in Mauritania, Niger and Mali, that no longer live under the direct control of their traditional 'masters', experience pervasive discrimination and social marginalisation. This makes them impoverished and more vulnerable to slavery:

In Mauritania, the population is composed of several tribes, and each individual is identifiable by the name of the tribal chief or the religious authority of which he is a member by his family, by lineage, by affiliation or by dependence as a slave. People of 'slave caste' have no choice but to identify as belonging to the tribe of their traditional 'masters'. The 'masters' become the only guarantors who can attest to their belonging to their community, without which they risk being considered among the black African immigrant population in Mauritania and threatened with deportation or statelessness.

Discrimination against people of slave descent is deeply rooted. The Haratine are economically and politically marginalised, and suffer from limited access to land ownership, arable land, employment,

⁷ Also known as Pulaar and Fulani

⁸ See Committee on the Rights of the Child 2018 Concluding Observations which express concern "...about the practice of selling girls of slave status and *Wahaya* or 5th wife, in which they are treated as property, forced to work for their master and his family as well as sexually exploited." CRC/C/NER/CO/3-5

⁹ The term *Bellah* is also used, it means slave of the Toureg and is considered a derogatory term.

education, housing, water, food, and healthcare. They account for 85% of the illiterate population¹⁰ and are under-represented in political institutions¹¹ and the justice system.¹² The requirements for identification documents are difficult or impossible for the Haratine community to fulfil¹³ and the majority do not have them. This creates a huge barrier in access to State programmes and services which are already very limited. Public schooling beyond the age of ten years is only available to those with identity cards.

The system in Mauritania, especially the lack of identity documents, keeps people of slave descent dependent on their traditional 'masters', even when no longer under their direct control, and drives vulnerability to further exploitation.

In Niger, Timidria estimates that there are around 750,000 people of slave descent, who face widespread stigma and discrimination. They experience food and water scarcity, land eviction, employment discrimination, political disenfranchisement, prohibitions of inter-caste marriages and violence. They often lack official identity documents and struggle to obtain these. They are generally overlooked by government-run services and poverty alleviation programmes due to their marginalisation and remote location, as well as government alliances with the religious and political elites among the traditionally slave-owning white Tuareg. They are therefore vulnerable to further abuse and exploitation by local masters and unable to cope with climate crises.

Children of slave descent in Niger face substantial barriers in accessing education, due to factors including a lack of schools in remote areas, discriminatory attitudes by the authorities, with semi-nomadic lifestyles compounding these impediments. Consequently, children of slave descent have limited prospects for life and are vulnerable to exploitation, child marriage, trafficking, and forcible recruitment by terrorist groups.

In Mali, Temedt estimates there are 800,000 people of slave descent, out of a national population of around 18 million. Those no longer under the direct control of their 'master' are subjected to widespread discrimination. Temedt report that in Northern Mali, communities of slave descent suffer social discrimination and stigmatisation, sexual abuse and deprivation of goods and property.

There has been an upsurge in violence against people of slave descent in Kayes, West Mali over the past few years. This includes destruction of property and homes, physical violence resulting in some deaths, and forced displacement. Those who have been forcibly evicted from their homes and land are currently deprived of any means of subsistence and receive little support from the state and other organisations. There are no measures to provide protection to children, who do not have access to education, leaving them vulnerable to exploitation.

¹⁰ "Manifeste pour les droits politiques, économiques et sociaux des Haratines au sein d'une Mauritanie unie, égalitaire et réconciliée avec elle-même », April 29th, 2013, Nouakchott

¹¹ For example, there are currently only 17 Haratine Members of Parliament out of a total of 159

¹² Various UN bodies have expressed concern about the social and political marginalisation of the Haratine. See for example: In May 2018, the Committee on the Elimination of Racial Discrimination expressed its concern "...that the survival of certain social structures, traditional attitudes and cultural prejudices continue to fuel discrimination, racialization and marginalization of the Haratines, particularly in access to education, employment, housing, health and social services...the Committee is also concerned at the very limited representation by Negro-Africans (Halpular, Soninké and Wolof) and Haratines in the political and public sphere, and especially in positions of responsibility and decision-making within administration, the army and the police, elective positions at the national level, as well as in the private sector and the media."

¹³ Children born of relationships between a slave and her master, or between two slaves, are rarely recognised and do not have official documentation. People released from slavery, and people of slave descent, struggle to obtain official documents such as identification cards because the requirements for such documents are difficult or almost impossible to fulfil. For example, the applicant must provide parents' details, which are often unknown to victims of slavery.

3. Are there wider political, economic, social, religious, and cultural factors making persons belonging to minorities vulnerable to these practices?

People in slavery or vulnerable to slavery are generally from the poorest and most marginalised communities in the world. Discrimination and social exclusion are key drivers of slavery risk and prevalence, particularly when they intersect with poverty, poor rule of law, and weak enforcement of laws against slavery. Dalits, other caste-affected people, indigenous people, religious and linguistic minorities, all experience a disproportionate risk of slavery.

Descent-based slavery persists in Mauritania, Niger, and Mali. In addition, discrimination and marginalisation increases the vulnerability of people of slave descent to exploitation, forced labour, trafficking, and child slavery forms. Barriers in access to education, health care, land, identification documents and credit increase both slavery risk and reduce opportunities to escape it.

4. What has your government done to protect minorities from being subjected to contemporary forms of slavery in your country?

The **Government of Mauritania** has taken some positive measures to address descent-based slavery. This includes the creation of a new Anti-Slavery Law in 2015¹⁴ and the creation of three Special Courts for Slavery the same year. An ILO qualitative study on 'working relations that may result in a risk of forced labour' was carried out but hasn't yet been published.

President Mohamed Ould Ghazouani was elected in August 2019 and has shown some positive signs in addressing slavery and discrimination¹⁵, including appointing four Haratines to senior cabinet roles, appointing a Haratine Prime Minister, and initiating dialogue with anti-slavery leaders. The new government has also strengthened the mandate of the High Commissioner for Human Rights by granting the ability to take legal action against any individual or community responsible for slavery. This is accompanied by the implementation of the National Communication and Awareness Plan on the law criminalizing slavery.

The Government of Niger has expressed strong political will to tackle descent-based slavery and related discrimination. The 2003 Anti-Slavery Law is comprehensive and carries a minimum sentence of ten years imprisonment and a maximum of 30 years imprisonment. The Government is working with the ILO. In 2020, the Government agreed to establish a National Mobilisation Day against Slavery and Human Trafficking, to be held annually on the 28 September. Local and regional officials in Niger are increasingly more aware of and responsive to the needs of communities of slave descent, with promised resources generally materialising.

The Government of Mali has set up various structures including the National Human Rights Commission with a mandate to combat slavery, the establishment of the National Committee to Combat Trafficking in Persons and Related Practices, and the national coalition to combat slavery. The government has also undertaken actions such as the instruction of a circular letter requesting public prosecutors' offices to diligently prosecute cases of slavery, and awareness-raising campaigns led by the Minister of Reconciliation

Limitations in Government measures are addressed in Question 8.

5. What have non-governmental entities, including businesses and educational institutions, done to provide equal access to decent work and quality education in your country?

¹⁴ The 2015 Anti-Slavery Law which replaced the 2007 Anti-Slavery Law

¹⁵ The former President of Mauritania was known for making statements denying the existence of slavery.

In Niger, as access to education is crucial to break the cycle of slavery, Anti-Slavery International and Timidria set up nine primary schools in communities of slave descent. Over a thousand children now attend these schools every year, with girls having equal access and the children achieving excellent results. The provision of meals at the schools has been pivotal in retaining children in nomadic areas. The statutory authorities have increasingly taken over the schools by paying teacher salaries and supplying school canteens and stationery. They have committed to replicate the model in other communities of slave descent. Our wider community projects include human rights advocacy training, skills training, income generating activities, legal support, and assistance to obtain identification documents.

In Mauritania, Anti-Slavery International, SOS Esclaves and Minority Rights Group International are addressing barriers in access to education and decent work opportunities for people newly freed from slavery. This includes providing initial financial support and shelter, basic education training for both children and adults, longer term vocational training, microloans, and legal support.

In Mali, Anti-Slavery International in partnership with Temedt and the ILO has carried out research in Northern and Western Mali to establish an evidence base on the forms and prevalence of slavery, as well as on the resurgence of violence in the Kayes region, and to identify the needs of those affected.

6. What has been the role of civil society organisations, faith-based organisations, trade unions, and human rights defenders in protecting minorities from being subjected to contemporary forms of slavery?

In **Mauritania and Niger**, the absence of effective State programmes and policies to provide socio-economic support to people emerging from slavery is a huge challenge. Civil society organisations have stepped into the gaps left by the Governments by providing socio-economic support to enable people to establish independent livelihoods. We assist people to obtain identification documents and run programmes of legal assistance to enable survivors to prosecute former masters. In Niger this includes legal cases to challenge the eviction of communities of slave descent from their traditional land.

7. What has been the impact of the COVID-19 pandemic?

In Mauritania, measures in place to restrict the spread of Covid-19 greatly affected people in descent-based slavery and of slave descent as many programmes and projects to assist these populations were stopped or slowed down.

8. What are persisting obstacles/challenges in preventing minorities from being subjected to contemporary forms of slavery?

Mauritania

The establishment of a stronger Anti-Slavery Law in 2015 and the Special Courts on Slavery have done little to address the persistent problems of poor enforcement of law. The perpetrators of descent-based slavery enjoy relative impunity.

Since 2015, to our knowledge, just ten ‘slave-owners’ have been convicted of slavery in six separate cases. These convictions are in addition to the conviction in one case under the now-replaced 2007 Anti-Slavery Law.¹⁶ Cases of slavery are often re-classified into other, more minor, offences, or victims are urged to come to informal settlements with ‘masters’. Each of the three of the Special Courts covers a vast territorial

¹⁶ The Said and Yarg Salem case, tried in 2011 using the now-replaced 2007 Anti-Slavery Law

jurisdiction and is presided over by just one Judge. There are lengthy delays at the investigative, prosecutorial, and trial level.

Protection measures for victims of descent-based slavery are insufficient. Those who have escaped slavery remain in abject poverty, in the absence of adequate support and rehabilitation measures by the State, vulnerable to a return to their 'masters' or other forms of exploitation.

In 2018 a Law on the repression of discrimination was adopted, which is stigmatizing towards the Haratine community and could be used to penalise civil society organisations. The former Special Rapporteur on Slavery and the Committee on the Elimination of Racial Discrimination have called for the revision of this law.¹⁷

Promising signs by the new President such as the appointment of a Haratine Prime Minister and dialogue with anti-slavery organisations have not yet translated into policy changes.

Niger

The Government of Niger has expressed commitment to tackling descent-based slavery but is constrained by resource, capacity, and coordination issues, alongside a challenging and deteriorating security context, and pressure from the EU to curb migration.

While the 2003 Anti-Slavery Law is comprehensive, implementation has been poor. The judicial system suffers from extreme delays and the number of prosecutions has been very limited. Slavery is often punished as a minor offence instead of being recognised and treated as a serious crime by the Courts. In the handful of successful prosecutions, the sentences passed were neither proportionate nor in line with the law.¹⁸ The co-existence of customary law and national law is problematic, as customary courts appear to discriminate against people of slave descent.

Communities of slave descent are also largely unaware of their rights and very wary of the justice system which they perceive to be in the hands of the slave-owning classes. Those affected often live in remote rural areas, making identification and access to legal support more difficult.

There is an absence of state measures to identify, release and rehabilitate victims. The lack of state programmes and policies to provide socio-economic support to victims emerging from slavery is a huge obstacle to sustainable freedom.

There is no national-level commitment towards the adoption of a policy of positive discrimination for people of slave descent.

¹⁷ [Treaty bodies Download \(ohchr.org\)](#) and [OHCHR | Mauritania: UN rights experts urge immediate reform of "flawed" anti-discrimination law](#)

¹⁸ Only a few dozen slavery cases have reached domestic courts and tribunals, all brought by civil society organisations. We are aware of only five successful prosecutions under the Anti-Slavery Law. These include convictions in two cases for the crime of slavery, and convictions in three cases for the lesser charge of offence of slavery and ethnic discrimination. The two convictions for the charge of slavery instead saw sentences of only four years and one-year imprisonment respectively imposed. The convictions on the lesser charge of offence of slavery and ethnic discrimination saw sentences ranging from six months suspended to one year suspended, despite the provision in law of a five to 10-year prison sentence.

Mali

The ongoing conflict in northern Mali has hampered limited efforts to address descent-based slavery. There is no national law to criminalise slavery. In 2014, Temedt prepared a draft law and submitted it to the National Assembly, but its adoption remains a highly sensitive issue in the context of the present conflict.

10. RECOMMENDATIONS

To tackle the increased vulnerability of minority and marginalised groups to slavery, investment must be made in measures which target the root causes of slavery. Measures also need to be taken to address the barriers in access to employment opportunities, land, identification documents, social services provision and education experienced by minority groups, as lack of access drives vulnerability to slavery.

Recommendations to Governments:

- Address barriers in access to education for children from minority and slavery-affected communities. Including addressing cost barriers such as providing free uniforms, lunch, and school equipment; building more schools in rural or isolated areas or providing free transport to them; provision of short informal courses to enable children to catch up before entering formal schools.
 - Ensure that minority groups, including people of slave descent, can obtain identity documents. Governments need to make the process accessible for marginalised groups and people emerging from slavery. In Niger, this would include ensuring that registration programmes take place in remote areas. In Mauritania, this would involve dropping the requirement to present parental civil status documents which people of slave descent often do not have.
 - Adequately enforce anti-slavery legislation so that those responsible for slavery are investigated, prosecuted, and receive and serve sentences that are commensurate with the crime. Governments should investigate cases where police, prosecutors and judges have allegedly failed to enforce the law and apply existing criminal sanctions where necessary. In addition, ensure that these institutions are properly trained in relation to slavery and non-discrimination laws and are sufficiently resourced.
 - Enforce other relevant labour laws, such as those relating to minimum wage, non-discrimination, regulation of recruitment agencies and the right to organise.
 - Commit resourcing to build the resilience of slavery affected communities, and marginalised and excluded groups.
 - Adopt a national strategy to eliminate discrimination if this does not already exist.

It is crucial that survivors and affected communities are included and participate in the design and implementation of law and policy responses to social exclusion, discrimination, and slavery.