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## U.S. Department of State

### Mauritania Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

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#### MAURITANIA

Mauritania is an Islamic republic. The 1991 Constitution provides for a civilian government composed of a dominant executive branch, a Senate and National Assembly, and an independent judiciary. President Maaouya Ould Sid'Ahmed Taya has governed since 1984, first as head of a military junta, and since the 1992 election as head of a civilian government. President Taya won 62 percent of the vote in the four-way presidential contest, which was widely regarded as fraudulent.

Most opposition parties boycotted subsequent parliamentary elections. Opposition parties participated in Senate elections in 1994 and 1996 but gained only one seat. In the country's first multiparty legislative elections held in October, only 1 opposition and 6 independent candidates were elected to the 79-member National Assembly. The outcome of the election was marred by fraud on all sides and pervasive government intervention, representing a backward step in the country's efforts to establish a pluralist democracy.

The Government maintains order with regular armed forces, the National Guard, the Gendarmerie (a specialized corps of paramilitary police), and the police. The Ministry of Defense directs the armed forces and Gendarmerie; the Ministry of Interior directs the National Guard and police. The armed forces are responsible for national defense. The National Guard performs police functions throughout the country in areas in which city police are not present. The Gendarmerie is a paramilitary group responsible for maintenance of civil order in and outside metropolitan areas. Security forces are under the full control of the Government and responsible to it. Some members of the security forces committed human rights abuses.

Mauritania, with a population of 2.28 million, has a generally market-oriented economy based on subsistence farming, herding, and a small commercial sector. Drought, desertification, insect infestation, rapid urbanization, extensive unemployment, pervasive poverty, and a burdensome foreign debt handicap the economy. Inadequate recent rainfall has also contributed to urbanization, further straining government finances. Annual per capita national income has declined in recent years and is estimated at \$480 (1995 figure). Mauritania receives foreign assistance from various bilateral and multilateral sources.

The Government's human rights record was poor, and problems remain in certain areas. Democratic institutions are still rudimentary, and the Government circumscribes citizens right to change their government. Police often used brutal methods, including excessive force and torture, as well as arbitrary arrest, illegal searches, and incommunicado prearrest detention. Pretrial detention is often very lengthy. The Government has failed to bring to justice officials who commit abuses. Prison conditions are harsh and unhealthy. Although the Government has instituted some judicial reforms, the executive continues to exercise significant pressure on the judiciary, and in practice the right to a fair trial frequently is restricted. The Government broadened the scope for opposition activity and improved its access to government-owned media, but continued to seize and suspend publications, and limit freedom of religion. Societal discrimination against women continues and female genital mutilation remains a serious concern. Ethnic tensions are gradually easing, but many members of the Halpulaar, Soninke, and Wolof ethnic groups are underrepresented and feel excluded from effective political representation.

The Government took further steps to resolve a serious abuse from the 1989-91 period, in which approximately 70,000 Mauritians were expelled or fled, by facilitating cooperation between the Mauritanian Red Crescent Association and the United Nations High Commissioner for Refugees, to assist returnees from the refugee camps in Senegal. The UNHCR estimates that 30,000-35,000 have returned; 10,000-15,000 during the year. The Government has yet to address fully another major abuse from the 1989-91 period, when 503 members of the military were killed, tortured, and maimed, almost entirely from the Halpulaar ethnic group. In 1993 the Parliament passed an amnesty bill to preclude legal pursuit of those responsible. The Government has given pensions to the widows of some of those killed and in 1996 extended that benefit to some of those who survived the purge. However, the Government has not acknowledged responsibility or wrongdoing nor has it provided honorable discharge papers to survivors or other compensation to families of those killed to enable their reintegration into society.

Slavery, in the form of unofficial forced or involuntary servitude, exists. Many persons continue to live in conditions of unofficial paid or unpaid servitude and many persons still consider themselves to be slaves.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political killings, but one person is known to have died while in police custody. A Burkinabe arrested in Nouadhibou in June died in police custody; police stated that the cause of death was suicide, although credible observers believe that police mistreatment was the cause of death.

Extrajudicial killings from past years, primarily of Afro-Mauritians (members of one of the three sub-Saharan ethnic groups, Halpulaar, Soninke, or Wolof), remained unresolved. The principal example of

such killing involves the 1990-91 deaths while in military custody of 503 largely Halpulaar and Soninke military personnel and civilians detained in the investigation of an alleged coup attempt. The military has not released the results of its 1991 internal investigation, and in 1993 the National Assembly passed an amnesty law that prevents any charges from being brought against members of the armed forces, security forces, or other citizens involved in the abuses committed between January 1990 and April 1992. In July 1993, the Government began to provide pension benefits to some of the widows and families of those killed, and in 1996 the Government recognized the prior Government service of some of the civilian survivors and began to pay them pensions. However, the Government has not given military survivors the discharge papers that are necessary for alternative employment.

The Government's failure to bring to justice officials who commit abuses and fail to observe legal procedures has contributed to widespread popular dissatisfaction with the judicial system and the belief that security officials are a force apart from government authority and not subject to legal restraints.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and other forms of cruel or inhuman punishment, but the police continue on occasion to beat criminal suspects while in custody. Police in some instances used excessive force to break up peaceful demonstrations or disperse crowds. There were credible reports that some of those arrested in June in a crackdown on local drug traffickers were tortured by police during pretrial detention. Methods of torture include beatings, around the clock questioning, and, in one instance, a detainee was subjected to the "jaguar" (in which an individual's hands and feet are bound, the individual is suspended from a pole from his hands and feet, and he is beaten). Authorities have not tried or punished persons suspected of committing such abuses.

Prison conditions are harsh and do not meet minimum international standards. There is severe overcrowding, unsanitary conditions, and inadequate food and medical treatment. The independent press and human rights activists regularly report the deaths of prison inmates; authorities cite natural causes, although witnesses claimed to have evidence of mistreatment. There was also a report of a detainee's death (see Section I.a.). The central prison in Nouakchott, which was built for a prison population of 200 men, now houses more than 700. Observers report better conditions at the women's prison and children's detention center in Nouakchott. A French nongovernmental organization (NGO), Pharmaciens sans Frontieres, which was asked in 1994 by the Government to coordinate international assistance for a large-scale project to improve overall prison conditions, completed its plans in 1995 and is soliciting international assistance. In conjunction with its recommendations, the Government is enlarging the central prison in Nouakchott, and is building a new prison in Akjoujt.

The Government permits visits by human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for due process and the presumption of innocence until proven guilty by an established tribunal. It stipulates that authorities cannot arrest, detain, prosecute, or punish anyone except as provided for under the law. Actual application of these safeguards continued to vary widely from case to case.

The law requires that courts review the legality of a person's detention within 48 hours of arrest. The police may extend the period for another 48 hours, and a prosecutor or court may detain persons for up to 30 days in national security cases. Only after the prosecutor submits charges does a suspect have the right to contact an attorney.

During the June crackdown against drug traffickers, authorities held suspects in prearrestment detention in excess of the legally established limit, but did grant detainees access to counsel and family. There were credible reports that police detained other persons incommunicado and without access to counsel for extended periods prior to arraignment, although human rights activists report that police are showing greater respect for legally mandated procedures. Pretrial detention after arraignment is extensive, and approximately 50 percent of the prison population has not been tried.

Some indicted prisoners are released before trial without explanation; familial, tribal, or political connections may explain some of these cases. There is a provision for granting bail, but it is rarely used.

Occasional reports of arbitrary arrests and intimidation committed by security forces continued, particularly among returned refugees in communities along the Senegal River, but the extent of abuses declined, as the Government, in conjunction with the UNHCR and Mauritanian Red Crescent Society, made efforts to resettle returnees (see Section 2.d.).

The Government does not employ forced exile.

#### e. Denial of Fair Public Trial

Although the Constitution provides for the independence of the judiciary, in practice the executive branch exercises significant pressure on the judiciary through its ability to appoint and influence judges. In addition, the judicial system's fairness is limited by poorly educated and poorly trained judges who are susceptible to social, financial, tribal, and personal pressures.

The judicial system includes lower, middle, and upper level courts, each with specific jurisdictions. A dual system of courts, one based on modern law and one based on Shari'a, has been replaced by a single system as the country moves to a modernized legal system that is in conformity with the principles of Shari'a. Departmental, regional, and labor tribunals are the principal instances at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, hear civil cases involving sums less than \$72 (10,000 UM) and family issues (e.g., domestic, divorce, and inheritance cases). Thirteen regional tribunals accept appeals in commercial and civil matters from the departmental tribunals and hear misdemeanors. Three labor tribunals, composed of a president and two assessors (one who represents labor and one who represents employers), serve as final arbiters for labor disputes. At the middle level, three courts of appeal, each with two chambers (a civil and commercial chamber, and a mixed chamber) hear appeals from the regional courts and have original jurisdiction for felonies. Nominally independent, the Supreme Court is headed by a magistrate appointed to a 5-year term by the President. The Supreme Court reviews decisions and rulings made by the courts of appeal to determine their compliance with the law and procedure. Constitutional review is the purview of a six-member Constitutional Council, composed of three members named by the President, two by the National Assembly President, and one by the Senate President. Annual review of judicial decisions is undertaken by the Supreme Council of the Magistrature, over which the President presides; the President and Senior Vice President of the Supreme Court, the Minister of Justice, three magistrates, and representatives from the Senate and National Assembly are members of this Council. The annual review is intended to determine whether courts applied the law correctly and followed proper procedures.

All defendants, regardless of the court or their ability to pay, have the legal right to representation by counsel during the proceedings, which are open to the public. If defendants lack the ability to pay for counsel, the court appoints an attorney, from a list prepared by the national order of lawyers, who provides defense free of charge. The law provides that defendants may confront witnesses, present evidence, and appeal their sentences, and these rights are generally observed in practice.

Because Shari'a provides the legal principles upon which the law and legal procedure are based, courts do not in all cases treat women as equals of men, for example, the testimony of two women is necessary to equal that of one man. In addition, in awarding an indemnity to the family of a woman who has been killed, the courts grant only half the amount they would award for a man's death. There are no female magistrates. However, for commercial and other modern issues not specifically addressed by Shari'a, the law and courts treat women and men equally.

In January the Government, with international assistance, began a far-reaching effort to improve judicial performance and independence. A training program to improve the skills of magistrates was begun, and in May the Government increased the salaries of magistrates and police officials in an attempt to combat corruption and improve independence.

In January, in an important display of judicial independence, the December 1995 convictions of Baathists for membership in an illegal political organization were overturned by the appellate judge, whose decision was based largely on his finding that security forces and the prosecution had failed to follow legally required procedures for interrogation and finding evidence.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires judicial warrants in order to execute home searches, but the authorities often ignore this requirement. During the detention of drug traffickers, authorities conducted searches of their residences without warrants and also failed to submit the required reports on the results of these searches to the prosecutor.

Government surveillance of dissidents and the political opposition is believed to continue, although the extent to which the Government used informants is unknown.

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, but the Government continues to restrict these rights through prepublication press censorship by the Interior Ministry. NGO's and the privately owned press openly criticized the Government and its leaders. Antigovernment tracts, newsletters, and petitions circulate widely in Nouakchott and other towns.

All newspapers and political parties must register with the Ministry of the Interior. Although the Government did not refuse to register any journal, it suspended for 3 months the right to publish of two independent weeklies, *Mauritanie Nouvelles* in April and *Le Calame* in October, in both their French and Arabic editions. Some 37 independent, privately owned newspapers were published during the year, many on an irregular basis. For the most part, these journals are weeklies, published in Arabic or French, and reach limited audiences. *Mauritanie Nouvelles* experimented for several months with daily

publication, but for financial reasons reverted to weekly publication. Several journals increased the frequency of their publication prior to the National Assembly elections. Readership of the independent press increased, in particular during the electoral period. Independent journals reported openly and critically on the opposition and government alike, and published party declarations and tracts without government censure or restraint.

The Ministry of the Interior reviews all newspaper copy prior to publication. The Press Law provides that the Minister of the Interior can stop publication of material discrediting Islam or threatening national security. Although the Ministry did not excise material from journals or otherwise censor individual articles, the authorities seized 23 individual issues of various journals; by comparison, in 1995 14 individual issues were seized. The Government provided no specific reason for the seizures.

The electronic media (radio and television) and two daily newspapers, Horizon and Chaab, are government owned and operated. Radio is the most important medium in reaching the public, and the official media strongly support government policies. The law requires both radio and television to provide equal broadcast time to all political parties during electoral campaigns, which they did during the Senate and National Assembly elections. Although government-owned Horizon and Chaab offered to publish free of charge a limited number of communiqués by political parties, they refused during the electoral campaign to publish some opposition party declarations because they viewed them as inflammatory. Opposition parties' access to radio broadcast facilities is sharply limited at other times. However, in a significant departure from past practice, government-owned media provided limited but factual coverage of the activities of opposition political parties prior to the National Assembly elections. The Government granted permission to a French radio network to transmit locally, but denied private applications to establish radio stations.

The one university is government funded and operated. Academic freedom is generally respected, and there were no cases in which the Government prevented research or publication, or censored lectures.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and for the most part the Government respects these rights, although there were occasions when it restricted public gatherings. The law requires that all recognized political parties and NGO's apply to the local prefect for permission for large meetings or assemblies. Permission is generally freely granted, and although there were no known instances in which a prefect denied permission for gatherings of opposition political parties, authorities impeded access to some meetings. Although the two recognized labor confederations

held Labor Day rallies, authorities in Nouakchott denied permission to the Free Confederation of Mauritanian Workers (CLTM) to march, on the grounds that it was not recognized by the Government (see Section 6.a.).

The number of political parties, labor unions, and NGO's continued to increase. Some 21 political parties and a wide array of NGO's, many of them highly critical of the Government, met openly, issued public statements, and chose their own leadership. The Government in January issued new regulations to facilitate the establishment of NGO's engaged in economic and social development, environmental protection, and humanitarian assistance. These streamlined procedures facilitated the recognition of several existing NGO's and led to the establishment and recognition of a large number of new NGO's. The Government has not yet granted some NGO's official standing but allowed them to operate. Among these is the Mauritanian Association for Human Rights; the Government claims that it appeals to specific ethnic groups, namely the Afro-Mauritanian community, and is a potentially divisive force. The

Government also has not recognized two antislavery NGO's, the independent "SOS-Esclaves" and the progovernment "National Committee for the Eradication of the Vestiges of Slavery in Mauritania." However, the Government allows these associations to function, issue reports and statements, and, in the case of SOS-Esclaves, assist individuals in their dealings with the Government to resolve problems.

#### c. Freedom of Religion

The 1991 Constitution established Mauritania as an Islamic republic and decrees that Islam is the religion of its people and the State. All but a small number of Mauritians are Sunni Muslims and are prohibited by their religion from converting to another religion. The Government prohibits proselytizing by non-Muslims. Christian churches have been established in Nouakchott, Atar, Zouerate, Nouadhibou, and Rosso. The expatriate community of Christians and the few Mauritanian citizens who are considered Christians from birth practice their religion openly and freely in these churches. Mauritanian Muslims freely attend Christian weddings and funerals when invited and on occasion have performed the formal witness role at Catholic weddings. The possession of Bibles and other Christian religious materials in private homes is not illegal, although there are confirmed cases in which authorities have detained and harassed individuals who have shared such materials with others.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement and residence within all parts of the territory, and guarantees the freedom to enter and leave. Historically there were few restrictions on travel in Mauritania's nomadic society. With urbanization and automobile travel, the Government set up regular road checkpoints where the Gendarmerie checks papers of travelers. The Government imposed no nighttime curfews. There were no reported cases of persons being denied passports for political reasons.

The Government cooperates with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The UNHCR operates a camp for Malians in eastern Mauritania. Refugees from other countries reside in the country as well. The Government has provided first asylum to Malians and others in the recent past. While many Malians have returned to their country, some 25,000 continue to receive first asylum.

Of the approximately 70,000 Afro-Mauritians who were expelled by Mauritania or fled to Senegal during the 1989-91 crisis, the UNHCR estimates that 30,000 to 35,000 have returned; 10,000 to 15,000 of these in 1996. An estimated 50,000 to 55,000 refugees remain in refugee settlements in Senegal, including 15,000 children born there since 1989. Many of the 15,000 Mauritanian Halpulaar who took refuge in Mali during the crisis have integrated into the population and 5,000 are estimated to have returned to Mauritania. The UNHCR discontinued at the end of 1994 the limited assistance it had been providing to them.

According to the UNHCR, the return of refugees is accelerating and the Government is making satisfactory efforts to assist those who return from Senegal. In June the UNHCR and the Ministry of Interior signed an agreement under which the UNHCR will provide assistance for government efforts to issue identity and other documents to returnees in the riverine area. Authorities actively identified projects that were undertaken by the UNHCR, the Mauritanian Red Crescent Society (CRM), and NGO's under the UNHCR-financed "special plan for rapid insertion" to assist returnees. The Government began to issue identification cards to some, and returned land, houses, and even personal property when it could be located and identified. Many whole villages and almost all Peulh (nomadic herders of the Halpulaar ethnic group) have returned.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The Constitution provides citizens with the right to change their government, but the Government circumscribes it in practice. The 1992 multiparty election of a civilian president ended 14 years of military rule, but both the opposition and international observers concluded that the elections were fraudulent. The military continued to provide strong support to the regime. Although all ministerial-level positions were filled by civilians, some members of the former Military Council, in addition to President Taya, remained in positions of power within the executive branch, the National Assembly, the armed forces, and government-owned enterprises.

In the country's first multiparty legislative elections held in October, only 1 opposition and 6 independent candidates were elected to the 79-member National Assembly. The outcome of the elections was marred by fraud on all sides, pervasive intervention by government and election officials, and use of government resources to support candidates from the ruling PRDS party. Although the Government made procedural improvements that resulted in orderly voting, the elections represent a backward step in the country's efforts to establish a pluralist democracy.

Women have the right to vote, and are active in election campaigns, although few are in positions of political leadership. There are seven women in senior government positions, including one Cabinet member, one mayor, and several in the office of the Presidency. There are three female members of the National Assembly (including one Haratine and one Soninke from the Forgeron caste), but no female members in the Senate. Halpulaars, Soninkes, and Wolofs are underrepresented in senior Government positions. Of the Government's 23 ministerial posts, 1 incumbent is Haratine, 3 Halpulaar, 1 Soninke, and 1 Wolof; the remainder are of either White Moor or of mixed White Moor/Haratine ethnicity (see Section 5).

### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

There are an increasing number of human rights organizations. The oldest is the Mauritanian League for Human Rights, an independent but government-recognized body. A second and still unrecognized organization, the Mauritanian Human Rights Association (AMDH), while not affiliated with the opposition, has many opposition members. It has been more critical of the Government than the League, particularly on the unresolved abuses of the 1989-91 period.

Various other organizations address human rights issues. The pan-African organization Gerddes-Africa, or International Study and Research Group on Democracy and Economic and Social Development in Africa, established a branch in Mauritania in 1994. Two other groups, SOS-Eslaves and the National Committee for the Struggle Against the Vestiges of Slavery in Mauritania, focus their efforts on overcoming the country's vestiges of slavery (see Section 6.c.). SOS-Eslaves was particularly active in drawing public attention to this issue, issuing in March a report detailing its activities and a petition appealing to national and international audiences to support measures to eradicate slavery. SOS-Eslaves also intervened effectively with government authorities to push resolution of some of the cases, in particular child custody cases, brought to the organization by former slaves.

The Committee of Solidarity with the Victims of Repression in Mauritania is concerned with the plight of the 1989 expellees. The Consultative Group for the Return of the Refugees was founded to promote the return of the remaining Mauritanian refugees in Senegal. The Collective of Workers Victims of the 1989 Events seeks redress for government employees who lost their jobs in the events of 1989. The Committee of the Widows and the Collective of Survivors focus on the sufferings of the victims of the

1990-91 military purge and their families. The Collective of Survivors of Political Detention and Torture (CRAPOCIT) was established this year to seek redress for abuses committed during the 1986-87 period. These, and other groups of individuals with common concerns, function openly and actively, but their efforts are somewhat circumscribed because they are not officially recognized (see Section 2.b.).

Representatives from a variety of European, African, American, and Arab human rights organizations visited Mauritania. The International Federation of Human Rights dispatched a legal expert to observe the trial of Baathists at the behest of the AMDH. The African Commission on Human and Peoples Rights, which visited for 10 days in June, met with government officials and activists and subsequently presented its report to President Taya. The Senegalese human rights group RADO visited, as did the Arab Institute for Human Rights (Tunis), the Union of Arab Jurists, and the Arab League for Human Rights. Representatives of the American NGO, Africare, visited in August. Local human rights activists report that these groups were allowed free access and that there were no reports of harassment or reprisal against Mauritanian interlocutors during or following the visits.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution provides for equality before the law for all citizens, regardless of race, national origin, sex, or social status, and prohibits racially or ethnically based propaganda. In practice, the Government often favors individuals on the basis of ethnic and tribal affiliation, social status, and political ties. Discrimination against women, strongly rooted in traditional society, is endemic, although the situation is improving.

#### **Women**

Human rights monitors and women lawyers report that physical mistreatment of women by their husbands is limited. The police and judiciary occasionally intervene in domestic abuses, but women in traditional society usually do not seek legal redress, relying instead upon family and ethnic group members to resolve domestic disputes. The incidence of rape is low. It occurs, but newspaper accounts of attacks are rare.

Traditional forms of mistreatment of women continue, mostly in isolated rural communities, but these practices appear to be on the decline. Such mistreatment consists of forced feeding of adolescent girls (gavage) and female genital mutilation.

Women have legal rights to property and child custody, and, among the more modern and urbanized population, these rights are recognized. In accordance with Shari'a, marriage and divorce do not require the woman's consent, polygyny is allowed, and a woman does not have the right to refuse her husband's wish to marry additional wives. In practice, polygyny is very rare among Moors although common among Afro-Mauritanians. Arranged marriages are also increasingly rare, particularly among the Moor population. Women frequently initiate the termination of a marriage, which most often is done by husband or wife by repudiation rather than divorce. It is also common in Moor society for a woman to obtain, at the time of marriage, a contractual agreement that stipulates that her husband must agree to end their marriage if he chooses an additional wife. The rate of divorce among Moors is estimated to be 37 percent and the remarriage rate after divorce 72.5 percent.

Women still face some legal discrimination. For example, the testimony of two women is necessary to equal that of one man, and the value placed on women's lives in court-awarded indemnities is only half the amount awarded for a man's death (see Section 1.e.). Women do not face legal discrimination, however, in other areas not specifically addressed by Shari'a.

There are no legal restrictions on the education of girls and women. Some 75 percent of school age girls attended school in 1995, up from 44.8 percent in 1990 (compared with 85.9 percent for boys, up from 58.3 percent). Increasing numbers of women attend the university, women made up 14.9 percent of the university's 1992-93 enrollment.

The Government seeks to open new employment opportunities for women in areas that are traditionally filled by men, such as health care, communications, police, and customs services.

The law provides that men and women receive equal pay for equal work. While not universally applied in practice, the two largest employers, the civil service and state mining company, respect this law. In the modern wage sector, women also receive generous family benefits, including 3 months of maternity leave.

### Children

The Government does not require attendance at school and a lack of financial resources limits available educational opportunities. However, almost all children, regardless of sex or ethnic group, attend Koranic school from the ages of five to seven and gain at least rudimentary skills in reading and writing Arabic in addition to memorizing Koranic verses.

The law makes special provisions for the protection of children's welfare, and the Government has programs to care for abandoned children. These programs are, however, hampered by inadequate funding. The Government relies on foreign donors in such areas as child immunization. Moreover, it does not enforce existing child labor laws, and children perform a significant amount of labor in support of family activities. There are isolated but credible press reports of parents agreeing, in exchange for money, to send their young children to work in foreign countries. The most common cases are of boys aged 8 to 10 years sent to work as "jockeys" or herders in the United Arab Emirates or Qatar (see Section 6.d.).

Female genital mutilation (FGM) is widely condemned by international health experts as damaging to both physical and psychological health. It is performed most often on young girls, often on the seventh day after birth and almost always before the age of 6 months, and it is practiced among all ethnic groups except the Wolof. Reportedly, 95 percent of Soninke and Halpulaar women undergo FGM, as do 30 percent of Moor women. Local experts agree that the least severe form of excision is practiced, and not infibulation, the most severe form of FGM. Evidence indicates that the practice of FGM is decreasing in the modern urban sector. The Government does not attempt to interfere with these practices, but does not allow them in hospitals. It is the clear public policy of the Government, through the Secretariat of Women's Affairs, that the practice should be stopped. Public health workers and NGO's educate women to the dangers of FGM and to the fact that FGM is not a requirement of Islam. A recent, officially produced Guide to the Rights of Women in Mauritania (with religious endorsement) stresses that Islam does not require FGM and that if medical experts warn against it for medical reasons, it should not be done.

### People with Disabilities

The law does not specifically provide for people with disabilities, and the Government does not mandate preference in employment or education or public accessibility for disabled persons. It does, however, provide some rehabilitation and other assistance for the disabled.

### National/Racial/Ethnic Minorities

Ethnic and cultural tension and discrimination arise from the geographic and cultural line between traditionally nomadic Arabic-speaking (Hassaniya) Moor herders and Afro-Mauritanian sedentary cultivators of the Halpulaar, Soninke, and Wolof ethnic groups in the south. Although culturally homogeneous, the Moors are divided among numerous ethno-linguistic clan groups and are racially distinguished as White Moors and Black Moors. The majority of what are known as Black Moors are Haratine, literally "one who has been freed," although some Black Moor families were never enslaved. The Halpulaar (the largest Afro-Mauritanian group), the Wolof, and the Soninke ethnic groups are concentrated in the south. "White" Moors, large numbers of whom are dark-skinned after centuries of intermarriage with members of Sub-Saharan African groups, dominate positions in government, business, and the clergy. The Halpulaar, Soninke, and Wolof ethnic groups are underrepresented in the military and security sectors.

Ethnic tensions surfaced dramatically in the mass expulsions of Afro-Mauritanians in 1989-90 and the purge of Afro-Mauritanians from the military in 1991. Few regained their positions.

The Constitution designates Arabic along with Pulaar, Soninke, and Wolof as Mauritania's national languages. Successive governments--both civil and military--have pursued various policies of "Arabization" in the schools and in the workplace. Non-Arabic-speaking ethnic groups have protested this policy, as have Arabic-speaking groups that want their children to obtain a bilingual Arabic-French education. As a consequence, the availability of bilingual Arabic-French programs is increasing. Elementary school classes are also available in the other national languages in some localities.

Overt tensions between ethnic groups have lessened since the explosive ethnic violence of 1989-91, when the Government conducted extrajudicial expulsions and purges of the security forces clearly based on ethnicity. Nevertheless, some hostility and bitterness persist between ethnic groups although political coalitions among the groups are increasingly important.

## **Section 6 Worker Rights**

### **a. The Right of Association**

The Constitution provides for freedom of association and the right of citizens to join any political or labor organization. All workers except members of the military and police are free to associate in and establish unions at the local and national levels.

Prior to the 1993 amendment of the Labor Code, which repealed provisions restricting trade union pluralism, the government-controlled labor central, the Union of Mauritanian Workers (UTM), was the only labor confederation allowed by law. Since 1993 two new labor confederations have formed and the UTM, which many workers still view as closely allied with the Government and the PRDS, has lost ground to these organizations. The Government recognized a new confederation in 1994, the General Confederation of Mauritanian Workers (CGTM). The CGTM is not affiliated with any political party, although most of its members favor the opposition; it continued to gain considerably in strength during the year, in part because of the UTM's internal discord. The Government, which previously subsidized only the UTM, began in the spring to provide funds also to the CGTM, proportional to its membership. Both confederations provided representatives to the country's three labor tribunals, and the CGTM was included in most government deliberative or consultative bodies in which the UTM alone has participated in the past. A third labor confederation, the Free Confederation of Mauritanian Workers (CLTM), formed in 1995, has not been recognized by the Government but is nevertheless allowed to function. Several independent trade unions, in particular three for teachers at the elementary, secondary, and university levels, were also active.

The bulk of the labor force is in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent are employed in the wage sector. However, nearly 90 percent of the industrial and commercial workers are organized. The law provides workers with the right to strike, and there were several strikes and partial work stoppages. Most strikes were settled quickly due to limited worker and union resources. Moreover, the law provides for tripartite arbitration committees composed of union, business, and government representatives. Once all parties agree to arbitration, the committee may impose binding arbitration that automatically terminates any strike.

International trade union activity increased. The Government included both CGTM and UTM representatives in its delegation to the International Labor Organization in June, and the ILO conducted an extensive series of training workshops in which both confederations participated. The CGTM and UTM have applied for membership in the ICFTU, the UTM participated in regional labor organizations, and the CGTM was accepted as a member of the Organization of African Trade Union Unity (OATUU).

The Government did not petition the United States for reconsideration of Generalized System of Preferences (GSP) trade privileges. The United States revoked GSP benefits in July 1993 for failure to respect freedom of association or to take steps to eliminate forced labor, including vestiges of slavery (see Section 6.c.).

#### b. The Right to Organize and Bargain Collectively

The law provides that unions may freely organize workers without government or employer interference. General or sectoral agreements on wages, working conditions, and social and medical benefits are negotiated in tripartite discussions and formalized by government decree. Wages and other benefits can also be negotiated bilaterally between employer and union and the results of such negotiations are filed with the Directorate of Labor.

Laws provide workers with protection against antiunion discrimination and employees or employers may bring labor disputes to three-person labor tribunals administered jointly by the Ministries of Justice and Labor with the participation of union and employer representatives.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

Mauritanians continue to suffer the effects of generations of the practice of slavery in Moor society, and of caste distinctions that include slaves in country's Afro-Mauritanian ethnic communities. Slavery was officially abolished three times in Mauritania, most recently by the post-independence government in 1980. Nevertheless, there are many individuals who continue to live in conditions of paid or unpaid servitude, and many persons still consider themselves to be slaves.

Slavery in the form of officially sanctioned forced or involuntary servitude, is extremely rare, and a system of slavery in which government and society join to force individuals to serve masters no longer exists. Adult males can no longer be obliged by law to remain with their masters nor can they be returned if they leave. Adult females with children, however, may have greater difficulties and may be compelled by pressures other than physical force to remain in a condition of servitude. For example, in some cases masters refuse to allow children to accompany their mothers; in other cases the greater economic responsibility of a family may be the principal impediment to seeking a new life. Children's legal status is more tenuous than that of adults.

There are occasional confirmed cases of "transfers" of individuals--often children--from one employer or master to another, usually of the same family. Reports of sales are rare, cannot be confirmed, and are confined to past years.

The Government's record in cases in which an individual's civil rights are affected because of his or her status as a former slave is extremely weak. Punishment is extremely rare for individuals who in such cases break laws (e.g., those that prohibit detention of an individual against his or her will by another individual, or kidnaping) and there were no known instances this year in which the Government punished individuals for such infractions. Nevertheless, when complaints are filed with the Government to remedy such cases, it generally intervenes in accordance with the law, although sometimes only after considerable prodding and passage of time. When called upon to assist or adjudicate, administrative officials or courts on occasion rule in favor of former masters (e.g., in child custody cases in which a former master claims parentage, or in inheritance cases) if it finds this justified because of the facts of the case. A mother appealed the February ruling by a magistrate in Brakna giving custody of her two children to a former master who claimed to be their father. The appeals court had not ruled on the case by year's end. According to the Minister of Justice, the appeals court is still establishing the facts in the case, in particular, whether the former master was married to the mother. Determination could be problematic in a country where there is polygyny, "secret" marriages, no written records, and divorce by repudiation. The court is willing to pursue the concept of genetic testing to determine paternity.

Countless numbers of citizens, whether Moor or Afro-Mauritanian, continue to call themselves "slave" even though they are legally free to live and work where they choose. This is exacerbated by the government's extremely weak record of enforcing the ban on slavery. However, many still live with masters or former masters. Extremely difficult economic conditions provide few economic alternatives for many and leave some former slaves open to exploitation by former masters. Significant numbers, especially in the cities, work for former masters for a pittance or in exchange for room and board, clothing, and medical benefits. Invisible but crippling psychological bonds make it difficult for many individuals who have generations of forbearers who were slaves to think of themselves as free from former masters. Because of religious instruction in the past, some individuals continue to link themselves to former masters and fear religious sanction if that bond is broken by anyone else.

"Slave" as a caste designation is common to all ethnic groups--sub-Saharan Afro-Mauritanian groups as well as Moor. The legacy of these caste distinctions continues to affect the status and opportunities available to members of these non-Moor communities. In some groups, for example, individuals of a higher caste who seek to marry someone of a lower caste may be barred by the community and in Soninkie communities members of the slave caste cannot be buried in the same cemetery as other castes.

Three NGO's, SOS-Eslaves, the National Committee for the Struggle Against the Vestiges of Slavery in Mauritania, and the Initiative for the Support of the Activities of the President, had as their focus issues related to the history of Slavery in Mauritania. Of these, SOS-Eslaves was particularly active in bringing to public attention cases in which it found the rights of former slaves to have been abridged, and in assisting former slaves in their difficulties with former masters. Other human rights and civic action NGO's also follow this issue closely. The independent press which includes journals that are published by Haratines and Afro-Mauritanians who emphasize issues of importance to these ethnic groups, is also quick to report any incident that comes to its attention in which the rights of former slaves have not been respected.

Inheritance disputes between Haratines and the descendants of their former masters arose several times and were adjudicated in court. While most such disputes are decided in accordance with the law and rule that the descendants of the former slaves should inherit their property, the independent press reported one case in which a magistrate (Qadi) in Nema in 1994 ruled in favor of the former master; the

implementation of this ruling was blocked in 1995 while the former slave's descendants appealed. The case was decided against the children by the Supreme Court in 1995. The Minister of Justice has ordered the courts to consult with each other and review their decisions. He said that contrary to allegations, although the case is between Haratines and White Moors, it does not involve the descendants of slaves and the descendants of masters. Rather, it is a land tenure dispute, which is "very common" in Mauritania, and one that in which the disputants had no past relationship of master and slave.

Inheritance disputes between Haratines and the descendants of their former masters are now adjudicated in court. A 1994 land inheritance case which ruled against Haratines who wanted title to a master's property is under review. The results of this review remain outstanding.

In a 1995 case, the Supreme Council of the Magistrature removed a magistrate from the bench because he ruled, contrary to the law, that a former master, rather than the former slave's descendants, should inherit the possessions of an ex-slave. On December 28, the Supreme Council of the Magistrature removed the magistrate in Kankossa from the bench because he refused to accept the provisions of the 1980 law abolishing slavery. The removal of this magistrate reinforces to other judges that the provisions of the 1980 law apply.

#### d. Minimum Age for Employment of Children

Education is not compulsory, and for financial and other reasons, 20 percent of school-age children do not regularly attend government schools. Labor law specifies that no child under the age of 13 years may be employed in the agricultural sector without the permission of the Minister of Labor, nor under the age of 15 years in the nonagricultural sector. The law provides that employed children of age 14 to 16 years should receive 70 percent of the minimum wage, and those from age 17 to 18 years should receive 90 percent of the minimum wage. The Labor Ministry's few inspectors provide only limited enforcement of child labor laws (see Section 5).

Young children in the countryside commonly pursue herding, cultivation, fishing, and other significant labor in support of their families' activities. In keeping with longstanding tradition, many children serve apprenticeships in small industries and in the informal sector.

#### e. Acceptable Conditions of Work

The minimum wage for adults is approximately \$67 (8,300 ouguiya)

per month and has not been raised since October 1992. It is difficult for the average family to meet its minimum needs and maintain a decent standard of living at this salary. The standard, legal, nonagricultural workweek may not exceed either 40 hours or 6 days without overtime compensation, which is paid at rates that are graduated according to the number of supplemental hours worked. The Labor Directorate of the Ministry of Labor is responsible for enforcement of the labor laws, but in practice inadequate funding limits the effectiveness of the Directorate's enforcement.

The Ministry of Labor is also responsible for enforcing safety standards but does so inconsistently, due to inadequate funding. In principle workers can remove themselves from hazardous conditions without risking loss of employment; in practice, they cannot.

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