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# Constructing a Human Rights Campaign: Contemporary Slavery in Mauritania

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## Abstract

This paper seeks to draft a human rights campaign with regards to contemporary slavery in Mauritania. The research focuses on political, economic, social, and religious factors that account for the persistence of the institution of slavery within the Mauritanian society. These aspects are taken into consideration to construct a campaign that addresses the human rights issue at hand. In order to ensure a measurable impact, a twofold top-down and bottom-up approach is considered. The focus is set on measures aimed at the Mauritanian government, while simultaneously engaging with the local grassroots population. The core pillars of the campaign are a symbolic voice that articulates the human rights claims, a convincing message constructed around the well-established frame of slavery, the adequate use of media, and the construction of a receptive audience. This work gives an overview of the possibilities of promoting a certain aspect of human rights in a society where slavery is deeply ingrained. It also draws on the certain limits to the campaign that, to this day, represent important obstacles for a more egalitarian Mauritanian society.

## Keywords

Mauritania, slavery, human rights, campaign, Biram Dah Abeid

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## 1. Introduction

The problem of slavery is not new to Mauritania. Slavery has existed in all ethnic communities for centuries; unlike human trafficking, however, it does not seem to be correlated to increasing globalization and constant migratory flows (Brysk, 2015). At present, there are two major cultural and ethno-linguistic groups in Mauritania—"the Arab-Berber people, commonly referred to as [beydanes or] Moors, largely nomadic [...], and the black African population, made up of Pular, Soninke, and Wolof, mostly settled [...]" (Shahinian, 2010: 5). Additionally, there is a subdivision of a black group of people called haratines—also known as black Moors—who are an integral part of the Moorish ethnic group, but regarded as inferior due to their former slave status (Fleischman, 1994: 9). The institution of slavery is "deeply ingrained as part of a hierarchical social structure," which can be found in both the black African and the Moor societies, but it is more dominant in the latter (Shahinian, 2010: 5). Even though slavery has been internationally recognized as a human rights issue and openly debated for over 200 years, failure to enforce international and local legislation has resulted in continued suffering for thousands of Mauritanians. This paper is an attempt to draft a campaign against contemporary slavery in Mauritania by taking into account the economic, social, cultural, and legal implications.

## 2. Slavery in the International and Mauritanian Context

By the beginning of the 21st century, slavery had been outlawed by all states. It is believed that slavery's "prohibition is an obligation owed by all states to the entire international community" (Smith, 2013: 60).

At the international level, the Congress of Vienna had deemed the practice repugnant in 1815, which led to the establishment of the Slavery Convention by the League of Nations in 1926. In Article 1, slavery is defined as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" (Smith, 2013: 60). Slavery usually includes a forced labor component, which is defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (Kaye, McQuade, 2007: 3). This first enforceable international legal instrument was followed by the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery in 1956, which broadened the definition to include criminalized slavery-like institutions. Moreover, slavery is considered to be among crimes "so serious that, regardless of where they were committed, any country on earth may claim jurisdiction over them and seek prosecution of those alleged to have committed them [under the doctrine of universal jurisdiction]" (Schulz, 2013: 323).

In Mauritania, the vast majority of enslaved people belong to the haratine community. It is a descent-based slavery in which the victims often do not know that they are being exploited, because for generations they have not known any other way of life. In addition to the unremunerated labor they are forced to provide, violations such as beatings and rapes are frequent; slaves and their children can be rented out, loaned, or given as gifts, because they are considered the master's property (Anti-Slavery, Mauritania, 2015). Even though Mauritanian officials do not unanimously recognize the persistence of slavery, there is

clear and compelling evidence that "slavery continues to exist in certain remote parts of Mauritania" (Shahinian, 2010: 10). According to the Global Slavery Index, Mauritania is ranked as one of the countries with the highest percentage of enslaved population. Approximately 43.000 people— 1.058% of the population—are victims of slavery (Global Slavery Index, 2017).[2] The United Nations Special Rapporteur on contemporary forms of slavery has confirmed in various reports that slavery as an institution continues to exist in certain parts of the country. Additionally, international human rights organizations such as Human Rights Watch and Anti-Slavery—together with local human rights organizations such as S.O.S.-Esclaves or Initiative pour la Resurgence du Mouvement Abolitioniste (IRA)-Mauritania—have published studies and gathered a great deal of documented evidence of slavery (Human Rights Watch, 2015; Anti-Slavery, General Slavery Reports, 2015). In light of this broad array of arguments, unanimous governmental recognition is not needed to acknowledge that this problem still plays a major role in the Mauritanian society.

## 3. Legislative Efforts and Practical Failure in Mauritania

Unlike the times when slavery was a state-controlled or promoted institution, contemporary slavery in Mauritania exists at a domestic level. It does not directly engage the responsibility of the State at the international level, as the international legal obligations are met. Nonetheless, it is vital to recall what the Mauritanian normative framework regarding slavery entails. At the international level, Mauritania is party to

several legal instruments that expressly prohibit all forms of slavery, including the 1926 Slavery Convention and Protocol amending the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956.

At the regional level, Mauritania is party to the African Charter on Human and Peoples' Rights, which criminalizes slavery in Article 5. At the domestic level, slavery has theoretically been abolished five times in the past and the present century. The first incident was in 1905, "in a colonial decree implementing the French law adopted in 1848 abolishing slavery in all French colonies" (Shahinian, 2010: 8). This law was indirectly echoed in the 1961 Mauritanian Constitution, which incorporates the principles of the Universal Declaration of Human Rights in its preamble. However, there was—and still is—no explicit reference to slavery in the core articles of the Constitution. In 1980, President Mohamed Khouna Ould Haidalla issued a statement abolishing slavery, which later became Order No. 081–234, but its definition of slavery was relatively vague (Shahinian, 2010: 8). In 2007, the Slavery Act was adopted and considered a decisive turning point in criminalizing slavery and slave-like practices in Mauritania. Eventually, in 2015 the national assembly adopted a new law that strengthened the existing anti-slavery legislation by elevating slavery to the status of a crime against humanity. It added 10 new practices and doubled the sentences for them (Jeune Afrique, 2015).

This sequence of legislation clearly indicates that the Mauritanian government is actively putting effort into improving its bad image with regards to these issues. Voices

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[2] Figures are subject to rapid change—in 2015, the same index ranked Mauritania as the top country with 155.000 people, representing 4% of the population,

living in slave-like conditions. Other sources still rank Mauritania as the country with the highest per-capita percentage of modern day slavery.

that would have defended the dehumanization of people through slavery with cultural relativism have largely been silenced. Instead, freedom, equality, and dignity should be bestowed on all Mauritanians. The numbers, however, indicate that the reality looks different even now. Generally, a singular violation of the rights granted in the aforementioned instruments triggers a domestic response, unless the government is unwilling or unable to prosecute the violator. Hence, as a first step, victims may seek help from local authorities. However, even though there are potentially a large number of people who should be prosecuted, sanctions against violators are extremely rare in Mauritania (Shahinian, 2014: 5). Moreover, some of the rulings in favor of former slaves and against their masters are not enforced (Shahinian, 2010: 15).

## 4. Non-reporting of Incidences and Non-Enforcement of Rules Perpetuate the Plight

There are multiple reasons that account for the fact that the institution of slavery has proved to be pertinacious and almost immune to legal reform. Some of the most crucial reasons that slavery is still practiced are outlined below. First, many Mauritanian slaves find themselves isolated through geography, illiteracy, and poverty. They do not even consider the possibility of a life outside of the bonds of slavery because they do not have enough ways to sustain themselves (Okeowo, 2014). Second, the interdependence created between the slave and the master is absolute in terms of physical aspects such as food, clothing, and shelter, as well as psychological aspects in the sense that a slave often considers the master's family as his or her own. Paradoxically, many slaves continue serving

their masters even after they are granted freedom, out of gratefulness and habit (Sutter, 2012). Third, many slaves accept a religious faith because of an intentional misuse of religion by their masters. While it is true that the Quran dictates that a Muslim cannot enslave a fellow Muslim, there are verses of the Hadith that are ambiguous on this subject (Anti-Slavery, Mauritania, 2015). In Bullard's words, "slaves are taught that to disobey their master is to disobey Allah. Only through obeying their master in all things will they be blessed in the afterlife" (2005: 760).

As for the reasons for non-enforcement of the existing mechanisms, several aspects can be cited. First, even though the political situation in Mauritania has been relatively stable since its independence in 1960, the country originally had an authoritarian presidential regime with a one-party state system. Multi-party politics was established only in 1991 and since then the head of state has changed regularly (BBC, 2016). As a result, democracy is still far from being consolidated, and the entire apparatus of the government exhibits weakness in terms of checks and balances. Second, the surface area of the country is enormous, with about 90% desert. It is, therefore, extremely difficult for local authorities and the limited number of personnel to enforce the law in rural and remote areas (Sutter, 2012). Third, Mauritania's neighbors do not show much interest in interfering in its domestic affairs and do not take a leading role themselves in the abolition of slavery. In certain cases, they even have similar record of ongoing slavery, such as reported from Niger (Anti-Slavery, Mauritania, 2015). Fourth, even though the country has a medium level of unequal distribution of income and consumption expenditure, poverty is widespread and economic inequalities are rampant (Gini-Index, 2015). For example,

black Africans are systematically penalized by government policies, particularly with regards to land ownership (Fleischman, 1994: 13). Fifth, the Constitution of 1961 established a legal system inspired by occidental values. However, especially in rural areas and villages, sharia law is still practiced in tense coexistence with the domestic legal system, maintaining a caste-like social hierarchy (Bullard, 2005: 753). In fact, the Constitution—with its Western features—helps considerably in conducting affairs at an international level, but the constitutional rights guaranteed to people have not been honored. As Bullard puts it, "[t]he Constitution is the shell for the state, but sharia forms the living context of people's lives" (2005: 754).

Furthermore, the 2007 Slavery Act, which was supposed to be the turning point in the elimination of slavery, only addressed the individual criminal liability of slaveholders. Thus, "to be enforced it relies entirely on the police and prosecution, which have shown a reluctance to follow up on allegations of slavery-like practices (…). Moreover, no civil cause of action for the victims of slavery, which would give victims an independent mechanism acting on their behalf, has been introduced so far" (Shahinian, 2014: 6). Lastly and most importantly, the entire Mauritanian elite consists almost exclusively of Moors. They have governed the country since its independence in 1961, they constitute the integral administration, and they run almost the entire private sector (Fleischman, 1994: 54). Coincidentally, they also comprise the ethnic group that has traditionally enslaved the largest numbers of black Mauritanians and among which slavery nowadays continues to play a significant role. In other words, the people who arrest, prosecute, and judge are of the same ethnic group as the

vast majority of those who own slaves. Hence, administering sentences against fellow countrymen of the same ethnic group in order to protect the rights of a black minority is unlikely to happen in a country that led a "campaign [including repression, arbitrary detention, expulsion, torture, and massacres] to eliminate black culture in Mauritania. This campaign was orchestrated by white Moor rulers (…)" in the 1980s and 1990s, and it still continues in part today (Fleischman, 1994: 9–12).

## 5. Constructing a Two-Fold Campaign

Having discussed the multiple factors responsible for the current situation, we shall guide our attention to potential remedies. A human rights campaign addressing the issue of slavery should be twofold—on the one hand, it must aim at the directly affected people, either freed or in servitude, and, on the other hand, it ought to be directed toward the authorities in charge of enforcing existing legal mechanisms. For the bottom-up approach, it is vital to build on the work done by local Human Rights organizations such as S.O.S.-Esclavage and IRA-Mauritania. These agencies are very effective in reaching out to people because—unlike many foreign organizations—the people involved are in large part haratines and abolitionist Arab-Berbers (Sutter, 2012).[3] However, it is worth noting that human rights organizations and individual activists on the ground face considerable difficulties when it comes to the deeper criticism of the system. For instance, State repression is particularly harsh on any criticism of Islam. For example, Biram Dah Abeid, president of the IRA-Mauritania, has been charged with apostasy after a protest led by him

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[3] For example the founders of the NGO S.O.S.-Esclaves is Boubacar Messaoud, whose parents were slaves, and Abdel Nasser Ould Ethmane, who is an Arab-Berber and former slave-owner.

concluded with the burning of religious Maliki texts that codify slavery and the oppression of women (Sutter 2012). On this issue, Sutter observes that "[o]ne notable dimension of the use of apostasy charges in Mauritania is that they have been levelled only at those advocating human rights, equality, and the abolition of slavery" (2012). To sum things up, in Mauritania—a non-secular Islamic state that guarantees freedom of speech, freedom of peaceful assembly, and freedom of religion—these guarantees are little short of farcical. It therefore appears vital to level the responses so that the symptoms and causes are addressed alike.

## 5.1. The Essence

What should the campaign consist of? In order to emancipate people in servitude from their masters, one must consider two aspects. First, education is key. Reducing the rate of illiteracy and educating people about existing regional and international legal protection would make them more independent. Moreover, education should also give space to respectful discussion on more sensitive topics, such as religion. Activists and teachers should both be able to highlight and counter the discrimination and racism propelled by slave-owners under the guise of Islam. Since human rights are a set of political convictions and aspirations aimed at ensuring certain qualities for all people, they are "incompatible with any system of values that regard some persons as naturally or divinely subordinate to others" (Goodhardt, 2013: 5). Second, it is vital for the freed people to have sufficient economic opportunities to live an emancipated life. Therefore, new development programs should be launched and existing programs strengthened. However, it is important that programs are targeted and are not merely

slavery-blind poverty reduction measures, as this can lead to perverse effects, with slave-owners profiting (Kaye, McQuade, 2007: 15).

As for the top-down approach, the Mauritanian government should be encouraged to acknowledge the perseverance of slavery, raise awareness in the nation, and—most importantly—enforce the existing laws. Furthermore, a regional approach in the form of bilateral diplomacy from neighboring—ideally Islamic—countries could be most successful. Governments from neighboring states or the Islamic world that have relatively good human rights records should take action first, as this will not be perceived as putting Mauritania under Western tutelage. Second, the African Union could use its power as a regional organization in order to pressurize the government in case of non-compliance through naming and shaming, and—in the case of non-compliance—by imposing sanctions.

Also, NGOs and international jurists can guide the government in making a smooth transition to a legal system that is more accessible to the victims of slavery. For example, shifting the burden of proof from the victim to the violator, as well as helping to establish national victim-support mechanisms, would be great steps toward better protection (Shahinian, 2014: 6). Transnational measures should be taken by the United Nations and by world-leading governments, like the United States, in the form of targeted support and engagement. Aid conditionality could be a viable way to put additional soft pressure on the Mauritanian government. Lastly, the global civil society should be engaged. NGOs and activists can draw attention to both the actual situation in Mauritania in regard to slavery and also collaborate with fellow activists in the struggle they face on the ground.

## 5.2. *Framing the Issue using a Leading Figure*

How should the goal be reached? The campaign must be constructed around the current human rights situation in Mauritania in the context of slavery. In order to give the victims a face, the message must be delivered by a charismatic symbolic figure who has the power to shape discourse, gain attention, and articulate human rights claims (Brysk, 2013: 55). Biram Dah Abeid, the President of the IRA-Mauritania, is such a persuasive voice and can incorporate all these characteristics while evoking compassion for the cause, through the personal struggle he is currently facing. Abeid—a son of slaves—was arrested in November 2014 during a peaceful protest march under the charge of inciting violence, disturbing public order, offending a member of the authorities, and being a member of an unregistered organization. In January 2015, he was sentenced to two years in prison and released after 20 months in May 2016 (Unrepresented Nations and Peoples Organization, 2017). This cause célèbre provides an appealing representative victim—a movement leader who embodies the plight of a life in servitude and the unjust government that penalizes human rights activists while favoring slave-owners.

## 5.3. *Using the Appropriate Medium to Target the Right Audience*

Even the most charismatic voice and the clearest message are worthless unless they can be brought to the attention of the world. Therefore, it is important to use contemporary media that is adapted to its users. It is obvious that, for the grassroots population living in Mauritania, radio and television provide for better sources and are more influential than newer technologies (Brysk, 2013: 133). In order to reach out as far as possible, activists should, however, also use the internet and social media as a platform to engage, specifically with younger and more connected people all around the world. So far, there has been no evidence that the Mauritanian government exerts censorship on such media (Freedom House, 2016). Therefore, activists on the ground should use these tools and convey the situation framed around the story of innocent victims abused by identifiable perpetrators who are violating shared norms. This frame is a powerful and well-established notion in the global civil society, which minimizes the counter-frames of cultural autonomy, religious freedom, or self-determination (Brysk, 2013: 80). Finally, attention must be paid to the targeted audience. First, the cause célèbre of Biram Dah Abeid should be used in order to mobilize other transnational human rights groups and organizations to advocate for his release because "human rights networks organized around professional identity are a naturally receptive audience for appeals for solidarity from kindred communities persecuted on the basis of that identity" (Brysk, 2013: 164). The next layer of audience should be constructed around distinctive identities with a common normative understanding. Three distinct groups could be potentially receptive for the cause. First, the Muslim community all over the world—especially in northern Africa and the Middle East—could be mobilized on behalf of the faith of its members.

While Muslims might be receptive due to religious solidarity, two other groups could be mobilized on behalf of interethnic solidarity, which "begins with breaking the recognition barrier and reaching an audience with an appeal to shared suffering and an implied wider community of fate" (Brysk, 2013: 169). On the one hand, Latin American indigenous groups and their descendants have suffered similar conditions

and marginalization, which are still present today. On the other hand, African Americans might be the most receptive group because of their history of slavery and the potential identification of African Americans with haratines and marginalized black Africans in Mauritania. The final layer is the wide audience of bystanders or common people. It is difficult to make this audience focus on a specific human rights problem as no narrative bridging can be made. However, cosmopolitan institutions play a major role and serve "informational functions as arenas for voice and performance, […], channels of attention and for audience agglutination" (Brysk, 2013: 165).

## 6. Tying the Knots Together and Pointing out Limitations

In the above section, the different elements of the campaign are outlined. However, it is important to recall that the campaign is aimed at two distinct but intertwined objectives. On the one hand, the cause célèbre should be used to raise awareness about the governmental policies violating the fundamental freedoms of peaceful human rights activists, with the ultimate goal of achieving the end of government-led clampdown on the anti-slavery movement. On the other hand, the message should be used to make different audiences focus on contemporary slavery in Mauritania and the government's superficial efforts in addressing it, while in fact being reluctant to resolve the issue. Information, education, and protests are the tools that have an impact at the bottom, while diplomacy, monitoring, and litigation should be used at the top. It is clear that the campaign as such will not extend its leverage to the direct violators, who are private agents. However, through naming the cause and shaming the government, the indirect violator and main cause of the persisting slave practice are targeted, which will hopefully enforce sanctions on the direct violators.

This paper seeks to share a vision of potential remedies for the alarming circumstances in one of the poorest countries in the world. A theoretical approach such as the one outlined above serves as an example of how to go about facing a regional human rights issue. It does not, however, exhaustively address the great number of limitations that could hinder the theory from becoming practically successful. Nonetheless, on a final note, it might be important to recall that in the Western world, one easily tends to forget that the concept of nation-state does not apply in the same measure to African states. Nation-states in Africa are highly constructed—it is better to speak of multi-nation states. Keeping this aspect in mind, one would perhaps need to address the systematic discrimination, oppression, and exclusion of black Africans and haratines in the Mauritanian society first in order to have a meaningful impact on the ground. Unless there is representation of these minorities in the administration and the private sector, one cannot expect different ethnic groups to live harmoniously together, acknowledging that every single person is free, equal, and in possession of certain inalienable rights.

## Conflict of Interest Statement

The author declares no conflict of interest with respect to the research, authorship, and/or publication of this article.

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