

Mauritania (Tier 3)

The Government of Mauritania does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Mauritania remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking by continuing to assist vulnerable children, including trafficking victims, at day centers and closing a recruitment agency for its role in fraudulent recruitment and sex trafficking. The government also organized an event with an NGO to raise awareness among religious leaders about child exploitation, including forced begging. However, the government continued to harass anti-slavery activists. While funding for anti-slavery courts increased during the rating period, government agencies charged with combating trafficking and slavery continued to lack the resources, personnel, and political will to prosecute politically connected offenders, and reports persisted of officials refusing to investigate or prosecute perpetrators. The government also did not proactively identify trafficking victims.

PRIORITIZED RECOMMENDATIONS:

Hold government officials accountable for trafficking-related complicity, including the failure to investigate alleged slavery offenses and interference in ongoing investigations. • Significantly increase efforts to investigate, prosecute, and convict traffickers and slaveholders with significant prison terms using the 2003 anti-trafficking and 2015 anti-slavery laws, and mandate that any human trafficking cases tried under the 2003 anti-trafficking law are automatically referred to the anti-slavery courts. • Continue to increase funding for the anti-slavery courts, ensure each of the anti-slavery courts is appropriately staffed with a dedicated prosecutor (*procureur*), judge of inquiry, and trial judge, and train prosecutors and judicial officials on both the 2003 anti-trafficking and 2015 anti-slavery laws. • Limit the rotation of judges sitting on the three anti-slavery courts to ensure sufficient expertise to carry out their duties effectively in accordance with the 2015 anti-slavery law. • Develop standard procedures to identify and refer trafficking and slavery victims to care, and train authorities on the procedures' implementation. • Institute measures to support trafficking and slavery victims during investigations, including providing easier access to legal assistance and protection from intimidation and threats from their alleged traffickers. • Partner with NGOs to provide shelter and services to all trafficking victims, including

adults. • Proactively screen potential trafficking victims for trafficking indicators and cease detaining, deporting, or otherwise penalizing potential trafficking victims, including sexual abuse victims, women in prostitution, and irregular migrants. • Investigate and prosecute individuals accused of fraudulently recruiting Mauritians abroad for exploitation in forced labor and sex trafficking. • Legally recognize anti-trafficking NGOs, allow them to register and operate within the country, free from undue government interference, and cease harassment of anti-slavery activists. • Develop and finalize an anti-trafficking national action plan that addresses all forms of trafficking, including hereditary slavery and forced labor, with input from civil society and all relevant ministries in the government. • Foster dialogue with civil society working on anti-slavery issues and, with input from civil society, develop and implement a plan to continue providing assistance to former slaves and members of traditional slave castes to allow them the opportunity to leave their communities of enslavement. • Increase public awareness campaigns against trafficking, including hereditary slavery.

PROSECUTION

The government maintained weak anti-trafficking law enforcement efforts. The 2003 Law Against Trafficking in Persons criminalized sex trafficking and labor trafficking, except hereditary slavery, and prescribed penalties of five to 10 years' imprisonment and a fine of 500,000 to one million Mauritanian ouguiya (MRU) (\$13,890-\$27,780), which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The 2015 anti-slavery law criminalized hereditary slavery and prescribed sufficiently stringent penalties of five to 20 years' imprisonment and a fine of 250,000 to five million MRU (\$6,940-\$138,890).

During the reporting period, the government investigated four cases, prosecuted one alleged trafficker, and convicted zero traffickers, compared to three investigations, three prosecutions, and three convictions the previous reporting period. Nine appeals cases remained pending before the Nema anti-slavery court at the end of the reporting period. The government continued an investigation initiated in 2016 into a recruitment agency that had allegedly fraudulently recruited more than 200 Mauritanian women to Saudi Arabia for domestic servitude and forced prostitution and closed the recruitment agency during the reporting period. NGOs reported the government did not initiate any new investigations into fraudulent recruitment. During the previous reporting period, a Mauritanian

domestic servitude victim in Saudi Arabia attempted to file a complaint against her employer, but the Mauritanian embassy reportedly refused to assist. An NGO within Mauritania filed a complaint on her behalf, as well as on behalf of approximately 20 other Mauritanian women exploited in domestic servitude and forced prostitution in Saudi Arabia. The NGO reported an appeals court sentenced the owner of the recruitment agency to three years' imprisonment but the owner never served his sentence.

Three regional anti-slavery courts had exclusive jurisdiction over trafficking and slavery cases; however, the courts lacked the staff, funding, and resources to investigate and prosecute trafficking and slavery crimes throughout their regions. The three courts received a total of 700,000 MRU (\$19,440) during the reporting period, an increase from a total of 450,000 MRU (\$12,500) during the previous reporting period. While the appointed judges received specialized training on the 2015 anti-slavery law, they have not been trained in its enforcement and the unique challenges of investigating slavery cases, including how to prevent slaveholders from intimidating victims to withdraw their cases. Moreover, while other topical courts had specialized prosecutors, there were no specialized prosecutors for the anti-slavery courts. Judicial shuffles affected the anti-slavery courts twice during the reporting period. During an abrupt May 2018 judicial reshuffle, the Supreme Judicial Council (SJC) reassigned or removed experienced presiding judges sitting on the Nema and Nouakchott anti-slavery courts. In a second reshuffle in December 2018, the SJC appointed a new presiding judge to the Nema anti-slavery court and two deputy judges to the Nouakchott anti-slavery court. The Ministry of Justice directed all courts to transfer cases under the 2015 anti-slavery law to the anti-slavery courts; judges transferred nine slavery cases, but an unknown number of slavery cases remained with local courts.

Efforts to address hereditary slavery remained weak. Despite persistent concerns of official complicity and corruption in slavery cases, the government did not report any prosecutions or convictions of government officials complicit in, or accused of corruption related to, human trafficking offenses. Some police, prosecutors, and judges reportedly refused to investigate and try cases of hereditary slavery, or to acknowledge hereditary slavery continued to occur. Heavy government influence over the judiciary restricted its independence, and reports persisted that prosecutors and judges often prosecuted alleged slave owners for lesser offenses, closed slavery cases, or transferred cases for mediation to avoid bringing a slavery case to

trial. Although prosecutors have a legal obligation to transfer slavery cases to the anti-slavery courts, some prosecutors encouraged victims to withdraw their complaints in exchange for a small amount of financial compensation. *Marabouts* (Quranic teachers) suspected of exploiting *talibés* (Quranic students) in forced begging are rarely prosecuted and usually enter agreements with prosecutors to drop cases. However, Tadamoun, the government agency mandated to address poverty and the “vestiges of slavery,” remained a civil party to nine ongoing slavery investigations. International organizations organized five trainings on the anti-trafficking legal framework and forced labor cases for approximately 65 judges, prosecutors, and security officials without financial or in-kind support from the government.

PROTECTION

The government maintained minimal efforts to protect trafficking victims. The government did not report identifying any trafficking victims, compared to identifying 35 child forced begging victims in the previous reporting period. NGOs reported identifying at least 310 child trafficking victims. The government did not have formal measures to identify trafficking victims or refer them to care, but it used existing referral procedures for child victims of crime. NGOs noted social workers lacked training to identify trafficking victims, including in domestic work and prostitution, and did not know where to refer identified victims for care. The Ministry of Social Affairs (MASEF) reported supporting 360 children at risk of, or victims of violence, abuse, and exploitation, which could include trafficking victims, at its public day centers. NGOs, sometimes in partnership with MASEF, reported caring for 4,998 vulnerable children during the reporting period, which included child victims of violence, abuse, and exploitation, including trafficking. Some children received socio-legal assistance, medical care, and educational support from NGOs. The government did not provide financial or in-kind support to NGOs that continued to provide the majority of protective services to trafficking victims. An international organization assisted with the repatriation of 17 of the 200 domestic servitude and sex trafficking victims identified in Saudi Arabia since 2016; the status of the remaining 183 victims was unknown at the end of the reporting period.

MASEF managed seven public day centers for the protection and social integration of children that provided basic educational services, such as vocational training and literacy programs, which child trafficking victims could access. In addition,

two of its day centers in Nouakchott could provide overnight and long-term care for child victims of crime. Because MASEF's day centers closed at night, *talibés* and other vulnerable children had to return to their exploitative situations or sleep on the streets. After short-term care, MASEF generally referred victims to other government shelters or NGOs for long-term care and vocational training; MASEF continued to assist 700 vulnerable children identified in previous years. The government allocated 360,000 MRU (\$10,000) to MASEF's day centers to fund staff and psycho-social assistance, the same as the previous reporting period. The government also allocated 370,800 MRU (\$10,300) to MASEF's Office of Childhood and 656,000 MRU (\$18,220) to MASEF's Vocational Training Center. Government shelters accommodated both Mauritanian and foreign victims, although no shelters could accommodate adults; victims had to depart MASEF centers at age 18. The lack of long-term rehabilitative care rendered victims vulnerable to re-trafficking. The government did not provide any services to protect victims from threats or intimidation from their traffickers, nor did it provide training or services to help slavery victims adjust to life after slavery.

During the previous reporting period, the African Union ruled in favor of two former Mauritanian slaves who argued that the government had failed to uphold the anti-trafficking law in their 2011 case. The court ruled the government should enroll the victims in school, provide identity documents, and provide psychological support; the government partially complied with the ruling by providing identity documents, enrolling the victims in school, and compensating each victim 300,000 MRU (\$8,330). However, the government did not provide psychological support or prosecute the alleged perpetrators and the case is pending further appeal with the African Union. The government did not have a formal policy to encourage victims to assist in investigations and prosecutions against their alleged traffickers. The 2015 anti-slavery law provided for comprehensive legal assistance for victims of hereditary slavery and the creation of support centers in each province; however, the government did not report implementing such provisions during the reporting period. Tadamoun provided support to 61 victims of slavery, which included legal assistance and providing income-generating activities or a stipend. The law allowed victims to obtain restitution and file civil suits against their traffickers, although the complex and opaque legal system made such efforts extremely difficult; there were no reports any victims did so during the reporting period. Mauritanian law allows potential victims to file for asylum or refugee status; however, the government did not report granting these legal alternatives to the

removal of foreign victims to countries where they may face hardship or retribution. There were reports the government penalized and imprisoned on fornication charges girls who had been sexually abused, some of whom were likely victims of domestic servitude or sex trafficking. Officials jailed women suspected of prostitution and held irregular migrants in detention until their refugee status was resolved, without screening for trafficking. In 2018, the Ministry of Interior deported 5,091 foreign residents to their countries of origin without screening for trafficking indicators.

PREVENTION

The government maintained minimal efforts to prevent human trafficking. No single government agency was responsible for leading national anti-trafficking efforts. While the inter-ministerial anti-trafficking committee, which reported to the prime minister, did not meet during the reporting period, the human rights commissioner hosted two sub-cabinet inter-ministerial meetings on issues that included human trafficking. In 2018, the government announced it completed all necessary activities outlined in the 2014-2017 roadmap to fight the vestiges of slavery, an action plan drafted in collaboration with an international organization; however, the government did not engage with the international organization to assess the roadmap's indicators and impacts, nor did it advance plans for a follow-up action plan. In June 2018, the government partnered with an NGO to organize a communication day in Nouakchott with community and religious leaders on the role of religious leaders in the protection of children from exploitative situations, such as child forced begging. The government conducted additional awareness-raising activities through radio programs and community workshops; the reach of these programs is unknown. Tadamoun continued operating schools in communities of former slaves and providing income-generating activities in poverty-stricken areas, focusing particularly on communities of slave descendants and groups vulnerable to exploitation. The government continued to harass and prevent anti-slavery activists from operating in Mauritania. Multiple organizations working on anti-slavery issues remained unable to legally register, limiting their ability to operate in the country. In August 2018, the government arrested a prominent anti-slavery activist for alleged threats against a journalist; after five months in prison, the activist was sentenced to six months' imprisonment with four months suspended and was immediately released. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. Despite large

groups of Mauritians fraudulently recruited for work abroad, the government did not make efforts to oversee labor recruitment or investigate labor recruiters or brokers allegedly involved in fraudulent recruitment. In 2017, the government signed a Memorandum of Understanding (MOU) with Saudi Arabia to increase protections for prospective domestic workers; for the second consecutive year, the government did not implement the MOU during the reporting period and denied requests to consult with civil society organizations on implementation. The government revived an agreement with an international organization to study the scope of forced labor in Mauritania; the final report is expected at the end of 2019. In November 2018, the government partnered with an international organization to issue identification cards to Malian refugees—as well as birth certificates to Malian refugee children born in Mauritania—in Mbera camp to reduce vulnerability to trafficking. The government did not provide anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Mauritania, and traffickers exploit victims from Mauritania abroad. Adults and children from traditional slave castes in the Haratine (Black Moor) and Afro-Mauritanian communities are subjected to hereditary slavery practices rooted in ancestral master-slave relationships, where they are often forced to work without pay as cattle herders and domestic servants. Although reliable data on forced labor and hereditary slavery does not exist, local and international experts agree hereditary slavery continues to affect a small, but not insignificant portion of the country's population in both rural and urban settings. Many former slaves and their descendants remain in a dependent status with the family of their former slaveholders due in part to cultural traditions as well as a lack of skills and alternate economic opportunities. Some former slaves reportedly continue to work for their former masters or others under exploitative conditions to retain access to land they had traditionally farmed. Some boys from Mauritania and other West African countries who study at Quranic schools are forced to beg for food and money to pay corrupt *marabouts*; boys from low-income families in the Halpulaar community are particularly vulnerable. According to a 2015 survey, approximately 41 percent of Mauritanian children lack birth certificates and are thus generally not permitted to enroll in school, which increases their risk for trafficking. Fraudulent recruiters promise Mauritanian women and girls—especially those from the

traditional slave castes and Afro-Mauritanian communities—shelter and an education but force them into domestic servitude, especially in larger cities such as Nouakchott, Nouadhibou, and Rosso. Children of Haratine and Afro-Mauritanian descent working in the fisheries sector are vulnerable to forced labor. An NGO reported girls in border towns have been forced to carry illicit drugs. West African women and girls, especially Senegalese and Ivoirians, are vulnerable to domestic servitude and sex trafficking in Mauritania. Refugees in Nouadhibou reportedly engage in prostitution due to their dire financial situations, increasing their vulnerability to forced prostitution. Mauritanian, Nigerian, and Senegalese traffickers in the port city of Nouadhibou exploited Sub-Saharan African migrants transiting Mauritania en route to Morocco and Europe in forced labor and sex trafficking. Mauritanian women and girls are fraudulently recruited by foreign agencies and Mauritanian middlemen for nursing and teaching jobs abroad and exploited in domestic servitude and sex trafficking in the Gulf, including Saudi Arabia. Men from Middle Eastern and North African countries use legally contracted temporary marriages to sexually exploit Mauritanian girls and young women. Mauritanian women and girls from poor families enter into these forced marriages, facilitated by brokers and travel agencies in both Mauritania and in the Middle East promising substantial payment, and are exploited as sex slaves and in forced prostitution in Saudi Arabia and other Gulf countries. In 2016, an international organization identified and removed from a refugee camp in southeastern Mauritania 16 Malian child soldiers aged 15-17 associated with Malian rebel groups; some of the victims had been recruited in Mali, and others allegedly had been recruited from the camp in Mauritania.