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*Plenary sitting*

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16.12.2014

B8-0387/2014

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Mauritania, in particular the case of Biram Dah Arbeid  
(2014/2999(RSP))

**Gérard Deprez, Fernando Maura Barandiarán, Frédérique Ries, Ramon Tremosa i Balcells, Marielle de Sarnez, Ivo Vajgl, Pavel Telička, Juan Carlos Girauta Vidal, Izaskun Bilbao Barandica, Marietje Schaake, Ivan Jakovčić, Jozo Radoš, Petras Auštrevičius, Antanas Guoga, Nathalie Griesbeck, Johannes Cornelis van Baalen, Javier Nart**  
on behalf of the ALDE Group

**B8-0387/2014**

**European Parliament resolution on Mauritania, in particular the case of Biram Dah  
Arbeid  
(2014/2999(RSP))**

*The European Parliament,*

- having regard to the Partnership Agreement 2000/483/EC between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Union and its Member States of the other part, signed in Cotonou on 23 June 2000 and revised successively in 2005 and 2010, particularly Articles 8(4), 9, and Article 96,
  - having regard to Articles 2, 3(5), 21, 24, 29 and 31 of the Treaty on European Union and Article 10 and 215 of the Treaty on the Functioning of the European Union, which commit the EU and its Member States, in their relations with the wider world, to upholding and promoting universal human rights and the protection of individuals, and adopting restrictive measures in case of grave human rights breaches,
  - having regard to Article 1 of the Mauritanian Constitution which “guarantees equality before the law to all of its citizens without distinction as to origin, race, sex, or social condition”,
  - having regard to the African Charter on Human and Peoples’ Rights that Mauritania ratified in 1986 which expressly prohibits slavery in Article 5 and to Mauritania's adherence to international instruments which prohibit contemporary forms of slavery, namely the Slavery Convention of 1926 and the 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;
  - having regard to Mauritania's adherence to the International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment; the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and ILO Convention No. 29 concerning Forced or Compulsory Labour,
- A. whereas Mauritania is one of the poorest countries in Africa, classified as a Heavily Indebted Poor Country (HIPC) and financially dependent on foreign aid, and has been characterised by considerable political instability;
- B. whereas slavery has existed for centuries in all ethnic communities in Mauritania, deeply ingrained as part of a hierarchical social structure, and exists in conjunction with racial bias against darker skinned Mauritians known as Haratine that comprise

between 40-60% of the Mauritanian population and routinely suffer significant economic, political, and social discrimination;

- C. whereas the Mauritanian authorities claim there is no longer any slavery in Mauritania and that slavery was officially abolished by decree in 1981, that consequently in 2007 Mauritania passed the Slavery Act (No.2007-048) criminalizing slavery and punishing slavery-like practices however to this day only one case has been successfully prosecuted;
- D. whereas in its Article 2 the Slavery Act defines slavery as “the exercise of all or some of the rights of property over one or more persons”, while Article 3 prohibits “discrimination, in any form, against a person alleged to be a slave” and the crime of slavery is held to occur when “any person reduces another person or a person under their care or responsibility, to slavery or incites them to forfeit their liberty or dignity, for the purpose of enslaving them”;
- E. whereas at present definite figures are not available, the Global Slavery Index published on 18 November 2014 by the NGO Walk Free Foundation estimates that 155,600 people are enslaved in Mauritania, out of a population of 3.8 million;
- F. whereas slavery is usually hereditary, and babies born to enslaved women are frequently considered the property of a master’s family for their whole lives and women slaves are routinely subjected to sexual violence and require their masters’ permission to marry;
- G. whereas most slaves are denied a formal education and are taught that their destiny is to belong to their masters, thus perpetuating so-called psychological slavery and even slaves who have been released have few opportunities to find meaningful employment;
- H. whereas Mbeirika Mint M’bareck, aged 15, has been held in slavery since birth by a family in the village of Echemin, her brother Elkheir managed to escape slavery a few years ago, and her sister Vatma, who escaped earlier this year, filed a complaint with the local police;
- I. whereas despite the evidence, the Public Prosecutor decided to charge Mbeirika’s slave owner with “exploitation of a minor (without financial compensation)”, rather than slavery, and the 15-year-old victim, who was pregnant when she appeared before the Public Prosecutor of Nema, was accused of zina (the crime of adultery/fornication under Sharia law);
- J. whereas it is also necessary to raise along with the question of slavery, the widespread problem of rape and sexual violence in Mauritania as there is currently no mention of rape or sexual violence in Mauritanian law and there are almost never condemnations for rape and slaves are often the ones punished after being raped by their masters;

- K. whereas on 6 March 2014, the Mauritanian government adopted in collaboration with the UN a roadmap for the eradication of slavery which includes 29 measures to put an end to slavery in a period of one to two years;
- L. whereas neither the roadmap nor the 2007 Slavery Act or the preceding provisions are enforced and it appears that the Special Tribunal set up by the Mauritanian government to prosecute crimes of slavery is an artifice designed to stem the flow of complaints lodged in ordinary courts over the past few years;
- M. whereas since 7 November 2014 members of the Initiative for the Resurgence of the Abolitionist Movement (IRA), an organisation working for the eradication of slavery in Mauritania, had been travelling across the country organizing rallies, public meetings and lectures, to denounce 'property slavery,' a system that transforms members of the Haratine community into labourers on their own ancestral lands;
- N. whereas at least nine people including Biram Ould Dah Ould Abeid, President of the IRA and runner-up in June's Presidential election, were arrested on 11 November 2014 in the town of Chgara;
- O. whereas Mr. Abeid has been charged with inciting violence, disturbing public order, offending a member of the authorities and being a member of an unregistered organization and himself and other detainees have been refused bail and the police have closed down the headquarters of IRA in Nouakchott;
- P. whereas Mr Abeid was arrested and detained by the Mauritanian authorities in 2010 and 2012 for his peaceful protests against the government's failure to tackle blatant cases of slavery and was found guilty in 2012 of apostasy by a tribunal and sentenced to the death penalty, which has not been annulled by the judicial authorities;
- Q. whereas Mr. Brahim Bilal Ramdhane, Mr. Khattri Rahel, Mr. Dah Boushab, Mr. Abidine Matalla, Mr. Samba Diagana, Mr. Mahmoud Hassan, all members of the IRA, and Mr. Djiby Sow, president of the NGO Kawtal, NGO partner of the IRA, are the other human rights defenders currently in detention;
- R. whereas the Mauritanian authorities have also arrested at least nine other anti-slavery activists in the last few weeks, bringing the total number of imprisoned IRA-Mauritania activists to 17 and furthermore reports have emerged of prison guards attempting to coerce some of the activists into signing confessions;
1. Calls on the Mauritanian Government to respect in full the fundamental rights of the individual, which is also one of the essential conditions for the application of the Cotonou Agreement to which Mauritania is a party;
  2. Recalls that slavery has been recognised as a crime against humanity and that it continues to be practised in Mauritania to this day, therefore condemns the unwillingness of the Mauritanian government to effectively implement the Slavery

Act of 2007 and the roadmap for the eradication of slavery agreed upon in 2014. Calls the Mauritanian authorities to take all necessary measures to ensure to respect all the legal provisions of the International Convention on the Elimination of All Forms of Racial Discrimination that Mauritania ratified in 1988;

3. Urges the prioritization of universal formal education, so that current and former slaves, as well as their children, can improve their literacy and become equipped with the tools to find meaningful employment and furthermore calls upon the Mauritanian government, in this regard, to publicize to all the population that slavery has been abolished and that harsh penalties await those who insist upon keeping slaves;
4. Deplores the lack of legislation on rape and sexual violence in Mauritanian law and to this end urges Mauritanian authorities and legislators to immediately draft legislation in this sense and ensure its applicability for all its citizens;
5. Welcomes the fact that the charges against Mbeirika Mint M'bareck have been dropped and the young woman is now living free from judicial custody but urges the Mauritanian Authorities to charge the girl's former master with the crime of slavery, instead of a lesser offense;
6. Urges the Mauritanian authorities to immediately and unconditionally release all prisoners of conscience and end the continuous harassment and intimidation of the anti-slavery movement, and stresses that the work of these activists, through campaigns and wider anti-slavery advocacy, forms part of the vital work aiming to address Mauritania's deeply inadequate track record in abolishing modern-day slavery;
7. Urges the Mauritanian government to respect its international and national obligations and as such concretely and effectively implement the national legislation adopted in 2007 criminalizing slavery;
8. Urges the Mauritanian government to ratify the Protocol on the Statute of the African Court of Justice and Human Rights
9. Calls the Mauritanian government to guaranty the implementation of all the recommendations of the Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (24 juillet 2010 - A/HRC/15/20/Add.2);
10. Calls on the Commission to immediately use the political dialogue under Article 8 of the Cotonou Agreement with the Mauritanian authorities and henceforth launch formal consultations under Article 96 for a breach of the essential elements on human rights, democratic principles and the rule of law listed in Article 9, to provide the basis for the application of 'appropriate measures' (sanctions) which can lead to the suspension of cooperation (Article 96(3) (a) and (c) 2));

11. Calls therefore upon the Mauritanian authorities to grant the EU and the ACP partners a special fact finding mission to evaluate whether the practice of slavery in Mauritania has been completely eradicated;
12. Calls on the Commission and the Member States to bring pressure to bear on the Mauritanian government to comply with this demand;
13. Instructs its President to forward this resolution to the European External Action Service, the European Council, the Commission, the government of Mauritania, the ACP-EU Joint Parliamentary Assembly the Council of Europe, the OSCE and the UN Human Rights Council.