

MAURITANIA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Mauritania is an Islamic Republic with a president as head of state and a constitution grounded in French civil law and sharia. The National Assembly exercises legislative functions but was weak relative to the executive. Voters elect the president, deputies to the National Assembly, municipal mayors, and regional councilors. In 2019 voters elected former Minister of Defense Mohamed Ould Cheikh El Ghazouani as president with 52 percent of the vote. The election marked the first democratic transition of power between two elected presidents since the country's independence in 1960. United Nations and African Union observers considered the election to be relatively free and fair. In the 2018 parliamentary elections, the Union for the Republic, the political party founded by former President Mohamed Ould Abdel Aziz, won 95 of 157 seats in the National Assembly.

The National Police, which is responsible for enforcing the law and maintaining order in urban areas, reports to the Ministry of Interior. The National Guard performs a limited police function in keeping with its peacetime role as the guarantor of physical security at government facilities, including prisons. The National Guard reports to the Ministry of Interior. Regional authorities may call upon the National Guard to restore civil order during riots and other large-scale disturbances. The gendarmerie, a specialized paramilitary organization under the authority of the Ministry of Defense, is responsible for maintaining civil order around metropolitan areas and providing law enforcement services in rural areas. The Ministry of Interior's General Group for Road Safety maintains security on roads and operates checkpoints throughout the country. Civilian authorities maintained effective control over the security forces. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: harsh and life-threatening prison conditions; arbitrary arrests; serious restrictions on free expression and media, including criminal blasphemy laws; serious government corruption; lack of investigation and accountability for gender-based violence

Nouakchott, Nouadhibou, and Sélibaby. Of those children, 61 percent were boys and nearly one in two was a victim of forced begging. Other problems included lack of documentation (36 percent of migrant children), homelessness (16 percent), labor exploitation (12 percent), and abuse and violence (11 percent).

Antisemitism

A very small number of foreign residents practiced Judaism. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Under sharia, as applied in the country, consensual same-sex sexual activity between men is punishable by death if witnessed by four individuals, and such activity between women is punishable by three months to two years in prison and a fine. The government did not enforce the law criminalizing consensual same-sex sexual activity.

LGBTQI+ persons were sometimes harassed and arbitrarily arrested by security forces. On May 26, police in the town of Teyarett arrested a group of six persons accused of “unnatural acts.” They were released after a few days in police custody. Acts of intimidation against LGBTQI+ persons were recurrent both by authorities and ordinary citizens.

Violence against LGBTQI+ Persons: LGBTQI+ persons were reportedly harassed and subjected to violence from the National Police, the General Group for Road Safety, neighbors, and family members. According to the National Solidarity Association, an LGBTQI+ NGO, conditions for LGBTQI+ persons were better than previous years, including less harassment by public authorities and an increased ability to meet discreetly without difficulties. Members of this

community, however, were still forced to keep their sexual orientation private.

Discrimination: No laws protect LGBTQI+ persons from discrimination based on sexual orientation, gender identity or expression, or sex characteristics. LGBTQI+ persons faced discrimination from some health-care personnel, such as denial of service, because of their sexual orientation. LGBTQI+ identity was rarely publicly identified or discussed, which observers attributed to the severity of the stigma and the legal penalties attached to it.

Availability of Legal Gender Recognition: The country does not permit individuals to change their gender identity marker on legal and identifying documents to bring them into alignment with their gender identity.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reported cases of involuntary or coercive medical or psychological practices targeting LGBTQI+ individuals during the year.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Public demonstration of LGBTQI+ status or identity was taboo according to local custom and law and was restricted by social pressure and law. Freedom of association was restricted, and same-sex marriage is criminalized. While organizations that promote the human rights of LGBTQI+ persons were not permitted officially, informal organizations were tolerated when operating discreetly. In view of the social stigmatization associated with LGBTQI+ identity, most LGBTQI+ persons hid their identities to avoid problems with family, friends, or government authorities.

Persons with Disabilities

Persons with disabilities generally did not have access to education, health services, public buildings, and transportation on an equal basis with others, including for deaf and blind persons in accessible formats. The law provides for access to information and communication, and to existing public buildings through retrofitting and future buildings through amendments to the building code. Authorities did not enforce the law effectively. Authorities did not provide information and communication on disability concerns in accessible formats.

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. Nevertheless, private discrimination in employment and occupation, housing, and health care was common. Children with disabilities attended school through secondary education at a significantly lower rate than other children.

Other Societal Violence or Discrimination

Like other minority groups, the law protects persons with albinism from discrimination, but authorities did not enforce the law. Persons with albinism were reportedly discriminated against in the workplace, and employers tended not to hire persons with albinism. This practice was particularly prevalent in the service and restaurant industry.

Persons with HIV and AIDS were often isolated due to societal taboos and prejudice associated with the disease but were gradually becoming more accepted within society and by the government.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows all workers, except members of police, armed forces, and foreign and migrant workers, to form and join independent unions of their choice at local and national levels and provides for the right to conduct legal strikes and to bargain collectively. Other provisions and laws severely restrict or excessively regulate these rights. The government did not effectively enforce applicable laws that allow for unions to conduct strikes.

Prior approval by authorities is required before a union may be recognized. The public prosecutor must authorize all trade unions before they enjoy legal status. The public prosecutor may provisionally suspend a trade union at the request of the Ministry of Interior if its officials believe the union did not comply with the law. The law also provides that authorities may initiate legal proceedings against union leaders who undermine public order or make false statements. This law in effect authorizes administrative authorities to dissolve, suspend, or deregister trade union organizations unilaterally.

Noncitizens do not have the right to become trade union officials unless they have worked in the country and in the profession represented by the trade union for at least five years. Labor unions must obtain government authorization to hold labor elections. Despite previous promises, the government had not authorized union elections since 2014.

Bargaining collectively at the national level requires previous authorization or approval by the president, who decides how collective bargaining is organized. No such authorization is required for collective bargaining at the company level. The minister of labor, public service, and modernization of the administration may call for bargaining among employers, employees, labor unions, and the government. In addition, the ministry is entitled to take part in the preparation of collective agreements. The law provides that the meeting must occur 15 days following a statement of nonagreement between parties. Some public service employees not governed by existing legislation have simple collective agreements but not the full range of collective bargaining rights.

The law provides for the right to strike, except for those working in services deemed essential. Aggrieved parties must follow complex procedures before conducting a strike. If negotiations between workers and employers fail to produce an agreement, the case is referred to the Court of Arbitration. If the court fails to broker a mutually satisfactory agreement, workers may have to wait up to four additional months before they can legally strike, and the union is required to submit official notification to the employer that conciliation efforts have broken down. The government may also dissolve a union for what it considers an illegal or politically motivated strike. The law prohibits workers from holding sit-ins or blocking nonstriking workers from entering work premises. The law requires advance notice of one month for civil service unions and at least 10 working days in the private sector before a strike. The law provides the government with authority to determine the legality of a strike but no right of appeal for unions. The law prohibits certain types of strikes such as the peaceful occupation of workplaces or their immediate surroundings.

The government did not enforce the law effectively and did not provide adequate resources for inspections. While authorities seldom punished violators, the government ordered the reinstatement of workers who were wrongfully terminated

or directed companies to improve employee benefits and services on several occasions. While antiunion discrimination is illegal, national human rights groups such as Women Heads of Households and unions reported authorities did not actively investigate alleged antiunion practices in some private firms. Collective bargaining at the company level remained rare.

Registration and strike procedures were subject to lengthy delays and appeals. Labor ministry officials routinely issued notices calling on all parties to negotiate. Such notices legally restrict workers from striking for a period of four months. Workers and unions organized several strikes and, unlike in previous years, authorities did not employ force to disperse them.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes forced or compulsory labor, including the practice of slavery, and imposes penalties, both on government officials who do not act in response to reported cases and on those who benefit from contracting forced labor. The government did not effectively enforce the law. Penalties were not commensurate with those for comparable violations. The constitution and law make the offense “a crime against humanity.” The law grants civil society organizations the right to file complaints in court on behalf of victims as civil parties; however, many civil society organizations reported difficulty in filing complaints on behalf of victims. The law also provides free legal assistance for victims and refers to their right to compensation. Although the government took more steps towards ending the practice of slavery, including increased engagement with civil society groups, efforts to enforce the antislavery law were considered inadequate by NGOs, such as SOS Esclaves and IRA, as well as some human rights activists. The government allocated 1,800,000 ouguiyas (\$48,600) to the antislavery courts during the year, but the courts still lacked adequate funding to carry out their mandate.

In 2021, the prime minister gave the CDHAHRSC the power to introduce cases on behalf of victims of slavery as a “civil party,” although it had not yet used this authority. The new Law of Associations (NGO Law), however, does not allow for NGOs to formally introduce cases on behalf of victims or act as a civil party in a court of law, although several antislavery organizations continued to refer potential

cases to authorities. On June 1, the Nouadhibou Criminal Court sentenced Thierno Amadou and three of his accomplices to 10 years in prison for trafficking in persons related to forced labor.

On June 14, the city of Nema's Anti-Slavery Court sentenced a Soninke man, age 71, to a two-year prison sentence for committing slavery-related slander (for example, using racist insults or calling someone a "slave"), a criminal offense under the 2015 Anti-Slavery Law. A judge reduced the sentence to six months in prison with the remainder suspended.

Slavery and slavery-like practices, which typically flowed from ancestral master-slave relationships and involved both adults and children, continued. Although reliable data on the total number of slaves did not exist, the Global Slavery Index estimated in 2018 that hereditary slavery and slavery-like conditions affected a small but not insignificant portion of the rural and urban population. Enslaved persons suffered from traditional chattel slavery, including forced labor and sex trafficking. Human rights groups reported that masters coerced persons in slavery and slavery-like relationships to deny to human rights activists that such exploitative relationships existed.

Former victims of slavery and their descendants remained in a dependent status vis-a-vis their former slave masters due to a variety of factors, including obstacles faced in obtaining identification documents and civil registration for persons born out of wedlock, cultural traditions, a lack of marketable skills, poverty, and persistent drought. Some former victims of slavery and descendants were forced to revert to a de facto slave status by working for their former masters in exchange for some combination of lodging, food, and medical care. Some former victims of slavery reportedly continued to work for their former masters or others under exploitative conditions to retain access to land that they traditionally farmed. Although the law provides for distribution of land to the landless, including to former victims of slavery, authorities rarely enforced the law.

Former victims of slavery in subservient circumstances were also vulnerable to mistreatment. Women with children faced particular difficulties. Because they were particularly vulnerable, lacked the resources to live independently from their former masters, and had children who frequently lacked birth certificates or other

documentation required for school attendance and basic services, they could be compelled to remain in a condition of servitude, performing domestic duties, tending fields, or herding animals without remuneration.

Some former victims of slavery were coerced into continuing to work for their former masters, who relied on adherence to religious teachings and a fear of divine punishment to keep these individuals enslaved. Former victims of slavery were often subjected to social discrimination and limited to performing low-skilled, manual labor.

Slavery, including forced labor and de facto slavery, were more prevalent in rural areas where educational levels were generally low or a barter economy still prevailed, and prevalent to a lesser degree in urban centers, including Nouakchott. The practices commonly occurred where there was a need for workers to herd livestock, tend fields, and do other manual or household labor, and in urban centers where young children, often girls, were retained as unpaid domestic servants (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on race, disability, religion, political opinion, national origin, citizenship, social origin, gender identity, age, or language, but the government generally did not enforce the law. Penalties were rarely applied against violators. Penalties were not commensurate with those for comparable violations. For example, in conformity with long-standing practice, the employment and advancement of both Haratines and sub-Saharanans in the armed services, the National Police, and civil administrative jobs remained limited. In

2021, the government enacted a dual nationality law that allows dual citizens to work in the government and participate in political life. The new law does not allow for dual citizens to run for president or become the prime minister, the president of the national assembly, or a minister of sovereignty (i.e., minister of foreign affairs, defense, Islamic affairs, or interior). Challenges faced by former slaves, descendants of slaves, and persons born out of wedlock in obtaining national identification documents prevented these groups from obtaining employment.

The law provides that men and women should receive equal pay for equal work. The two largest employers, the civil service and the state mining company, observed this law; most employers in the private sector reportedly did not. In the modern wage sector, women also received family benefits, including three months of paid maternity leave. Women faced widespread employment discrimination, because employers usually preferred to hire men, with women overrepresented in low-paying positions (see section 6). There are legal restrictions on women's employment, including limitations on working in occupations deemed dangerous or morally inappropriate, and certain industries, including mining and construction.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a national minimum wage that is higher than the most recent estimate for the poverty income level. The law provides that the standard legal nonagricultural workweek must not exceed either 40 hours or six days per week. Domestic workers and certain other categories may work 56 hours per week. There are no legal provisions regarding compulsory overtime. Alleged violations of wage, hour, or overtime laws were common in domestic and household work, agriculture, fishing, and mining sectors.

The International Labor Organization reported that the labor inspectorate was subject to undue influence by employers and the government, thereby reducing the effectiveness of inspection activity.

Occupational Safety and Health: The government sets occupational safety and health (OSH) standards, and in principle workers have the right to remove themselves from hazardous conditions without risking loss of employment;

however, this was rarely applied. These standards apply only to the formal sector, and labor inspectors rarely identified unsafe conditions or responded to workers' complaints.

In January, the Ministry of Labor enacted a hazardous work list. The list identified 44 types of activities that are prohibited for children, including street vending, domestic work, and stone crushing. Alleged violations of OSH standards were common in mining, fishing, industrial, and construction sectors. The National Agency of Social Security registered 134 workplace injuries, of which 20 resulted in fatalities, during the year, most of which occurred in the mining sector.

Wage, Hour, and OSH Enforcement: The Labor Office of the Ministry of Labor is responsible for enforcing labor laws but did not do so effectively. Penalties were rarely applied against violators. The number of labor inspectors was sufficient for the labor force, and inspectors have the authority to make unannounced inspections. The Ministry of Labor was responsible for ensuring OSH standards. Inspections for OSH were conducted by the same inspectors under the same authorities as wage and hours. The government did not effectively enforce OSH laws, and penalties were not commensurate with those for comparable violations.

Informal Sector: The majority of the working population labored in the informal sector, primarily in subsistence agriculture, fishing, domestic services, and animal husbandry. According to the General Confederation of Mauritanian Workers, only 25 percent of workers filled positions that provided regular pay.

Informal-sector workers are not covered by inspections or by wage, hour, OSH, and labor laws. Labor unions pointed to conditions approaching forced labor in several sectors, including the food processing industry. In these sectors workers did not have contracts or receive pay stubs. Their salaries were below the official minimum wage, and they worked in unfavorable conditions. They occasionally did not receive pay for several months.

Working conditions in the fishing industry were similarly difficult. Commercial fishermen reportedly often exceeded 40 hours of work per week without receiving overtime pay. Additionally, some factory workers employed by fish-processing plants and boat manufacturers did not receive contracts guaranteeing the terms of

their employment. Government inspections of fishing vessels, processing plants, and boat factories were rare.

Violations of minimum wage or overtime laws were frequent in many sectors but more common in the informal economy, which included domestic service, street vending, artisanal fishing, garbage collection, bus fare collection, donkey-cart driving, apprenticeship, auto repair, and other similar types of employment. No official entity provided social protections in the informal sector. The law excludes self-employed informal-sector workers from social insurance eligibility.