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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION  
AND PROTECTION OF MINORITIES ON ITS THIRTY-SEVENTH SESSION

Note by the Secretary-General

At its thirty-seventh session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had before it the report of the mission undertaken by Mr. Marc Bossuyt, an expert of the Sub-Commission, in response to an invitation by the Government of Mauritania to study the situation prevailing in that country with regard to slavery and the slave trade with a view to assessing the country's needs in its struggle to end such practices.

The report of the expert (E/CN.4/Sub.2/1984/23) is available to the members of the Commission.

By resolution 1984/28 adopted on 30 August 1984 the Sub-Commission decided inter alia to request the expert to present his report to the Commission on Human Rights at its forty-first session.

In the course of organizing the work of its forty-first session, at its 2nd meeting, the Commission decided, on the recommendation of the Bureau, that the presentation should be done in writing. In conformity with that decision, the expert of the Sub-Commission, Mr. Marc Bossuyt, has transmitted the attached written presentation of his report.

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Written presentation to the Commission on Human Rights  
of the report on the mission undertaken to Mauritania  
by Mr. Marc Bossuyt, member of the United Nations  
Sub-Commission on Prevention of Discrimination and  
Protection of Minorities

First of all, a brief review of the background of the mission:

(a) Statement by the representative of the Anti-Slavery Society before the Sub-Commission's Working Group on Slavery in August 1981, followed by an invitation from the Government of Mauritania to the Sub-Commission to send a mission to Mauritania;

(b) Acceptance of this invitation by the Sub-Commission in September 1981, by the Commission in March 1982 and by the Economic and Social Council in May 1982;

(c) Designation of Mohamed Mudawi and myself by the Chairman of the Sub-Commission in September 1982;

(d) Mission initially planned for March 1983, postponed at the request of the Government of Mauritania, and finally undertaken from 13 to 22 January 1984.

As Mr. Mudawi was unable to take part, I carried out the mission accompanied by officials from the United Nations Office at Geneva, as well as by Mr. Peter Davies, Director of the Anti-Slavery Society, on the invitation of the Government of Mauritania. The mission was received by the Head of State, Lieutenant-Colonel Mohamed Khouna Ould Haidalla, by the Prime Minister, Colonel Maouya Ould Sid'Ahmed Taya - who became Head of State in December 1984 - and by several other members of the Government and of the Military Committee for National Salvation (CMSN). The mission was able to meet with regional authorities and several other official personalities, as well as several private individuals, including freedmen (harateens) particularly concerned with the advancement of ex-slaves.

Besides the capital, Nouakchott, the mission also went to Bogné, Boutilimit, Nouadhibou and Rosso. Following the mission, in a communiqué published in Nouakchott on 22 January 1984 (see annex VI) I expressed my satisfaction at the facilities made available to the mission and my sincere thanks for the warm welcome and valuable co-operation enjoyed by the mission during its stay in Mauritania.

In my report (E/CN.4/Sub.2/1984/23) I have pointed out first of all that the mission was not entrusted with carrying out a judicial investigation or a scientific study, but was essentially one of information and consultation for the purpose of acquainting itself with the situation in Mauritania following the abolition of slavery proclaimed by the Military Committee for National Salvation (CMSN) on 5 July 1980 (see annex V) and to determine what aid Mauritania might need from the international community in order to surmount the consequences of slavery (para. 20).

By way of preliminary observations, I pointed out that slavery, in the form in which it was practised in Mauritania, usually took the form of servitude which, as such, was contrary to human dignity, but was not attended by inhuman treatment (para. 28). In my opinion, the essence of the notion of slavery is the particular

legal status of dependency upon another person, and the legal status of slavery must not be confused with inferior social status (para. 30). Thus, the Proclamation of 1980 and the order abolishing slavery, which implied at the time recognition of the fact that a certain form of slavery existed in Mauritania, are of particular importance (paras. 32-34).

I expressed the belief that I was able to gather enough information and hear a sufficient range of views to be able to assert that slavery as an institution protected by law has been genuinely abolished in Mauritania (para. 38). However, and this has not been denied by the highest Mauritanian authorities, it cannot be ruled out that, in certain remote corners of the country over which the administration has little control, situations of de facto slavery may still persist (para. 39). In order to eradicate these situations, the authorities have affirmed that complementary measures are required, such as the implementation of the 1983 land reform (cf. paras. 65-69) and other measures to change attitudes and mentalities.

Among these other measures, I examined above all the respective roles of the Ministry of the Interior (paras. 42-45), the Ministry of Justice (paras. 46-48), the Ministry of Information (paras. 52-53) and the Ministry of Education (paras. 62-64). With regard to development assistance, I have addressed a pressing appeal to States, both jointly and individually, to provide effective and generous assistance to the Government of Mauritania in its struggle to eliminate the consequences of slavery (para. 84).

I also wish to draw the attention of the Commission to the annexes which are attached to the report in order to give a better understanding of the real situation in Mauritania:

Annex I, prepared by the secretariat at my request, stresses inter alia the seriousness of the drought;

Annexes II and III reproduce the viewpoint of the Government of Mauritania as stated before the Sub-Commission in 1983 and in reply to the questionnaire sent to the Government in 1983;

Annex VII reproduces the viewpoint of the freedmen (harateens) particularly concerned with the advancement of ex-slaves.

I will conclude this presentation with the following remarks:

- (1) The legal abolition of slavery in Mauritania is a fact, and an important fact;
- (2) The Government of Mauritania recognizes the need for complementary measures and is implementing them;
- (3) The Government of Mauritania should be encouraged to pursue and intensify its efforts, and an appeal should be addressed to the international community to provide assistance to the Government of Mauritania in its struggle to eliminate the consequences of slavery.

It remains for me to renew my thanks:

- (1) To the Government of Mauritania, which should be congratulated for its courageous attitude of exemplary co-operation with the United Nations in this sphere;

(2) To the members of the United Nations Secretariat in Geneva and to Mr. Peter Davies of the Anti-Slavery Society, who facilitated my mission in Mauritania;

(3) To the Sub-Commission, which entrusted this mission to me; and

(4) To the Commission, which kindly invited me to submit this written report.

I am sure that the representatives of the Government of Mauritania, the United Nations Centre for Human Rights and the Anti-Slavery Society, who will all be present in Geneva when this report is discussed, will be able to reply to most of the observations made in the Commission on Human Rights. I shall read the relevant summary records with the greatest interest.

I hope that this mission will prove of benefit for the ex-slaves, for the Government of Mauritania and for the United Nations. The manner in which it has been received in the Sub-Commission - both by the Government of Mauritania (E/CN.4/Sub.2/1984/SR.30, paras. 48-54) and the Anti-Slavery Society (E/CN.4/Sub.2/1984/SR.30, paras. 60-67) as well as by my colleagues of the Sub-Commission (cf. E/CN.4/1985/3, para. 358) who adopted resolution 1984/28 by consensus - is encouraging in this respect. For my part, I consider that the success of this mission will depend essentially on the follow-up to the recommendations made at the end of the report.

Antwerp, 11 February 1985