

Presentation SALY GENEVE, Forum on Minority Issues, 24-25 November 2015

Minorities in the criminal justice system

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1. About the organisation

I am an activist, a human rights defender, and I represent here SOS-Slaves, a human rights association in Mauritania that is fighting to eradicate enslavement in general, and slavery by descent in particular, which has been rampant in Mauritania for centuries, as well as all human rights violations. Our organisation is a member of various networks of human rights defenders such as FONADH, RPC, the Mauritanian coalition PCQVP, the network for the eradication of slavery by descent in Africa, the OMCT, CMODH, observer at the African Commission on Human and Peoples' Rights.

Myself I am a Fula, a Mauritanian Haalpulaar. I was a victim of the 1989 events that led to my deportation to Senegal until 2002, when I came back to my country on my own.

2. Outline of the presentation

This presentation will focus on two issues related to the deep-rooted causes of marginalisation and discrimination of people descendants of slaves and of Black African so-called minority ethnic groups, in criminal justice.

2.1. About enslaved people and descendants of slaves: Victims of enslavement do not have access to law and justice because of their status, that makes them vulnerable from all points of view. They are excluded from all social opportunities that are offered to citizens. Confined in their master's houses, they have no activity other than performing exhausting tasks like shepherding camels and small ruminants, agricultural work, incessant housework and all other services to the masters. They are illiterate, they do not learn religion, and have no right over their offspring. They are rented, lent, given and inherited like any other good.

In addition, other factors contribute to discriminations and marginalisation of enslaved victims in criminal justice:

1. Judicial institutions (prosecutor's office, courts, police stations, gendarmerie) are almost entirely dominated by people belonging to the feudal pro-slavery class;
2. The training of magistrates coming from a traditional Islamic background;
3. The institutionalisation of the Arabic language as the only working language in prosecutors' offices and in courts leads to the exclusion of non-Arabic minorities from a meaningful access to justice reports;
4. The official denial of the existence of slavery is a rule within judicial and administrative institutions;
5. The absence of an effective system of legal aid deprives victims of slavery of access to justice.

Cases brought to court by our organisation are not examined and judged according to the 048/2007 law that was just replaced by a new law, but are considered as unpaid underage labour. Cases of violence faced by women – who are the majority of victims-, in particular sexual violence are trivialised and are not subject to fair and correct treatment and due process (cf the case of

Choueida Mint Mbarek Salem, the case of Oumoulkhair Mind yarba and her children, or the case of Khaidama whose daughter was given in marriage to her husband).

For all these victims, no action has been taken by the authorities after receipt of the complaint despite our association's advocacy and the speedy reply required by law. Masters are usually not arrested, or when they are, they are conditionally released, or simply acquitted.

For descendants of slavery, the Haratins, the status of descendant of slaves implies social discrimination and stigmatisation that limit their access to education, training, and economic opportunities. They remain marginalised, discriminated and helpless against judicial institutions.

2.2. Regarding national minorities like the Haalpulaar, the Soninke, and the Wolof, the use of Arabic in judicial institutions is a major hurdle to understanding justice reports both by perpetrators and victims, because interpretation services are not systematically set up and trained in all national languages. The plaintiff never has the chance to talk directly in the court, the working language being Arabic. Vague interpretations strip the complainants' words of their substance.

Women and young people are rounded up and crammed in police stations for days and nights on end as a result of racial profiling, simply because they are black, they may be foreigners, because they do not speak Arabic or the Moorish dialect.

The absence of local jurisdiction for minorities contributes to an atmosphere of mistrust towards the judiciary since these consist of Arabic-speaking people only. The absence of awareness-raising and dissemination of laws in the national languages deprives minorities of the opportunity to understand and defend their rights.

Authorities in charge of investigations in criminal justice are not trained on minority rights nor on minority languages, history and cultures.

3. Recommendations:

- Ask the state to apply the provisions of the law on legal aid, so that victims of enslavement and minorities truly have access to justice;
- Train magistrates and other staff of the judiciary in national languages, so as to bring justice closer to minorities;
- Demand that interpreters specialised in the judicial realm be present and trained, until the official inclusion of national languages;
- Intensify law dissemination campaigns in the languages of minorities.