

UNOFFICIAL ENGLISH TRANSLATION¹

Presidency of the Republic

Honour-Brotherhood-Justice

Visa : *DGLTE/JO*

Loi n° 2015-031 criminalizing slavery and slavery-like practices

**The National Assembly and the senate have adopted;
The President of the Republic promulgates the law which reads as follows:**

Preliminary Chapter

Article 1:

Based on the values of Islam and its objectives intended to liberate man and ensure his dignity, and in accordance with constitutional principles and relevant international conventions and, with a view to embodying the freedom of man from birth to death, this Act is established to define, criminalize and suppress slavery practices.

Article 2: Slavery constitutes a crime against humanity. It is imprescriptible.

Discrimination in any form against an alleged slave is forbidden.

A national day is devoted to the fight against slavery practices.

The determination of the day and the means of its celebration will be defined by decree.

Article 3: Within the meaning of this law:

Slavery: the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

Slavery includes:

- All acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery, to sell or exchange him;
- All forms of serfdom or debt bondage;
- All forms of forced labour;
- All acts of trade or transport in slaves;
- Deprivation of property or inheritance rights, considering that the person is a slave;
- Deprivation of the right to go to court and to testify.

Placement: practice whereby:

- A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group;
 - The husband of a woman or his family who transfers her or attempts to transfer her to another person for value received or otherwise;
 - The transmission by inheritance of a woman, upon the death of her husband, to another person;
 - The handing over of a child, by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.
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Serfdom: The condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status.

Debt bondage: The status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Slave: The individual over whom slavery is exercised.

Chapter 1: General provisions

Article 4: The perpetrators of the offences covered by this law are liable to a double penalty, imprisonment and a fine. They can, as well, be banned from exercising their civic rights, in conformity with the provisions of the penal code.

Article 5: Any attempt to commit or complicity in the committal of offences under this law shall be liable to the same penalties as those provided for the offences committed.

Article 6: If the perpetrator of the offences prescribed by this law has the status of civil servant or public officer, representative or official of the public authority or law enforcement agencies, this will constitute an aggravated circumstance.

Chapter 2: Offences and their sanctions

Article 7: Any person who 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 is punishable by ten (10) to twenty (20) years' imprisonment and a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 8: Any person who commits the offence of placement laid down in article 3 of this law is punishable by five (5) to seven (7) years' imprisonment and a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 9: Any person who commits the offence of serfdom laid down in article 3 of this law is punishable by five (5) to seven (7) years' imprisonment a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 10: Any person who commits the offence of debt bondage laid down in article 3 of this law is punishable by five (5) to seven (7) years' imprisonment and a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 11: Any person who violates the bodily integrity of a person, considering that he is a slave, is punishable by five (5) to seven (7) years' imprisonment and a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 12: Any person who appropriates goods, earnings and revenue resulting from the labour of an alleged slave or extorts their assets is punishable by five (5) to seven (7) years' imprisonment and a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 13: Any person who deprives a child who is an alleged slave of access to education is punishable by five (5) to ten (10) years' imprisonment and a fine of five hundred thousand (500,000) to seven million (7,000,000) ouguiyas.

Article 14: Any person who fraudulently deprives any alleged slave of inheritance is punishable by five (5) to seven (7) years' imprisonment and a fine of two hundred and fifty thousand (250,000) to five million (5,000,000) ouguiyas.

Article 15: Any person who forces a woman to marry him or someone else or prevents her from marrying, a woman who is an alleged slave against her will is punishable by five (5) to eight (8) years imprisonment and a fine of five hundred thousand (500,000) to five million (5,000,000) ouguiyas.

If the marriage is consummated, the spouse has the right to the dowry without prejudice to any damages and interest. The parenthood of the children is established with regard to the husband and she can demand the dissolution of the marriage.

The provisions of article 309 of the Penal Code apply to any person who rapes a woman who is an alleged slave.

Article 16: Any person who sexually assaults a woman who is an alleged slave is punishable by five (5) to eight (8) years' imprisonment and a fine of five hundred thousand (500,000) to five million (5,000,000) ouguiyas

Article 17: The author of a cultural or artistic production defending slavery is punishable by five (5) to six (6) years' imprisonment and a fine of two hundred thousand (200,000) to four million (4,000,000) ouguiyas. The production is confiscated and destroyed. The fine is raised to five million (5,000,000) ouguiyas if the production is created or disseminated by a legal entity (*une personne morale*).

In addition to the penalty prescribed above, the legal entity may be forbidden from pursuing its activities partially or completely, temporarily or permanently.

Article 18: Any judicial police officer or agent who fails to investigate allegations of slavery practices that are brought to his attention is punishable by two (2) to five (5) years' imprisonment and a fine of five hundred thousand (500,000) to one million (1,000,000) ouguiyas.

Article 19: Any person who uses an offensive language against an alleged slave in public is punishable by six (6) months' to two (2) years' imprisonment and a fine of ten thousand (20,000) to two hundred thousand (250,000) ouguiyas.

Chapter 3: Procedure

Article 20: Courts are instituted to deal in a collegial manner with offences related to slavery and slavery practices, of which the representation and territorial jurisdiction will be specified by decree.

Education and information relating to the criminalization of slavery-like practices must be part of the compulsory and continuous training of civilian and military personnel responsible for the implementation of the law, including the administrative authorities, the judiciary and security personnel.

Article 21: On pain of being penalized, any competent magistrate, informed of facts related to one or several offences prescribed by this law, takes as a matter of urgency all appropriate precautionary measures against the alleged perpetrators and guaranteeing the rights of the victims.

Article 22: Any legally recognised human rights association is entitled to report violations of this law and to assist victims of such offences.

Article 23: Any public interest organization and any organization dedicated to the defense of human rights and the fight against slavery and slavery practices, having had legal personality for at least five years at the date of the facts, can engage in legal proceedings and bring a civil action for damages in all cases to which this law applies, without this status conferring them a pecuniary benefit.

Article 24: The victims of the offences covered by this law are entitled to legal aid and are exempt of all costs or expenses for legal proceedings, which will be advanced on the budget of the judiciary, and to be charged eventually to the unsuccessful party.

Article 25: The judge, seized of an offence related to slavery and slavery practices, is held to preserve the victims' right to compensation.

Judicial decisions granting damages and interest to the victims of slavery and slavery practices are enforceable notwithstanding any objection or appeal.

Article 26: This law repeals any previous contrary provisions notably law No. 2007-048 of 3 September 2007 criminalizing slavery and slavery-like practices.

Article 27: This Act shall be enforced as state law and published in the Official Gazette of the Islamic Republic of Mauritania.

Approved at Nouakchott, 10/09/2015

MOHAMED OULD ABDEL AZIZ

The Prime Minister

YAHYA OULD HADEMINE

The Minister of Justice

Me BRAHIM OULD DADDAH