

**PUBLIC COMMENT & REQUEST TO TESTIFY BEFORE
THE AFRICAN GROWTH AND OPPORTUNITY ACT IMPLEMENTATION
SUBCOMMITTEE
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**CONCERNING THE FAILURE OF THE GOVERNMENT OF MAURITANIA TO
COMPLY WITH SECTION 104 OF THE AFRICAN GROWTH AND OPPORTUNITY
ACT**

Submitted by:

**THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS (AFL-CIO)**

August 14, 2019

REQUEST TO PRESENT ORAL TESTIMONY

The AFL-CIO requests to present oral testimony at the August 27, 2019 Annual Review of country eligibility for benefits under the African Growth and Opportunity Act (AGOA), docket number USTR-2019-0006. The AFL-CIO will be represented by Cassandra Waters. Her contact information is listed below.

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PRE-HEARING BRIEF

I. Introduction

On January 1, 2019, Mauritania was suspended as a beneficiary country under the African Growth and Opportunity Act (AGOA) because it failed to establish or make continual progress towards establishing protection of internationally recognized worker rights, as required under 19 USC § 3703(1)(F). Between November 2, 2018, when the United States Government (USG) announced its intent to suspend Mauritania from AGOA, and today, violations of internationally recognized worker rights have continued unabated. This document supplements and incorporates by reference the information in our original submission to review Mauritania's eligibility for AGOA, filed on June 16, 2017, and all subsequent filings. Mauritania should not be reinstated as a beneficiary country under AGOA until it fulfills the benchmarks set forth by the USG and ensures that workers can fully and freely exercise their rights.

Section II of this petition discusses reprisals against labor rights activists and other human rights defenders. Section III addresses forced labor in Mauritania. Section IV addresses violations of the right to associate and bargain collectively. The lack of meaningful progress in these areas, including continued repression of anti-slavery activists and democratic participation more broadly; the continued practice of hereditary slavery and other forms of forced or compulsory labor without consequence; and severe restrictions on the rights to associate and bargain collectively; is not consistent with the requirement that countries establish or make progress towards establishing internationally recognized worker rights (19 USC § 3703(a)(1)(F)).¹

In addition, the 2019 report of the ILO Committee of Experts on the Application of Conventions and Recommendations discusses the Government of Mauritania's repeatedly failure to respond to

¹ We note that Mauritania has also failed to respond to numerous requests for information from the ILO. The ILO Committee of Experts on the Application of Conventions and Recommendations noted in its 2019 report# that the Government of Mauritania failed to respond to numerous requests for information, including on all core conventions. *See, e.g.*, ILO, 388th Report of the Committee on Freedom of Association (March 2019) available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_679796.pdf

requests for information regarding inadequate measures to prevent child labor,² and “significant gender discrimination in remuneration in relation to jobs of the same value.”³ This reflects a failure to establish “a minimum age for the employment of children” and the right to be free from all forms of discrimination.⁴

To qualify for AGOA benefits, the Government of Mauritania must end the persecution of labor rights activists and immediately release those who remain imprisoned; acknowledge the fact of hereditary slavery; investigate and prosecute those responsible for acts of forced labor, including hereditary slavery; ensure access to justice provide comprehensive, gender-responsive support services to victims of forced labor; prevent child labor and establish the right to non-discrimination.

II. Mauritania’s Repression of Trade Unionists, Abolitionists and Human Rights Defenders Constitutes a Failure to Establish Internationally Recognized Worker Rights

The Government of Mauritania continues to harass and intimidate labor rights activists. A web of severe restrictions on freedom of association, expression, speech and assembly make it impossible for workers to meaningfully exercise their rights to associate and organize.⁵ The Government’s sustained attacks on abolitionists helps to perpetuate forced labor.⁶ Forced labor cannot be abolished if activists who confront its practice are jailed, harassed and intimidated.

As discussed in detail in our 2018 submission, recently enacted laws authorize long prison sentences for “incendiary discourse”⁷ and impose the death penalty for “blasphemous speech” or

² International Labor Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations ILC.108/III(A) (adopted 2019) available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_670146.pdf (“The Committee notes the observations from the CLTM, to the effect that young children are working in hazardous conditions in agriculture, small-scale fishing, construction and garbage removal, including the children of slaves and former slaves.”)

³ Ibid. International Labor Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations ILC.108/III(A) (adopted 2019) available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_670146.pdf

⁴ While 19 USC § 3703(a)(1)(F) does not specifically identify the right to be free from discrimination as an internationally recognized worker rights, freedom from discrimination it is one of the four core labor rights enumerated in the ILO’s Declaration on Fundamental Principles and Rights at Work.

⁵ See also, e.g. Human Rights Watch, Mauritania: Repressive Laws Restrict Peaceful Speech (January 17, 2019) available at <https://www.hrw.org/news/2019/01/17/mauritania-repressive-laws-restrict-peaceful-speech> (“authorities used a litany of harsh and overbroad laws on terrorism, cybercrime, apostasy, and criminal defamation to prosecute and jail human rights defenders, activists, bloggers, and political dissidents.”); Amnesty International, Mauritania: New President must prioritise human rights (August 1, 2019) available at <https://www.amnesty.org/en/latest/news/2019/08/mauritania-new-president-must-prioritise-human-rights/> (“Mauritanian authorities have long labelled human rights defenders as “traitors” and those who denounce discrimination are continuously harassed, intimidated and attacked.”)

⁶ Here, the principle that “[a]cts of harassment and intimidation carried out against workers by reason of trade union membership or legitimate trade union activities . . . may discourage them from joining organizations of their own choosing, thereby violating their right to organize,” would apply equally to harassment and intimidation of those fighting forced labor and slavery. Digest of Decisions ¶ 786.

⁷ Human Rights Watch, Ethnicity, Discrimination, and Other Red Lines: Repression of Human Rights Defenders in Mauritania, 4 (2018) Available at <https://www.hrw.org/report/2018/02/12/ethnicity-discrimination-and-other-red-lines/repression-human-rights-defenders>

“sacrilegious” or “renegade” acts.”⁸ Human rights activists often report mistreatment and abuse while in custody, and several ordinances allow prison sentences “involving compulsory labour as punishment for expressing political views.”⁹

There was a renewed wave of government repression in the wake of this summer’s presidential election that targeted many prominent opponents of slavery and discrimination, along with other opposition leaders, journalists and activists.¹⁰ On June 22, 2019, Former Defense Minister Mohamed Ould Ghazouani claimed victory, with a reported 52% of the vote. Three challengers contested the results, citing irregularities at the polls and a crackdown on civil society leading up to the vote.

Protests broke out after the results were announced. In the following weeks, the Government deployed security forces to break up protests, arrested and held prominent dissidents, closed the offices of opposition parties and shut down internet access across the entire country for 10 days. This appears to be a coordinated effort to stifle dissent and prevent citizens from accessing information or organizing protests. Amnesty International reports West African nationals were “attacked and some deported back to their home countries after being accused of destabilizing the peace in the country.”¹¹

Human rights groups are aware of almost 100 arrests.¹² Police often seized passports and other personal identification, computers, phones and other documents.¹³ There are multiple reports of mistreatment while in custody. Human Rights Watch reports:

“Authorities have released some of those arrested in connection with election protests, but still hold others on charges such as taking part in unauthorized demonstrations, damaging public property, and disturbing the peace, activists said. Courts have sentenced at least 13 of those arrested to prison terms of up to six months for these or similar offenses.

⁸ International Humanist and Ethical Union, NGOs protest as Mauritania creates “mandatory” death sentence for apostasy and blasphemy (May 16, 2018) Available at <https://iheu.org/ngos-protest-mauritania-creates-mandatory-death-sentence-apostasy-blasphemy/>

⁹ International Labor Organization, Committee of Experts, Direct Request to Mauritania on Convention 29 (2019) available at http://ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P1110_COUNTRY_NAME,P11110_COMMENT_YEAR:3963763,103075,Mauritania,2018

¹⁰ See, e.g. Human Rights Watch, Mauritania: Widespread Arrests to Blunt Backlash Over Election (July 23, 2019) available at <https://www.hrw.org/news/2019/07/23/mauritania-widespread-arrests-blunt-backlash-over-election>

¹¹ Amnesty International, Mauritania: New President must prioritise human rights (August 1, 2019) available at <https://www.amnesty.org/en/latest/news/2019/08/mauritania-new-president-must-prioritise-human-rights/>

¹² *Ibid.*; Kissima Diagana, Reuters, Mauritania opposition candidates challenge presidential election result (June 23, 2019) available at <https://www.reuters.com/article/us-mauritania-election/mauritania-opposition-candidates-challenge-presidential-election-result-idUSKCNITR1FO>

¹³ Human Rights Watch, Mauritania: Widespread Arrests to Blunt Backlash Over Election (July 23, 2019) available at <https://www.hrw.org/news/2019/07/23/mauritania-widespread-arrests-blunt-backlash-over-election>

On July 9, a regional court in Kaedi ... sentenced [opposition group Living Together Coalition (CVE)] activists Amadou Mamoudou Athie, Oumar Doro Sy, Mamadou Abou Diallo, Abou Lome, Amadou Koumba, and [Initiative for the Resurgence of Abolitionism (IRA)] activist, Moussa Diobayrou Konate, to six months in prison, with four months suspended, and fines of 2,000 Ouiguiyas (US\$54) for illegally forming a crowd, damaging property, and disturbing the peace ... The court acquitted four other CVE activists from Rindiaw in the same proceeding. All ten had denied the charges against them and stood trial without a lawyer, Konte said.

As of July 16, the Kaedi court was also prosecuting a CVE activist, Ghaly Sall, and IRA activists, Abou Modi Diongue, Ibrahima Kane, Amadou Ousmane Dia, Ismail Thimbo, Sidi Ould Brahim, Bakar Ould Bowa, Kader Bocoum, and Youba Ould Hamed, from the town of Lexaiba, for allegedly taking part in an unlawful demonstration, burning the mayor's office, damaging property, and assaulting police officers. All pleaded not guilty and said during a July 11 hearing that police had chained them in stress positions and prevented them from sleeping, said Konte, who attended the hearing.

Authorities in Aleg, east of Nouakchott, are detaining CVE activists Oumar Bachir Dia, Adama Souleymane Bass, Mamadou Hamadi Niang, Ali Amadou Ba, and Abdoul Gueye on accusations of taking part in an unauthorized demonstration and disobeying the authorities, said Konté, who met with the five men at the prison in Aleg.

On July 11, a court in Nouakchott sentenced seven CVE and IRA activists to six months in prison for taking part in an unauthorized demonstration, vandalism, inciting hatred and racism, damaging property and national heritage, and resisting security forces, said Balla Touré, an IRA co-founder and activist. All denied the charges, he said. As of July 20, authorities in the city of Nouadhibou were detaining 13 men whom Touré described as opposition activists on the same charges, which they denied.”¹⁴

Among those arrested and then released, most were targeted between the end of elections, held June 22, and a ruling affirming the incoming President's victory by the Constitutional Council announced on July 1. This appears to be deliberately designed to blunt organized opposition. Minority Rights International reports:

“On 3 July 2019, Ahmedou Ould Wediaa, [Vice President of SOS Esclaves], journalist and member of the opposition party (Tawassoul) in Mauritania, was arbitrarily arrested during a police raid at his home following statements he made criticising the authorities' response to the election-related protests, and in particular the mass arrests of foreign nationals [He was released without charge on July 15]...

¹⁴ Human Rights Watch, Mauritania: Widespread Arrests to Blunt Backlash Over Election (July 23, 2019) available at <https://www.hrw.org/news/2019/07/23/mauritania-widespread-arrests-blunt-backlash-over-election>

Yahya Sy from human rights group COVISSIM was arrested on 3 July and detained for six days before being released without charge. Cheikhna Mohamed Lemine Cheikh, the campaign manager of the Coalition Sawab/Initiative de resurgence du mouvement abolitionniste (Initiative for the resurgence of the abolitionist movement) was arrested in the Ksar neighbourhood in Nouakchott on 24 June and released on 2 July. Journalist [and anti-slavery advocate] Moussa Camara was arrested on 26 June, accused of questioning the results of the elections and released on 3 July. Samba Thiam, leader of the political party Forces progressistes pour le changement (Progressist forces for change) and anti-discrimination activist was arrested on 25 June following a Facebook post where he questioned “the fairness of the electoral process” and commented on the mobilization of the Afro-Mauritanian community. He was questioned without his lawyer until 1 July. He was released without charge on 3 July after being forced to sign a statement that he would ‘cease activities leading to extremism and violence’.”¹⁵

Arrests and harassment of abolitionists continued throughout the last year. In September 2018, activist Abdallahi Salem Ould Yali was charged “with incitement to violence and racial hatred for social media messages criticizing racial discrimination in the country.” Yali was already in detention following an arrest in January 2018.¹⁶ He was released in February 1, 2019.¹⁷ On August 7, 2018, the President of the anti-slavery organization Initiative for the Resurgence of Abolitionism (IRA), Biram Bah Abeid, was once again arrested. He was freed December 31, 2018.¹⁸

Mohamed Cheikh Ould Mkhaitir, who had been in detention since January 2014 for writing a blog post criticizing discrimination and slavery, was finally released on August 29, 2019. However, he was first forced to “repent” on national television.¹⁹ He was mostly in solitary confinement and reports he saw the sun only six times over the last five years.²⁰

¹⁵ Minority Rights International, Mauritania: Authorities must stop using arbitrary arrests to crackdown on anti-slavery and anti-discrimination activists (July 15, 2019) available at <https://minorityrights.org/2019/07/15/mauritania-crackdown-activists/>

¹⁶ Human Rights Watch, Mauritania: Repressive Laws Restrict Peaceful Speech (January 17, 2019) available at <https://www.hrw.org/news/2019/01/17/mauritania-repressive-laws-restrict-peaceful-speech>; Human Rights Watch, Mauritania: Activist Charged for Decrying Racism (September 12, 2018) available at <https://www.hrw.org/news/2018/09/21/mauritania-activist-charged-decrying-racism>

¹⁷ Submission by Human Rights Watch to the United Nations Human Rights Committee (June 2019) available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fMRT%2f35418&Lang=en

¹⁸ Submission by Anti-Slavery International, Minority Rights Group International and SOS Esclaves Submission to the United Nations Human Rights Committee (June 2019) available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fMRT%2f35110&Lang=en; Human Rights Watch, Mauritania: Repressive Laws Restrict Peaceful Speech (January 17, 2019) available at <https://www.hrw.org/news/2019/01/17/mauritania-repressive-laws-restrict-peaceful-speech>

¹⁹ Human Rights Watch, Mauritania: Blogger in ‘Blasphemy’ Case Freed After 5 Years (July 30, 2019) available at <https://www.hrw.org/news/2019/07/30/mauritania-blogger-blasphemy-case-freed-after-5-years>

²⁰ <https://www.amnesty.org/en/latest/news/2019/08/mauritanian-blogger-tells-amnesty-international/>

Imprisonment and harassment of abolitionists and labor rights activists is not consistent with establishing the prohibition on forced labor or the right to of associate, as required by 19 USC § 3703(1)(F).

III. Mauritania Has Failed to Prohibit the Use of Forced or Compulsory Labor

As the USG concluded in its decision to suspend Maurianita’s AGOA benefits, “Mauritania continues to have the highest prevalence of hereditary slavery in the world.”²¹ Government officials refuse to acknowledge the reality of forced labor and do not consistently conduct investigations or prosecute cases. There is a lack of appropriate social services to support victims of forced labor and prevent continued exploitation.

a. The Government of Mauritania denies the existence of forced labor

Government officials routinely deny that slavery exists, and refuse to recognize systematic caste-based discrimination and marginalization. As discussed in prior submissions, the government often acknowledges only the “vestiges” of slavery.

The Ministry of Labor recently began working with the ILO on the U.S. Department of Labor-funded Bridge Project to develop a qualitative study on ‘working relations that may result in a risk of forced labour’ in the country. This euphemistic approach continues this long history of government officials denying the reality of slavery and discrimination in the country. Credible qualitative studies already exist, including several from UN agencies cited in our previous 2017 and 2018 submissions. Government officials have thus far refused to approve conducting a quantitative study. A quantitative study would create, for the first time, actual data on the scope and scale of the problem. The need for accurate information has been noted by the ILO and the UN Human Rights Committee.²² A refusal to truthfully assess and document the problem is not consistent with establishing the prohibition of all forms of forced labor.

b. The Government of Mauritania fails to consistently conduct investigations, prosecute cases or otherwise take action to punish perpetrators and provide a remedy for victims

Before being readmitted into AGOA, the Government of Mauritania must, at a minimum, create a justice system that effectively identifies and remedies cases of slavery. The situation for perpetrators remains one of near-total impunity. As described in more detail in our 2017 and 2018 petitions, government officials do not proactively identify or redress violations, and police and judicial authorities rarely act on cases brought to their attention. A 2019 report from the UN Human Rights Committee concluded that victims of slavery continued to face numerous barriers to

²¹ <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2018/november/president-trump-terminates-trade#>

²² United Nations Human Rights Committee, Concluding Observations on the Second Periodic Review of Mauritania (June 2019) available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MRT/INT_CCPR_COC_MRT_35595_F.pdf

accessing the court system, including a lack of access to legal services, and that judicial processes did not provide independent or impartial forums for investigating or prosecuting slavery crimes.²³

Prosecutors do not conduct appropriate investigations and fail to prevent perpetrators, including slave-owners and traffickers, from intimidating victims into withdrawing their complaints. Procedures and deadlines are regularly not respected. If charges are brought, they are often for lesser offenses like violations of the labor code, and victims report government officials often pressure them to reach a settlement rather than pursue their case. In the rare instances that slavery charges make it to court, judges fail to hand down sentences that comply with the law, let alone reflect the gravity of the crime.

The 2019 Department of State's Trafficking in Persons (TIP) Report concluded "government agencies charged with combating trafficking and slavery continued to lack the resources, personnel, and political will to prosecute politically connected offenders, and reports persisted of officials refusing to investigate or prosecute perpetrators."²⁴ The report further found:

"[Regional anti-slavery] courts lacked the staff, funding, and resources to investigate and prosecute trafficking and slavery crimes throughout their regions. The three courts received a total of 700,000 MRU (\$19,440) during the reporting period, an increase from a total of 450,000 MRU (\$12,500) during the previous reporting period. While the appointed judges received specialized training on the 2015 anti-slavery law, they have not been trained in its enforcement and the unique challenges of investigating slavery cases, including how to prevent slaveholders from intimidating victims to withdraw their cases. Moreover, while other topical courts had specialized prosecutors, there were no specialized prosecutors for the anti-slavery courts. Judicial shuffles affected the anti-slavery courts twice during the reporting period. During an abrupt May 2018 judicial reshuffle, the Supreme Judicial Council (SJC) reassigned or removed experienced presiding judges sitting on the Nema and Nouakchott anti-slavery courts. In a second reshuffle in December 2018, the SJC appointed a new presiding judge to the Nema anti-slavery court and two deputy judges to the Nouakchott anti-slavery court. The Ministry of Justice directed all courts to transfer cases under the 2015 anti-slavery law to the anti-slavery courts; judges transferred nine slavery cases, but an unknown number of slavery cases remained with local courts.

Efforts to address hereditary slavery remained weak. Despite persistent concerns of official complicity and corruption in slavery cases, the government did not report any prosecutions or convictions of government officials complicit in, or accused of corruption related to, human trafficking offenses. Some police, prosecutors, and judges reportedly refused to investigate and try cases of hereditary slavery, or to acknowledge hereditary slavery continued to occur. Heavy government influence over the judiciary restricted its independence, and reports persisted that

²³ Ibid

²⁴ U.S. State Department, Trafficking in Persons Report – Mauritania (June 2019) Available at <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/mauritania/>

prosecutors and judges often prosecuted alleged slave owners for lesser offenses, closed slavery cases, or transferred cases for mediation to avoid bringing a slavery case to trial. Although prosecutors have a legal obligation to transfer slavery cases to the anti-slavery courts, some prosecutors encouraged victims to withdraw their complaints in exchange for a small amount of financial compensation.”

The AFL-CIO is not aware of any perpetrators that are currently serving prison sentences. There have been reports of a total of 14 cases heard in the Special Slavery Courts in all of 2018. Two, issued from the Nouadhibou Special Court in March 2018, were discussed in our 2018 filings. The AFL-CIO recently learned of an additional two rulings also issued in March from the Nouadhibou Special Court. In November 2018, the Special Court in Nema issued 10 rulings. The Special Court in Nouakchott has yet to issue a single ruling. Only two cases yielded convictions, the two discussed in our previous filings; the others resulted in two postponements and ten acquittals. In the case of Rabiaa and sisters, the defendant remains on bail while appealing the sentence. In the case of Boujimea Ould Bilal and 3 family members; one of the convicted individuals is deceased and the other remains in absentia in Western Sahara. The two individuals convicted by the Special Court in Nema in 2016 are believed to remain on bail pending appeal.

c. The Government of Mauritania does not provide victims of forced labor with appropriate services to access the legal system and reintegrate into society

There are no meaningful support services for victims of slavery, either to access the courts and pursue justice or to facilitate rehabilitation and reintegration into society. Survivors that lack socioeconomic support are at extreme risk for further exploitation. The Government of Mauritania must ensure survivors can access comprehensive, gender-responsive services, including legal services, housing, education, vocational training, childcare, and healthcare, including mental health services. The most recent report from the ILO Committee of Experts highlighted the continued inadequacy of support services to prevent child forced labor.²⁵ The Tadamoun agency, nominally established to address slavery, does little actual work on the issue. Since 2014, SOS Esclaves has submitted lists of victims to Tadamoun, but only three have received any support.²⁶ Advocates have raised issues with its lack of independence and inadequate budget.²⁷ Resources are needed, and we urge the US government to work with the international community to support efforts to ensure access to justice for survivors.

²⁵ International Labor Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations ILC.108/III(A) (adopted 2019) available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_670146.pdf

²⁶ Submission by Anti-Slavery International, MinorityRights Group International and SOS Esclaves to the United Nations Human Rights Committee (June 2019) available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fMRT%2f35110&Lang=en;

²⁷ Submission by FONADH, SOS Esclaves, AMDH, GERDDES-Mauritanie, IRA – Mauritanie, CSVVDH, ARPRIM, AFCF, COVIRE, CADRE, ODISSI, La VOIX des MARTYRS and CCR-E to the United Nations Human Rights Committee (June 2019) available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fMRT%2f35233&Lang=en

Preventing the practice of hereditary slavery is elemental to the establishment of the prohibition on all forms of forced labor. The Government's repeated failure to acknowledge its continued practice, conduct investigations, reliably prosecute perpetrators, and assist victims demonstrates that it is not making continual progress toward establishing internationally recognized worker rights.

IV. Mauritania Has Failed to Establish the Right to Association, and to Organize and Bargain Collectively

As detailed in our 2017 submission, Mauritania's labor laws do not establish the right to associate or bargain collectively, and the government actively interferes with these rights by suppressing worker organizing, harassing and intimidating labor activists and excluding independent unions from consultative processes and international fora.

The 2019 U.S. State Department Human Rights Report concluded that Mauritanian laws "severely restrict or excessively regulate" the rights to association and organizing, and found that the weak laws in existence were not effectively enforced.²⁸ As discussed in more detail in our previous filings, the Government maintains discretion over whether to recognize unions and civil society organizations. Officials routinely refuse to authorize abolitionist groups and block them from conducting activities.

All internal union rules and actions, including elections, are subject to official approval. No elections for staff representatives have been approved in the last 5 years.²⁹ The ILO has repeatedly requested more information on this issue, most recently in the 2019 report³⁰ of the ILO Committee on Freedom of Association.³¹ The Government is allowed to intervene directly in collective bargaining, and there are no protections for workers subject to anti-union discrimination.

²⁸ United States Department of State, 2018 Country Reports on Human Rights Practices: Mauritania (March 13, 2019) available at

<https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/mauritania/>

²⁹ United States Department of State, 2018 Country Reports on Human Rights Practices: Mauritania (March 13, 2019) available at

<https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/mauritania/>

³⁰ International Labor Organization, 388th Report of the Committee on Freedom of Association (March 2019) available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_679796.pdf ; International Labor Organization, Case No 3201

(Mauritania) - the General Confederation of Mauritanian Workers (CGTM) (March 2016) available at

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:50001:0::NO::P50001_COMPLAINT_FILE_ID:328048

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³¹ International Labor Organization, 388th Report of the Committee on Freedom of Association (March 2019) available at https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_679796.pdf ; International Labor Organization, Case No 3201

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https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:50001:0::NO::P50001_COMPLAINT_FILE_ID:328048

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There are numerous restrictions on the right to strike, and the government has actively retaliated against workers attempting to exercise this right. In July 2018, the government dismissed thousands of dockworkers at the Autonomous Port of Nouakchott after they engaged in a strike.³²

By restricting the rights of association and collective bargaining in both law and practice, the Government of Mauritania has failed to establish or make continual progress towards establishing internationally recognized worker rights, as required by 19 USC § 3703(1)(F).

V. Conclusion

The Government of Mauritania has failed to establish or make progress towards establishing the protection of internationally recognized worker rights, as required by 19 USC § 3703(1)(F). As such, its benefits under the AGOA should not be reinstated at this time.

³² United States Department of State, 2018 Country Reports on Human Rights Practices: Mauritania (March 13, 2019) available at <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/mauritania/>