

21 March 2022

Maat for Peace, Development and Human Rights



# Racial Discrimination in Africa: Applicability of International Conventions Countering it

— Case study: —



Ethiopia & Mauritania



## Introduction:

Despite the positive steps taken to combat racism and racial discrimination based on sex, color, race, or religion, this phenomenon remains present and is reflected in hatred and intolerance with others. Racism has always been the root cause behind the destruction of societies and the extermination of entire peoples. Many African peoples have really suffered from racism. For example, the Hutu-Tutsi conflict sparked in Rwanda has killed nearly one million Rwandans. The peoples of South Africa, who represent peaceful coexistence and acceptance of the other, had already paid a heavy price under what was known as the apartheid system, as they spent long decades facing ruthless racial discrimination between blacks and whites.

On the International Day for the Elimination of Racial Discrimination, observed annually on 21 March, Maat believes that despite the many global conventions to eliminate racial discrimination, many societies and individuals continue to suffer from oppression and stigma caused by racism, especially in Africa, the most ethnically diverse and culturally rich continent. Unfortunately, the effects of this distinction are increasing day by day, impeding progress for the benefit of millions of people in the world. Racism and intolerance can take many forms, such as depriving individuals of the most basic rights to equality and fueling feelings of hatred that can lead to genocide, threaten communities, and exacerbate political crises.

In this context, Maat for Peace, Development and Human Rights issued this study entitled "**Racial Discrimination in Africa: Applicability of International Conventions Countering it, with Ethiopia and Mauritania as case Studies**", on the occasion of the International Day for the Elimination of Racial Discrimination. In this study, Maat aims to shed light on the persistence of racial discrimination and the accompanying negative practices such as slavery and modern slavery.

The study focuses on some African countries that suffer from racist practices, namely; Ethiopia and Mauritania. Maat concludes the study with a set of recommendations that may help counter this phenomenon and motivate African countries to respond to international calls to end such inhumane practices.

## First: legal framework and international conventions to eliminate racial discrimination

Combating racial discrimination is a priority for the international community and set the basis of the work of the Office of the United Nations High Commissioner for Human Rights. So, the United Nations and the international community pay special attention to the prohibition of racial discrimination in all core

international human rights instruments, which oblige states to eliminate discrimination in the public and private.

### 1. International Convention on the Elimination of All Forms of Racial Discrimination

UN bodies aim to take the necessary measures to eliminate racial discrimination through this convention. It aims to implement the principles contained in the **United Nations Declaration on the Elimination of Racial Discrimination**, issued on November 20, 1963. The United Nations, however, launched the International Convention on the Elimination of All Forms of Racial Discrimination in December 1965 and entered into force in January 1969.

**The international convention** aims to eliminate racial discrimination in its all forms and ensure that human dignity is recognized and respected. Its texts fall under the Universal Declaration of Human Rights, which affirms that all human beings are born free and equal in dignity and rights, and that every person has the right to enjoy all the rights and freedoms established therein without any discrimination based on race, color, or national origin.

The convention contains 25 articles focusing on good practices that states must follow in connection with racial discrimination, in addition to articles on the performance of the UN Committee on Racial Discrimination, and the obligations of states parties. In the study, the articles of that agreement are cited with regard to racist practices and inconsistent with the provisions of the basic convention<sup>1</sup>.

### 2. African Charter on Human and Peoples' Rights

It is the key document that guarantees human rights in the African continent. It was drafted by African countries under the umbrella of the African Union on June 27, 1981, and was entered into force on October 21, 1986. The Charter guarantees all basic human rights, but it dedicates many items to ensure equality for all, and non-discrimination on any racial basis. This Charter is also cited in the study<sup>2</sup>.

### 3. Durban Conference against Racism

The Declaration embodies the commitment of all States Parties to combat intolerance, racism, xenophobia, and all related practices. It was adopted in South Africa at the 2001 World Conference against Racism as a

<sup>1</sup> للأمم المتحدة لحقوق الإنسان، الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري، الرابط: <https://bit.ly/364w1Dj>  
<sup>2</sup> الميثاق الأفريقي لحقوق الإنسان والشعوب، يونيو 1981، الرابط: <https://bit.ly/3wkNn9q>

practical document proposes concrete measures to combat racism, racial discrimination, xenophobia, and related intolerance at the national and regional levels.

The study cites all global and regional conventions, focusing on the three aforementioned, regarding the criminalization of racial discrimination in all its forms. The study of these forms of discrimination should be based on the deep analysis of incidents of racial discrimination in both Ethiopia and Mauritania, as two African models, which have not yet got rid of that racist tendency. Racism was behind one of the continent's largest wars in decades in the Ethiopian Tigray and the persistence of many negative phenomena in Mauritania, such as slavery.

## Second: Racial Discrimination in Ethiopia. A Case Study of “The Tigray Ethnicity”

Ethiopia has a range of different ethnicities, more than 80 ethnic groups. The authorities used Ethnic politics and tribal mobilization as a weapon for decades.

The feeling of marginalization and hatred between the ruling authority and the Ethiopian peoples increased due to discrimination among Ethiopians, whether based on race or religion. Upon the assumption of power by Prime Minister Abiy Ahmed, the Amhara ethnicity was empowered, the Oromo, Somali ethnicity, the Gomez ethnicity were marginalized, and the Tigrayans who monopolized power over the previous three decades were marginalized; the situation inside Ethiopia deteriorated since November 2020, until now. Ethiopia approached a civil war, each of the parties to the conflict trying to gain from that war, especially the geopolitical gains. Each side tried to recover or annex more territory to its territory by force of arms.

Therefore, we address racial discrimination in the Ethiopian interior towards the Ethiopian ethnicities. We will focus on the Tigrayan ethnicity as a model for racial profiling in Ethiopia.

### 1. Forms of ethnic discrimination among Tigrayans:

During the Tigray war that was sparked in November 2020, ethnic profiling took place against the Tigrayans. Tigrayans were placed on indefinite leave from Ethiopian Airlines, denied boarding, and banned from traveling abroad<sup>3</sup>. All government agencies and NGOs used by the Federal Police issued an order for ethnic Tigrayan identification by requesting a list of ethnic Tigrayans from the World Food Program office.

---

<sup>3</sup> The new humanitarian, Ethnic profiling of Tigrayans heightens tensions in Ethiopia, <https://bit.ly/3JeSWu0> 0..

Tigrayans' homes were also stormed and arbitrarily searched, and Tigrayan bank accounts were suspended. In addition, Tigrayan members of the Ethiopian components of UN peacekeeping missions were disarmed, and some were forcibly returned to Ethiopia, where they may be at risk of torture or execution. The senior military attaché in the Ethiopian United Nations Mission in New York, who Tigrayan ethnicity, was also dismissed<sup>4</sup>.

On January 31, 2021, Semhal Meles, daughter of former Prime Minister Meles Zenawi, stated that she was denied boarding a flight departing Addis Ababa despite carrying valid travel documents. In 2020, Meles was detained by 20 armed police in Mikkeli. She was held for 48 hours without access to a lawyer or informed of the reason for detention. A police officer threatened to cut her head off. Without the need for comment, these violations are discriminatory against the daughter of Meles Zenawi, who is of Tigran ethnicity<sup>5</sup>.

In early November 2020, the head of security at the African Union headquarters in Addis Ababa, Gebrigiaber Mebratu Melesi, was dismissed, based on the Ethiopian Ministry of Defense's recommendations. According to Article 2b, everyone shall enjoy the rights freedoms recognized and guaranteed in this Charter without discrimination. Primarily if it is based on race, color, sex, language, religion, political, other opinions, national, social origin, property, birth, or any situation.

## **2. Arresting Tigrayans is a tool to spread terror among the people of the region**

In November 2020, at the beginning of the Tigrayan war, about 700 ethnic Tigrayans were arrested in Addis Ababa. The number of detainees decreased to about 300 in December 2020, on suspicion of their links with the Tigray People's Liberation Front. In April 2021, 500 Tigrayans were detained in a detention center in Addis Ababa. Among the detainees were priests and women with young children, under miserable detention conditions, with an average of 30 detainees in each room, and none Tigrayan detainees appeared before a judge<sup>6</sup>.

In July 2021, there was another wave of arrests of Tigray residents. Twelve Tigray journalists were arrested. There were physical abuses against the detainees<sup>7</sup>.

<sup>4</sup> Reuters, Exclusive: Ethiopia says disarms Tigrayan peacekeepers in Somalia over security, <https://reut.rs/3MK9QT8>

<sup>5</sup> Financial Times, Ethiopia accused of using ethnic profiling to target Tigrayans, <https://www.ft.com/content/ddfbac87-540b-4fb7-a813-29d7b3c8812f>

<sup>6</sup> Reuters, Ethiopia's crackdown on ethnic Tigrayans snares thousands, <https://www.reuters.com/investigates/special-report/ethiopia-conflict-tigrayans>

<sup>7</sup> Addis Standard, Fresh wave of arbitrary arrest of Tigrayans in Addis Abeba, <https://bit.ly/3I6KWK5>

With the declaration of a state of emergency on November 2, 2021, Ethiopian practices violated the International Convention on the Elimination of Racial Discrimination in Article No. (3), which stipulates the need to prohibit and eradicate all practices based on forms of racial discrimination; despite joining the committee and ratifying the agreement since June 1976<sup>8</sup>.

Dozens of Tigrayan priests and monks were arrested in Addis Ababa; it means these arrests were made based on ethnicity. Many detainees had no links with the rebels, including mothers with children and the elderly. The detainees were selected based on a mixture of allusions such as their surnames, details listed on identity cards and driver's licenses, even the way they speak Amharic. As a result, police stations are so filled with detainees that authorities have moved the surplus to heavily guarded temporary facilities, including youth entertainment centers, warehouses, and one prison. Some relatives of the detainees did not approach these facilities, fearing that they might also be arrested, and were not allowed to meet with lawyers<sup>9</sup>. **All these practices are inconsistent with the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), as well as the Guidelines and Measures for the Prevention of Torture, Cruelty, and Inhuman or Degrading Treatment or Punishment established by the Robben Island Commission of the African Commission on Human and Peoples' Rights.**

At least 1,000 Tigrayans, possibly twice the number, have been arrested recently, for allegedly violating the state of emergency. In this bleak environment, people try to hide their accents and identities or are forced to quit their jobs because of their ethnicity in Addis Ababa<sup>10</sup>.

### **3. Systematic hate speech against ethnic Tigrayan digs the graves of innocents:**

Hate speech has increased online, following the declaration of a state of emergency in November 2021. Pro-federal journalists, politicians and activists used hate speech on online social media, called on neighbors to "get rid of them", and called on authorities to detain ethnic Tigray in concentration camps. For example, in late November 2021, the Ethiopian Federal Government Adviser and the British citizen made a highly racist statement, which should not be made by a high-ranking position like him; He stressed that soldiers must use "the cruelest forms". You must be cruel, must act beyond Ethiopia's cultural values.<sup>11</sup> In accordance with the

<sup>8</sup> OHCHR, link: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx)

<sup>9</sup> The new York times, Mass Detentions of Civilians Fan 'Climate of Fear' in Ethiopia, <https://www.nytimes.com/2021/11/17/world/africa/ethiopia-tigrayan-detention.html>

<sup>10</sup> BBC news, Mass arrests and ethnic profiling haunt Addis Ababa, <https://www.bbc.com/news/world-africa-59347230>

<sup>11</sup> The Telegraph, Briton released from death row accused of inciting genocide in Ethiopia, <https://bit.ly/3J78U9l>

International Treaty on the Suppression and Punishment of the Crime of Apartheid, apartheid is a crime against humanity and "inhuman acts resulting from policies and practices of apartheid and similar policies and practices of racial segregation and discrimination" are international crimes.

Racist practices against the Tigrayans have been described internationally as explicit ethnic stereotypes. The United Nations High Commissioner for Human Rights expressed concern about the ethnic profiling of Tigrayans during the conflict.<sup>12</sup>

**Thus, the problem raised in the introduction about the lack of conformity between the concepts of State and nation in Ethiopia, which constitutes the nation-State in its modern form, and which in its traditional definition has been able to move the conflict from within its territory to outside it. In the absence of genuine political will and unity of destiny, a political and social crisis that led to many causes of dysfunction or disruption in the social structure was exacerbated by phenomena such as sectarian conflicts, which led to war in the state mentioned in the study.**

### **Third: Racial discrimination in Mauritania. Case study of "modern slavery"**

#### **A. Persistence of slavery in Mauritania:**

In Africa's most bizarre social phenomenon, Mauritania received the title of last stronghold of slavery due to the prevalence of descent-based ethnic slavery in the country despite successive abolition decisions. In the twenty-first century, we continue to witness cases of slavery in its reprehensible nature, which humanity decided to enact laws to prevent it starting in 1792.

In October 2021, with the emergence of slavery in a Mauritanian village, Ain Verba, Hodh El Gharbi Region, it is unfortunate to say that this is not the first time a state of slavery has been discovered. It was revealed that a woman in her thirties, who belongs to the category of so-called "Sudan" in Mauritania, was detained due to the color of their skin, while her identity papers were hidden and her two daughters were detained by her master.

It is worth noting that Mauritania has ratified many international conventions in the field of human rights that prohibit slavery, such as the Geneva Convention in 1953, the Convention on the Prohibition of

---

<sup>12</sup> Reuters, Ethiopia volatile with fighting, ethnic profiling of Tigrayans - UN rights boss, <https://reut.rs/3CFcPaV>



Trafficking in Persons of 1956, as well as the International Covenant on Civil and Political Rights of 1966, and many regional conventions such as the African Charter on Human and Peoples' Rights, which prohibits slavery in Article 5.

Nevertheless, enslaved blacks could still be sold, hired, exchanged, gifted, lynched, beaten, castrated, raped, and exported to work as slaves in other countries. There are currently slave markets in Mauritania, most notably in the city of Arar. Currently, black slaves in Mauritania care for animal herds, collect dates and gum Arabic and work in the country's arable oases and fields.<sup>13</sup> These practices are contrary to Article IV of the Universal Declaration of Human Rights, which states: "No one shall be enslaved or servitude; slavery and the slave trade are prohibited in all their forms".

### **B. Mauritanian slavery, centralization of color and language:**

Mauritania has the highest rate of hereditary slavery of any country in the world. The Global Slavery Index estimates the number of people living in hereditary slavery in the country to be 90,000. In another statistic, about 150,000 people are still slaves worldwide, this percentage reaches about 20% of the Mauritanian population, which confirms the continuation of slavery practices within society.<sup>14</sup>

In practice, this descent-based slavery treats human beings as property, either modern slavery or "slavery-like conditions" within Mauritania, estimated by statistics to be more than 500000 people.

In a country with a high poverty rate of 31% of the total population,<sup>15</sup> Mauritania's barbarian Arab Arab-speaking elite, an exclusion group that defines itself as white (Beidan), ruthlessly dominates the country's wealth. They represent, at most, 30% of the population. The enslaved are black people from within the linguistic and cultural field of Arab-Islamic Mauritania (black Arabs or Sudan). There is a decrease in the proportion of Black Arabs (Haratin) and Black Africans in the army, police, administration, government and other state institutions.

On the other hand, national languages are not included; Pulaar, Soninke and National Wolves in school curricula, and therefore children wishing to receive education in those languages, meeting minimum

<sup>13</sup> Arab Reform Initiative, Ending Hereditary Slavery in Mauritania, <https://bit.ly/3J8x839>

<sup>14</sup> مواطنون رهن التمييز في موريتانيا، «الحرطين».. رؤية الإخبارية، <https://bit.ly/3KCCyUf>

<sup>15</sup> البنك الدولي يوافق على منحة 40 مليون دولار لموريتانيا، وكالة الأناضول، <https://bit.ly/3MHCN2l>



standards for the quality of the courses offered. This is contrary to article 2 (5-e) of the International Convention against Racial Discrimination.

While the high rates of litigation before the Mauritanian courts are not noticeable, this is not necessarily a positive indicator and can be attributed, inter alia, to the limited resources available to victims, their lack of awareness of their rights, their lack of confidence in the police and judicial authorities, or their lack of interest in or observance of cases of racial discrimination. Despite efforts to strengthen the investigation and prosecution of cases of racism in Mauritania, the State still needed to do more to guarantee citizens' rights. This is totally contrary to the International Convention on Racial Discrimination in its article 5, which guarantees equality before the law for all regardless of race or color. But not everyone really has that right; In other words, not everyone is treated equally to courts and tribunals, but sometimes they are not allowed to sue for violence. Article 6 also requires parties to ensure and protect all parts of institutions and courts against any racial act.<sup>16</sup>

### **C. Combination between misinterpretation of religious texts and the interests of elites impedes the elimination of slavery:**

Religious interpretation by some official religious institutions dominated by Beidan scholars of the issue of slavery, based on some of the ancient heritage books of Maliki jurisprudence, has to be re-read and reviewed according to modern times, because it is in itself an interpretation and an understanding of the text, rather than a distortion of it.

In fact, the combination between the interests of the elites and misperception of the religious text creates a favorable environment that justifies the enslavement of others. Black-skinned people are taught that abandoning their masters is disobedience and prohibited by religion, which necessarily coincides with the denial of education and effective social participation by black Mauritians. Perhaps that is why Beram Ould Dah Ould Abid, the leader of the IRA anti-slavery movement and his followers have been publicly burning some books of jurisprudence in 2012, rejected this misinterpretation of the religious text, which sets the stage for the persistence of the phenomenon within Mauritanian society.<sup>17</sup>

<sup>16</sup> الاتفاقية الدولية للتمييز العنصري، مرجع سبق ذكره

<sup>17</sup>

## Recommendations

Maat for Peace, Development and Human Rights believes that all human beings are equal before the law and have an equal right to be protected from any discrimination and incitement to discrimination, as enshrined in all international declarations. Therefore, it presents these recommendations to all concerned with human rights in general, and to the States in question in particular:

**First:** The Ethiopian Government must completely cease systematic military operations against Tigrayans, and promptly and unconditionally release all detainees who were arrested without a court appearance during the state of emergency, declared on Nov. 2021.

**Second:** The Ethiopian Government must adhere to its Constitution, according to the Ethiopian State Federalism, which affirms in its article 39 that every people, nationality and nation in Ethiopia has the absolute and unconditional right to self-determination.

**Third:** In case of peace between the parties to the Ethiopian conflict, the importance of the idea of diversity and dialogue vis-à-vis confrontational ideas, in Ethiopian cultural systems, above all political dialogue and religious discourse, and education should be emphasized. Strong Ethiopia could not be built without eliminating racism, even though it took decades.

**Fourth:** Maat for Peace, Development and Human Rights stresses the importance of the Mauritanian State's cooperation with NGOs and religious leaders in launching a large-scale information and awareness campaign to end slavery-like practices. Pursuant to article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination, which stipulates that States signatories, including Mauritania, must undertake to encourage, where appropriate, multiracial fusion organizations and movements and other means of eliminating gender barriers, and to discourage all that would strengthen racial division.

**Fifth:** The Mauritanian Government must prosecute the perpetrators of systematic racist practices, originally prohibited by law, in the courts, including cases in which these persons confiscated the property of former slaves after their death. The Mauritanian Government should also establish a committee to eliminate all forms of racial discrimination on the basis of race, color, language and all forms of modern slavery.

**Sixth:** Maat for Peace stresses the importance of the Mauritanian authorities to conduct an independent and impartial investigation when allegations of discrimination and practices similar to slavery are brought to its attention. The State should guide victims to all remedies available to them, facilitate their access to justice and ensure their right to fair and adequate reparation, and disseminate relevant laws on community integration.