



# General Assembly

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## Human Rights Council

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by France Libertés : Fondation Danielle Mitterrand, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 June 2019]

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\* Issued as received, in the language(s) of submission only.



## **The mirage of Human Rights: Sahrawi Youth and the Occupation of Western Sahara<sup>1</sup>**

Thousands of young people in and from Western Sahara are suffering a complete and total deprivation of human rights in flagrant violation of international law, due to Morocco's continued occupation of this Non-Self-Governing territory. Despite the General Assembly's condemnation of the Moroccan occupation and the unequivocal conclusion of the International Court of Justice that Morocco never exercised its sovereignty over the territory, over four decades of prolonged occupation have indefinitely postponed the implementation of the right to self-determination for the people of the former Spanish Sahara. The occupation has forced generations of Sahrawi to confront violent repression, protracted displacement, social and economic exclusion and cultural suppression. The current generation of Sahrawi youth was born into this situation of occupation and has never been able to enjoy their universally recognized human rights.

### **Denial of decolonization and the right to self-determination**

When the General Assembly included Western Sahara in the list of the Non-Self-Governing Territories in 1963, it recognized the right of the Sahrawi people to self-determination and independence and committed the entire organization to facilitating a decolonization process that has yet to be completed. Instead, the various mechanisms of the United Nations effectively stood by when that territory, protected by international law, was invaded and militarily occupied by Morocco, disappointed by the conclusions of the International Court of Justice.

The Sahrawi youth demand the General Assembly resolution 1514 to be implemented, the denial of which impacts every aspect of their lives and, along with Morocco's construction of a militarized wall dividing the territory, has forced the separation of the population into different geographic regions. In each of these areas, the denial of the first right codified in both International Covenants produces the violation of numerous other human rights.

### **Brutal violence, criminalization and repression**

For Sahrawi youth living under occupation, international human rights instruments serve as checklists for the innumerable rights that are violated on a daily and continued basis. Their right to life is threatened by assassinations and disappearances, while their entitlements to personal liberty and humane treatment are plagued by widespread arbitrary detention and the excessive use of force by Moroccan officials. The use of torture to obtain false confessions is commonplace, physical abuse of Sahrawi detainees is widespread and their due process rights are openly flouted. The rights of Sahrawi youth to expression, association and movement are severely curtailed, while they suffer exclusion from labor markets, restrictions on access to education and other violations of economic, social and cultural rights.

These abuses are particularly common for human rights defenders who advocate the independence of Western Sahara, a legitimate outcome of the self-determination process guaranteed by international law. Many defenders face discriminatory criminal charges related to supposed 'threats to territorial integrity'. This criminalization disproportionately affects Sahrawi youth who, faced with grim futures, publicly yet peacefully demand their rights.

Moroccan forces frequently respond to these exercises of freedom of expression by targeting protesters with violence, detention and abuse. Women face particular forms of sexualized intimidation, including being forcibly stripped of their traditional attire, insulted and groped. Sahrawi reporters and media activists seeking to document or disseminate

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<sup>1</sup> The full report by Mundubat Foundation is available here: [www.saharaconderechos.org](http://www.saharaconderechos.org)

information about the occupation are specific objects of this repression, as well as of defamation and criminalization campaigns.

Morocco has effectively annexed the territory and applies its laws throughout, in violation of the principle that a Non-Self-Governing territory has a distinct and separate status of that of any State. Moroccan settlers, at the instigation of the government, have altered the demographic composition of the Non-Self-Governing territory in violation of the Fourth Geneva Convention. The Sahrawi minority is unprotected by the justice system, and faces discrimination in the educational and health systems. The practice of many aspects of Sahrawi culture, from individual names to traditional dwellings, is prohibited or at a minimum, restricted.

In the words of Brahim, a young man from the occupied city of El Aaiun: *“While the occupation continues, our main job is to fight against it.”*

### **Protracted and indefinite displacement**

The majority of Sahrawi youth – tens of thousands of young men and women - are born and raised in refugee camps where they remain waiting to return to their homeland. The temporary settlements that have persisted for more than 43 years do not provide adequate conditions for the enjoyment of human rights. For their entire lives, the youth in the refugee camps have faced inadequate food, insufficient water and tenuous housing, in gross denial of the right to an adequate standard of living. Educational opportunities beyond primary school can be difficult to access and often require foregoing proximity to family. This further dissuades many youth already discouraged by scarce employment opportunities in the camps, undermining the relevance of education. Access to medical care is limited and irregular, largely influenced by the priorities of international assistance projects and the reliance of the Sahrawi authorities on these external actors. The non-recognition of the statehood of the Sahrawi Arab Democratic Republic, despite its compliance with the requirements established in international law and its condition as a member state of the African Union, places the Sahrawi youth born and raised in those camps in a situation of statelessness. For them, the indefinite postponement of the implementation of the right to self-determination has meant the indefinite postponement of meaningful forms of political organization and participation, of inclusive economies and robust public services, and of constructing their futures, individually and collectively.

As 24-year-old Galia puts it: *“Dreams? I don’t have dreams. I prefer not to think about the future.”*

### **Marginalization**

Many other Sahrawi youth live forcibly isolated from the world in the eastern region of the Non-Self-Governing territory. The failure to guarantee the exercise of the right to self-determination and independence to the Sahrawi people has obligated those who choose to continue their traditional forms of life to assume great risks and hardship. On the east side of the wall that divides Western Sahara, youth face a high risk of injury or death due to the millions of landmines littering the area, which impede their ability to move freely. The wall limits circulation of the youth themselves and also reduces access to the population of a wide range of actors, including educational and health services providers, networks of commerce and cultural exchange, and local and international political actors. Despite the physical presence of MINURSO in the Occupied Territory, the youth and the rest of the population could not be further away from the international agenda.

For Khadija, who was born and raised near Tifariti: *“Here, we have fresh air and tranquility, but you somehow always feel like you’re in a war zone.”*

## **Exile**

Increasing numbers of Sahrawi youth find themselves obligated to reside in the diaspora to have greater access to basic rights. In global north, however, the occupation has complicated the processes for acceding to legal status, generating confusion about the nationality of Sahrawi youth and the validity of documents issued by an under-recognized government. This produces consequences for access to education and the possibility of employment, among others. In Spain, where many Sahrawis have linguistic if not personal ties, the occupation has effectively concealed the historic obligations due to the population of a former Spanish colony as well as the legal responsibilities of the Spanish government as the originally Administering Power of Western Sahara. Additionally, the pervasive nature of the abuses endured by the population living under occupation has served as justification for the improper application of international mechanisms for Sahrawi seeking protection in these third countries.

Salka, a 29-year-old Sahrawi woman living in the Spanish state, reflects: “I was born in a refugee camp and now I’m here, but there’s still no light at the end of the tunnel.”

## **Obligations**

The illegal occupation of a great part of Western Sahara by the Kingdom of Morocco is an affront to human rights and a threat to peace, and must be addressed as such. The Human Rights Council must take its responsibility over the Non Self-Governing Territory of Western Sahara by:

Creating a mandate of Special Rapporteur on the human rights situation in the Occupied Territory of Western Sahara;

Explicitly address Morocco’s occupation of Western Sahara, clarifying the human rights obligations of the occupying force and supervising Morocco’s compliance, including with specific recommendations during the UPR process;

Requesting all Special Procedures to clearly qualify any reference to Western Sahara with its status of Non-Self-Governing Territory;

Calling for the respect of the permanent sovereignty of the Sahrawi people on their natural resources and by condemning the illegal exploitation of those natural resources without free, prior and informed consent of their legal representative, the Polisario Front.

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