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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 Mouvement National des Jeunes Patriotes du Mali, 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.

[28 January 2024]

* Issued as received, in the language of submission only.



The Sequestration of Women in Refugee Camps: the Case of Tindouf Refugee Camps in Algeria

The international community works to promote and protect the rights of refugees and ensure that host countries uphold their obligations under international law. Refugees, like all individuals, are entitled to certain human rights protections on the territory of the host country. These rights are outlined in various international instruments and conventions, and refugees, like all individuals, have the right to life, liberty, and security of person. They should be protected from arbitrary detention and physical harm.

The sequestration of refugee women in militarized refugee camps has profound and multifaceted impacts, affecting various aspects of their lives physically, psychologically, and socially. This practice, involving the forcible isolation and control of women within the camp environment, raises serious human rights concerns and exacerbates the vulnerability of an already marginalized group.

Sequestration impedes the socio-economic empowerment of refugee women by limiting their opportunities for education and employment, which hinders their ability to develop skills and knowledge, hampering their potential contributions to the community and broader society. This situation not only curtails the potential for women's personal growth but also undermines their resilience and development.

The sequestration of Sahrawi refugee women in militarized camps on the Algerian territory not only infringes upon their fundamental human rights but also generates a range of negative consequences that reverberate across various aspects of their lives. Addressing this issue requires a comprehensive approach that focuses on dismantling the militarization of refugee camps, ensuring access to essential services, and promoting the empowerment and protection of women within these vulnerable settings.

Sequestered Women in the Sahrawi Refugee Camps:

The sequestration of refugee women results in restricted access to basic rights and essential services, including the right to work, healthcare and education, which can have dire consequences for their mental and physical well-being. The case of the Sahrawi Refugee Camps, on the Algerian territory, is the blatant illustration of how impeding freedom of movement leads to increased risks of gender-based violence, with limited avenues for seeking help or protection. A longstanding practice, the confinement and isolation of young Sahrawi women, against their will, contributes to heightened stress, anxiety, and mental health issues among these sequestered women, further exacerbating the trauma they have been experiencing for decades in difficult conditions, in south-west Algeria.

Among the sequestered Sahrawi women in the camps are those who have legal residency or citizenship in Spain, preventing them from leaving the refugee camps to return to their host country, which raises significant issues related to the right to freedom of movement. This right is protected under various international instruments, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). This sequestration of Sahrawi women involves the arbitrary restriction of these women's ability to travel freely, which is contrary to the principles enshrined in these human rights instruments, and not only violates their rights but also contravenes the international legal framework that aims to protect refugees. The 1951 Refugee Convention and its 1967 Protocol emphasize the right of refugees to travel freely and not to be subjected to undue restrictions on their movement. Additionally, and since the confinement is against the woman's will, it is viewed as a form of arbitrary detention, which is prohibited under international law.

At least since 2014, Human Rights Watch has been able to document cases of Sahrawi women prevented from leaving the camps, confirming about one of the Sahrawi women held against her will in the camps that “illegal confinement is a serious criminal offense”, and stressing that the host country should “ensure that the woman is able to exercise her right to freedom of movement by leaving the camp, if she wishes, and returning to Europe”.

Human Rights Watch also argued that while the Frente Polisario illegally runs the refugee camps, “Algeria ultimately has the responsibility to ensure the protection of the rights of all persons on its soil.(1)”

The same international organization has expressed its concerns “by reports that at least three adult women of Sahrawi origin are being prevented by their families from leaving the Sahrawi refugee camps near Tindouf”(2). Two of the women confirmed they have been held against their will for more than two years and the third has been held since December 2015. (3)”

The sequestration of refugee women is a deeply ingrained and longstanding practice that has persisted over an extended period. This entrenched phenomenon is characterized by the systematic and enduring confinement, isolation, and control of women within refugee settings, creating a historical pattern of gender-based discrimination and vulnerability.

As recently as early January 2024, activists from the Tindouf refugee camps have reported the abduction and sequestration of the young Sahrawi woman F. Ch. L., which violates her fundamental right to liberty and security. Burning her travel documents amounts to torture and inhuman treatment, prohibited under international human rights law, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). This situation warrants attention from relevant international bodies, and efforts by international organizations are necessary to ensure the rights and well-being of these individuals are safeguarded in accordance with international law.

The involvement of Frente Polisario members in preventing the departure of these women raises questions about the responsibilities of the host country (Algeria) in ensuring the protection of individuals under its jurisdiction. Algeria has obligations under international law to respect and protect the human rights of individuals, regardless of their refugee status.

Tindouf refugee camps, with an unidentified number of sequestered Sahrawi women, are becoming environments where gender-based violence and exploitation flourish, where these women as targets of abuse, forced marriages, and human trafficking. The Frente Polisario exploit the vulnerability of sequestered women, subjecting them to various forms of coercion and violence, further violating their human rights. Besides, Sahrawi women in these camps find themselves assuming new roles as primary caregivers and breadwinners, navigating additional challenges in their efforts to provide for their families. The absence of protection heightens the vulnerability of these sequestered Sahrawi women to exploitation and abuse, amplifying the difficulties they face in maintaining their well-being.

Suppressed Sahrawi Refugees in Militarized Camps:

Refugee camps are meant to be places of safety for their inhabitants, and the militarization of such camps raises concerns about the safety and well-being of the refugees. International humanitarian law, including the Geneva Conventions, seeks to protect all civilians, including refugees. In situations where Frente Polisario illegally run refugee camps, there is a need for concerted international efforts to address the situation, protect the rights of refugees, and hold perpetrators accountable for any violations of international law.

The 1951 Refugee Convention and its 1967 Protocol are the primary international instruments that define the rights of refugees and the legal obligations of states towards them. The militarization of refugee camps may impact various human rights, such as the right to life, liberty, and security of person, as well as the right to seek asylum.

The fact that the Sahrawi refugee camps are militarized complicates efforts to provide humanitarian assistance and protection to those in need, and it is seen as contrary to the spirit of creating safe spaces for refugees. Algeria, the host country, should carefully consider its legal obligations and the potential impact on the rights and safety of Sahrawis on its territory.

Detaining women against their will in these camps constitutes a serious infringement on their fundamental rights. Such practices contravene the principles of gender equality and non-discrimination enshrined in international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The militarization of refugee camps and the reported human rights abuses place a significant responsibility on the host state and any collaborating entities. International human rights law obliges Algeria to prevent, investigate, and address human rights violations within its jurisdiction. Sahrawi women are being held against their will with the involvement and complicity of the Frente Polisario members, which should trigger international accountability mechanisms, including the involvement of international human rights bodies. Individuals within the Frente Polisario groups involved in human rights abuses or violations of international law should be held accountable for their actions.

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1. See the link: <https://www.hrw.org/news/2014/10/18/western-sahara/algeria-refugees-face-curbs-rights>
 2. See the report on the following link:
https://www.hrw.org/sites/default/files/supporting_resources/gl.2016.2.10._letter_to_moj_of_western_sahara.pdf
 3. See the link: <https://www.hrw.org/news/2016/03/04/western-sahara-women-held-refugee-camps>