

Introduction:

- The Organization Promotion of Economic and Social Development (PDES) is a non-governmental organization, based in Geneva, Switzerland, with consultative status with the Economic, Social and Environmental Council of the United Nations, working for the achievement of the goals of the 2030 Agenda for Sustainable Development, but also for human rights as an integral part of the Sustainable Development Goals in accordance with the goals adopted by the United Nations to eradicate poverty, protect the planet and ensure peace and prosperity for all human beings.
- The Sahara Observatory for Peace, Democracy and Human Rights (OSPDH), is an independent body, created in February 2016, with the aim of establishing a collective working experience to examine a range of issues related to democracy, peace and human rights, in the Sahara and Sahel. This is a device that combines field monitoring and reflection, based on research and studies, and is based on the development of reports and research and their advocacy with the countries concerned at the international level. The said mechanism is also based on the implementation of projects for the promotion and protection of human rights in Western Sahara.
- Through this report, submitted to the Human Rights Council, the Sahara Observatory for Peace, Democracy and Human Rights (OSPDH) and the Organization for the Promotion of Economic and Social Development (PDES), intend to examine the extent to which the Algerian State respects its international obligations within the framework of the Universal Periodic Review - fourth cycle, concerning the human rights situation. And this, in light of the recommendations made in May 2017, while providing a number of observations and recommendations on the progress made by the State party in the implementation of the recommendations made to it in the report of the Working Group on the Universal Periodic Review.
- During the discussion of its report at the 27th session of the Universal Periodic Review on May 8, 2017, the Algerian state received 229 recommendations, 113 of which were supported by the Algerian government. However, the latter considered that 64 recommendations have already been implemented and rejected 34 recommendations as being in violation of the constitution, or as false allegations that have nothing to do with the reality in the country, and considered another part not in accordance with the customs and traditions of Algeria. 18 recommendations were, however, deemed partially implemented by the Algerian state.
- We will limit our questions to the Algerian state as to the degree of its commitment to the implementation of the recommendations that are the subject of our mandate: these recommendations relate to the acceptance of international standards and cooperation with the special procedures and international human rights organizations: freedom of assembly and freedom of expression and association, extrajudicial executions, and the implementation of economic rights, as well as the protection of children from exploitation and asylum conditions. We will draw on reports from some of our components¹, and on testimony and communications we

¹ The Sahara Observatory for Peace, Democracy and Human Rights presented a series of reports to the Human Rights Committee (during sessions 118 and 123) and to the UPR mechanism (during of the 27th session in 2017), as well as the mid-term follow-up report (presented in 2019) based on the recommendations made to the Algerian State within the framework of the periodic review of May 2017.

² An irregular armed organization that runs the Tindouf camps in southwest Algeria, near the Wilaya of Tindouf.

have received regarding conditions in the Polisario²-led camps in Tindouf,³ southwestern Algeria. But also, on the research and thematic documents that we have carried out in collaboration with the victims of the serious violations that occurred in the camps and that fall under the jurisdiction of the Algerian state,⁴ based on the rules and provisions of international law that obliges the state to extend the protection of the rights of all persons under its jurisdiction without any discrimination. Moreover, the rules and provisions of international law do not reserve a limitation period for serious violations.

- We therefore recommend, as a matter of principle, that the Algerian government comment on the recommendations, observations and issues raised in this report under the Universal Periodic Review submitted to the United Nations Human Rights Council.

I. Acceptance of international standards and cooperation with special procedures and international human rights organizations:

- 1 The PDES Organization as well as the OSPDH Observatory express their regret for the refusal of the Algerian State of the majority of the recommendations (21 recommendations) formulated during the session of adoption of the final reports of the 3rd cycle, during the 36th session of the Human Rights Council concerning the acceptance of the international standards. These are recommendations 1 to 25 (except recommendations 6, 15, 16 and 17). We consider that these recommendations constitute a significant indicator for assessing the human rights situation in Algeria and the extent to which there is a willingness or not to implement the obligations related to the protection of human rights:
- 2 Algeria's refusal to accept Recommendation 14⁵ on the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, confirms the lack of willingness on the part of the Algerian state to reveal the fate of enforced disappearances throughout its territory, including the cases recorded in the Tindouf Camps,⁶ of which we have a list of hundreds of victims⁷ Its rejection of recommendations 8, 9 and 10⁸ on the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prolongs the deterioration of the health and psychology of hundreds of victims and survivors of systematic torture.

² An irregular armed organization that runs the Tindouf camps in southwest Algeria, near the Wilaya of Tindouf.

³ This is the area that the Algerian state has made available to the Polisario because of its dispute with Morocco over Western Sahara.

⁴ Under international law, Algeria remains responsible for protecting the rights of all persons on its territory, including the inhabitants of the Tindouf camps in southwest Algeria.

⁵ This recommendation was made by Iraq, Portugal, Ukraine and Sierra Leone.

⁶ The Working Group on Enforced Disappearances received 3,168 cases of enforced or involuntary disappearances in Algeria between 1980 and 2016, which it confirms in its 2016 report 51/33, but this number does not include cases of such violations in the Tindouf camps.

⁷ The Sahara Observatory received lists of hundreds of victims of abductions and disappearances in the camps of Tindouf in southwestern Algeria: a non-exhaustive list in Annex 1 of the parallel report of the coalition of NGOs interacting with the mechanism of the Universal Periodic Review on the occasion of the third cycle of the presentation of the Algerian state at the 27th session in 2017, which was presented by the Sahara Observatory as coordinator of this alliance:

https://www.upr-info.org/sites/default/files/document/algeria/session_27_-_may_2017/js2_upr27_dza_e_main.pdf

⁸ These recommendations were made by Denmark/Ronda/Ghana, Portugal, Spain, the United Kingdom of Great Britain and Northern Ireland.

- 3 The Algerian state has also continued to fail to cooperate with UN mechanisms. In this regard, we regret that the Algerian State did not support recommendations 30 and 31 submitted by Belgium, Uruguay, Georgia, Bosnia-Herzegovina and Peru to consider extending a standing invitation to all special procedures mandate holders. Indeed, requests for visits are still either suspended⁹ or pending:¹⁰
- 4 With regard to recommendation 29, made by Norway, concerning responding positively and without delay to requests for visits submitted by UN human rights experts and mechanisms, Algeria considered that it was being implemented and acknowledged that it cooperated fully with the special procedures of the Human Rights Council. However, since its third report, Algeria has ignored the requests for visits submitted to it by the special procedures of the Human Rights Council and has not received any visits to date.
- 5 The Working Group on Enforced Disappearances has not, to date, carried out its requested visit since 2000, despite successive reminders. Algeria has also failed to respond to outstanding requests for visits from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment; the Special Rapporteur on the promotion of human rights and fundamental freedoms while countering terrorism;¹¹ and the Working Group on Arbitrary Detention.
- 6 In addition, Algeria categorically rejects visits by international human rights organizations and research missions and refuses to allow its members to carry out their legitimate activities, thus preventing independent monitoring of the human rights situation; Like its procrastination regarding the visit submitted by the Euro-Mediterranean Network since 2016.¹² Note also the systematic prohibition by Algeria of visits by international organizations for the protection of human rights in the camps of Tindouf; it refuses visits by regional organizations and international NGOs in the camps, thus preventing any investigation into the crimes committed.
- 7 Algeria's refusal to cooperate with international monitoring mechanisms negatively affects the implementation of decisions issued by these mechanisms.

8 **Recommendations:**

⁹ To date, there are still three impeded visits: the visit of the Special Rapporteur on Torture, the Special Rapporteur on Human Rights and Counter-Terrorism, and the Working Group on Arbitrary Detention; see the link below regarding "other visits" to the Algerian state by the relevant special procedures:

<https://spinternet.ohchr.org/ViewCountryvisits.aspx?visitType=incomplete&lang=ar>

¹⁰ Eight special rapporteurs and two independent experts were still waiting for their visit to Algeria, visits that oscillated between invitations, reminders and appointments; see the link below:

<https://spinternet.ohchr.org/ViewCountryvisits.aspx?visitType=pending&lang=ar>

¹¹ The Special Rapporteur's call should be answered urgently, especially after the increase in the number of trials of Algerian human rights defenders, journalists, and peaceful activists charged with terrorism in the second half of 2021, coinciding with the expansion of the definition of the crime of terrorism.

¹² Since 2016, the Euro-Mediterranean Human Rights Network's visit to Algeria has been hindered three times in the last four years. The first time the visa applications received late responses, while the second time the visa application was rejected for at least one member of the delegation; the third time the delegation was able to obtain the visa, only to be informed 10 days before the visit, through the Algerian embassy in Brussels of the cancellation of all visas;

1. Accelerate ratification of the Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
2. Promptly issue a standing invitation to UN experts and human rights working groups and implement their recommendations;
3. Issue visas to representatives of research missions and international human rights organizations;
4. Allow visits to the camps by human rights organizations and research missions to investigate and communicate with the population, which serves the respect of human rights in the camps;
5. Work to investigate all cases of abduction, enforced disappearance, and torture that have taken place over four decades;

II. Freedom of assembly and freedom of expression and association

- 9 We welcomed Algeria's encouragement to bring its domestic legislation into conformity with its human rights obligations, particularly with respect to freedom of assembly, freedom of expression, and freedom of association, as well as its acceptance of Recommendation 95 submitted by Kenya regarding the implementation of these rights in accordance with the International Covenant on Civil and Political Rights and Recommendation 96 submitted by Australia to take further steps to guarantee the right to expression and assembly, the right to form associations, and the right of belief; However, the Algerian authorities continued to curtail these freedoms, and human rights activists and bloggers were arrested and prosecuted on charges such as calling for an assembly,¹³ conspiracy with a foreign country,¹⁴ and contempt of state institutions.¹⁵
- 10 The Algerian constitution, amended in 2016, stipulates in its article 150 the primacy of international treaties over laws. However, these treaties are reduced to a lower rank in the constitution; This would render the ratification of treaties meaningless, as the Algerian legislator continues to ignore that many articles of the constitution are in contradiction with the provisions of the International Covenant on Civil and Political Rights.
- 11 Article 49 of the 2016 Constitution guarantees the right to freedom of assembly. However, in practice and in implementing laws, this provision is rendered ineffective. Algerian authorities continue to violate this right, as the penal code punishes the organization of or participation in an unauthorized demonstration in

¹³ On August 7, 2018, blogger **Salim Yeza**, a member of the Amazigh community in France, received a one-year suspended prison sentence for inciting public gatherings and advocating hate and discrimination via a blog post.

¹⁴ The Bejaia Court of Appeal sentenced blogger **Merzoug Touati** to seven years in prison for inciting unauthorized gatherings, inciting demonstrations against the enactment of a law and intelligence with a foreign country in order to harm Algeria.

¹⁵ On June 6, 2019, blogger **Abdellah Benaoum** was sentenced to two years in prison for publications on social networks indicating the involvement of Algerian authorities and the army in the disappearance of thousands of people during the internal armed conflict in the 1990s, on charges based on articles of the Penal Code prohibiting "outrage and insult against institutions" and Article 46 of the Charter for Peace and National Reconciliation, which prohibits the use of "wounds of national tragedy to undermine the institutions of the Republic" or tarnish its reputation in international forums.

a public place.¹⁶ The lack of independence of the judiciary also contributes to the state of siege imposed on human rights activists and defenders, as evidenced by the dozens of court convictions of "Hirak" activists for disturbing public order, insulting state institutions, or insulting the president of the Republic.¹⁷

- 12** In conjunction with the spread of the Covid-19 epidemic, the government banned all demonstrations, only to announce a general shutdown two days later on March 23, 2020; Hirak activists who attempted to resume demonstrations after the gradual lifting of some precautionary measures were violently dispersed and arrested¹⁸ by the police on September 24 of the same year.
- 13** The oppression of fundamental freedoms in Algeria continues, despite the concerns of civil society and the international community, through amendments to the penal code and several decrees and laws aimed at diverting and legitimizing abuses, including the broadening of the 'definition' of the crime of terrorism.¹⁹ The second half of 2021 will see an increase in the number of terrorism trials, without legal basis, against Algerian human rights defenders, journalists and peaceful activists.²⁰
- 14** In southwestern Algeria, at the Tindouf camps, the Polisario monopolizes the political discourse and scene, and opposition to its primary goal of "self-determination" for Western Sahara is rarely heard, and political parties are constitutionally prohibited.²¹ From its inception, the Polisario has pursued an unprecedented offensive policy on the right to organize and lead by not allowing the establishment of nongovernmental organizations that do not adopt its ideology, except in the case of its parallel organizations; the Polisario also imposes severe restrictions on freedom of expression as it works to harass, silence, and undermine any margin of freedom of expression in the camps for human rights defenders, journalists,²² activists²³ and bloggers.²⁴

¹⁶ The Algerian Penal Code in Article 98, page 35, punishes up to one year in prison for organizing or participating in an unauthorized demonstration, see the following link:

[https://ihl-databases.icrc.org/ihl-nat/0/e75256421f90d2b6c1256fd6003695cc/\\$FILE/Code%20p%C3%A9nal.pdf](https://ihl-databases.icrc.org/ihl-nat/0/e75256421f90d2b6c1256fd6003695cc/$FILE/Code%20p%C3%A9nal.pdf)

¹⁷ In a statement issued by Amnesty International on February 22, 2021, on the second anniversary of the Movement's protests, the Algerian authorities targeted dozens of demonstrators, journalists, and activists with arbitrary arrests and trials for participating in peaceful demonstrations and expressing their political opinions on social networks:

<https://www.amnesty.org/fr/latest/news/2021/02/algeria-repressive-tactics-used-to-target-hirak-activists-two-years-on/>

¹⁸ After the deconfinement/relaxation of the lockdown, police violently dispersed activists' attempts to resume demonstrations, arresting protesters in Bejaia and Annaba; see the following link to HRW's report on "Algeria: Events of 2020": <https://www.hrw.org/fr/world-report/2021/country-chapters/377336>

¹⁹ On May 30, 2021, the Algerian President adopted two decrees in the Council of Ministers, including Ordinance No. 21-08 of 27 Chaoual 1442 corresponding to June 8, 2021, amending and supplementing Ordinance No. 66-156 of June 8, 1966, on the criminal code, relating to the repression of terrorist acts, which will be presented to the Constitutional Council on June 2, 2021, which considered the provisions of the two texts to be constitutional in form and substance. On June 9, 2021, Ordinance 21-08, as amended and supplemented to Ordinance 66-156, came into force and was published in the Official Bulletin, without any parliamentary debate.

²⁰ The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism warned in the communication sent to the Algerian State on December 27, 2021 in the context of DZA 12/2021 that any action to combat terrorism and maintain national security must be in accordance with the State party's obligations under international law, and must not interfere with the work and safety of individuals, groups, and organizations involved in the promotion and protection of human rights

²¹ On a report by HRW, following its 2013 visit to the Tindouf camps on "Human rights in the Tindouf camps":

<https://www.hrw.org/report/2014/10/18/radar/human-rights-tindouf-refugee-camps>

²² Polisario security forces arrested journalist **Moulay Abba Bouzid** on Monday, June 17, 2019, while he was participating in a sit-in in front of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Rabouni.

²³ **Fadal Breika**, an activist of "Sahrawi Initiative for Change" in the Sahrawi refugee camps, was arrested on Tuesday, June 18, 2019 in Rabouni, details in the following link:

<https://futurosahara.net/?p=50651>

²⁴ As part of the Polisario's kidnapping campaign against some of the voices known to be critical of corruption in the Tindouf camps, blogger **Mahmoud Zidan** was kidnapped on Wednesday, June 19, 2019, details in the following link:

<https://futurosahara.net/?p=50657>

- 15** The Polisario leadership has repeatedly informed demonstrators that demonstrations and sit-ins are totally prohibited and that all forms of protest are unacceptable, under penalty of arbitrary arrest,²⁵ torture or campaigns of intimidation and treason.²⁶
- 16** During the pandemic of COVID-19, which aroused the importance of human solidarity in that various countries rushed to provide all the support to those on the front line, in this time the security forces of the Polisario, have, simultaneously with the registration of the first four cases of infection in the camps, harassed, arrested and abused doctors, nurses, and even some journalists and bloggers, as indicated in the report of the UN Secretary General²⁷ submitted to the Security Council in 2020, after organizing a strike due to the lack of appropriate working conditions and denouncing what they consider political speculations they are subjected to from the Polisario leadership far from the reality of the health sector, and the spread of false data in an attempt to calm the public opinion in the camps. On August 8, 2021, the police in the camps arrested the blogger Mahmoud Zidan for 24 hours, and questioned him about his comments on social networks in which he criticized the management of the aid distribution operation related to the virus Covid-19.²⁸

17 Recommendations:

- 6. Repeal or revise Algerian laws that contradict freedom of expression, association and assembly;**
- 7. End the legal persecution of human rights defenders and journalists, while ending prosecutions based on articles of the law restricting freedom of expression;**
- 8. repeal and amend the articles of the Penal Code that define terrorist acts;**
- 9. Urgently respond to the Special Rapporteur's call, particularly after the increase in the number of trials of Algerian human rights defenders, journalists, and peaceful activists charged with terrorism in the second half of 2021, coinciding with the expansion of the definition of the crime of terrorism;**
- 10. Release human rights defenders detained for terrorism and drop the charges against them;**
- 11. Authorize the creation of political parties and non-governmental organizations in the Tindouf camps;**
- 12. Lifting the state of emergency in the camps and granting residents the right to demonstrate peacefully, away from campaigns of intimidation and defamation against protesters;**
- 13. Stop all kinds of harassment and persecution against all forms of opposition and human rights defenders who do not espouse the same vision of the Polisario organization;**
- 14. Expedite the follow-up and prosecution of those responsible for exposing some detainees to violence**

²⁵ The sons of **Maelainin Souaid** were arbitrarily arrested and tortured during the dismantling of the peaceful movement calling for freedom of movement on 29 April 2019.

²⁶ The activists of the peaceful movement against the violation of freedom of movement organized a peaceful demonstration on Wednesday, April 10, 2019, in the camps of Samara, against the decision of the Polisario to limit the number of cars allowed (a daily list issued to the Algerian Transit Center authorizing a limited number of cars), to address the Sahrawi public opinion by explaining the real objectives of this movement far from the campaigns of denigration and treachery propagated by the leaders : <https://www.youtube.com/watch?v=uO8lnSTp9UM>

²⁷ Paragraph 71 of the UN Secretary General's 2020 Report, page 14/21 with reference <https://undocs.org/fr/S/2020/938>

²⁸ On Amnesty International's 2020-2021 report/paragraph 84 "of the Polisario Front camps", see the following link: <https://www.amnesty.org/fr/documents/pol10/3202/2021/fr/>

and torture in connection with recent events in the Tindouf camps, and ensure that the perpetrators are punished

III. Extrajudicial executions and the question of impunity:

- 18** Algeria considered recommendation 79 made by the State of Zambia, regarding the conduct of a full and impartial investigation into all cases of extrajudicial executions and excessive use of force by the security forces, to be an implemented recommendation on the grounds that it had taken several measures at the preventive and injunctive levels; Both PDES and OSPDH believe that Algeria continues to ignore the victims of the extrajudicial execution of Sahrawis in the Tindouf camps in southwestern Algeria, where we have received the allegations of many victims of extrajudicial, summary or arbitrary executions.
- 19** Since the establishment of the Tindouf camps in southwestern Algeria, the Algerian security services and the Polisario²⁹ have committed massive human rights violations against the backdrop of the Sahara conflict and the humanitarian atrocities that accompany it; Although the Polisario has acknowledged that human rights violations have occurred in the past, it has not provided clear data on repeated enforced disappearances, abductions, extrajudicial, summary or arbitrary executions, torture in detention centers and other cruel, inhuman or degrading treatment or punishment.
- 20** The right to life is guaranteed by international conventions; exceptional circumstances, including a state of war, threat of war, internal political instability, or any other state of emergency, cannot be invoked to justify extrajudicial, summary, or arbitrary executions; Algerian state³⁰ authorities have so far carried out executions without any judicial or legal process. Numerous cases of killings by Algerian public forces against Sahrawi refugees have been reported, either by bullets³¹ or by immolation.³²
- 21** Thus, we record the recurrence of cases of execution of refugees³³ from the camps of Tindouf in southwestern Algeria; which do not present any danger to security and public order; On the part of the Algerian army, which

³⁰ In late November 2021, Algerian army agents shot dead **Ould Mohamed Ould Syed Ahmed Ould Markhi**, while Mohamed Fadel Ould **Limam Ould Chgheibin** was seriously injured while accused of smuggling fuel in a 4x4, not far from the Tindouf camps; Less than a week later, Algerian soldiers shot and killed Sahrawi child **Abaidat Ould Alballal** and wounded a young man, **Falli Ould Barka**, while searching for gold at a mine east of the Dakhla camp in Tindouf.

³¹ According to data collected by the Sahara Observatory and documents received, Algerian army personnel liquidated Khatri Hammadha Ould Khandoud in 2014, **Mohamed Aliyine Ould Bouh** in 2014, Barra Mohamed Ibrahim in 2017, **Kari Mohamed Ali Alwali** in 2017 and **Hafdallah Abdou Ahmed Bebbout** in 2017. See page 4 and 5 of the parallel report of the OSPDH concerning the implementation by Algeria of the articles of the International Covenant on Civil and Political Rights" - addressed to the Human Rights Committee - Geneva / July 2018: https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/DZA/INT_CCPR_CSS_DZA_31386_E.docx

³² On October 19, 2020, young men **Mouha Ould Hamdi Ould Souelm** and **Ali Lidrissi** were burned alive in cold blood in a ditch by Algerian military patrol agents using gasoline-soaked blankets, south of Dakhla camp, after being trapped in a gold mining ditch.

³³ On August 2, 2019, elements of the Algerian army opened fire in the region of Atguilila (150 km southeast of Dakhla camp) on **Yaslam Hammadha Ould Khandoud** (brother of **Hammadha Ould Khandoud**, murdered by the Algerian security authorities along with several youths from the camps) while he was searching with a group of marginalized youths in the camps for the remains of meteorites in this area, before Polisario elements summoned by the Algerian army, buried him on the spot, without informing his family and preventing them from seeing his body.

qualifies these cases of murder of a systematic nature,³⁴ in the absence of the rule of law³⁵ (Algerian) at the level of the camps of Tindouf.

- 22** As Algeria has accepted recommendations 82 and 83 submitted by Angola and the Maldives, respectively, regarding the continuation of measures and efforts to facilitate universal access to justice and to consolidate the rule of law and good governance, we invite Algeria to examine these cases related to violations committed against refugees in the Tindouf camps as a responsible authority in charge of investigating all violations committed on its territory and under its jurisdiction.
- 23** Whereas human rights standards are not mere preferences or aspirations according to the modern approach to the concept of human rights; in that the protection of the right to life stands on two components: the prevention of arbitrary executions; and accountability. The absence of this second component in this case is itself a violation of the right to life.
- 24** Given that the nature of these violations of the right to life exacerbates the obligation to investigate the events that occurred as an integral part of the concept of; In order to guarantee this right and prevent the emergence of a climate of impunity; Algeria has a duty under international law to investigate allegations of violations of arbitrary executions against these youths; Any failure on its part, as a state party, to investigate these allegations also constitutes an independent violation of the International Covenant on Civil and Political Rights.

25 Recommendations:

- 15. We urge Algeria to implement the Algerian national law on the whole Algerian territory, including the camps of Tindouf;**
- 16. We call on the host country, Algeria, to conduct a prompt and impartial investigation into the allegations of extrajudicial execution, in order to determine the cause, manner and time of death, the persons responsible, and the circumstances that caused it;**
- 17. Take the necessary measures to prevent cases of excessive use of force against defenseless refugees;**
- 18. To bring the perpetrators and supporters of these violations to fair trials in accordance with international human rights law and international humanitarian law, as crimes for which there is no statute of limitations;**

³⁴ In the communication with reference DZA 7/2020, addressed to Algeria on "the extrajudicial execution of two Sahrawi refugees at the site of a mine south of the Algerian town of Aouinet Bélagraa, the United Nations Human Rights Council" through three special procedures, namely the Special Rapporteur on the fight against torture, the Special Rapporteur on extrajudicial executions and the Special Rapporteur on the rights of migrants, on January 7, 2021, the communication considered that "these violations appear to be part of a more general and systematic pattern of violations allegedly committed by the Algerian security forces against Sahrawi refugees and migrant minors". <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25805>

³⁵ See the link below for the US State Department's 2016 Algeria Human Rights Report on the absence of Algerian rule of law in the Tindouf camps: <https://www.state.gov/documents/organization/265702.pdf>

IV. The establishment of economic and social rights:

- 26** Recommendation 141, regarding the intensification of efforts to strengthen the enjoyment of economic, social and cultural rights, presented by the State of Qatar, received the support of Algeria; We can say that during the period under review, and based on the information available to us regarding the economic and social conditions in the Tindouf camps in southwestern Algeria, we have not registered any progress in this regard.
- 27** We draw attention to the fact that, since its inception, the Tindouf camps,³⁶ located in southwestern Algeria, have remained outside the host country's development plans and have not been connected to the necessary services to ensure the right to an adequate standard of living; the Algerian authorities have continued to treat what happens inside the camps as something outside of their international responsibilities and obligations; the Tindouf camps depend on international aid to meet their basic needs: since 1993, the European Union has allocated an annual aid program in coordination with other international donors to avoid duplication.
- 28** Algeria considers that recommendations 66 and 67 are implemented regarding the further promotion of sustainable development to improve the standard of living and thus enjoy all human rights (China) as well as to increase development efforts in the most disadvantaged areas (Côte d'Ivoire). As for the realization of the right to food, the residents of the camps, since their creation, depend for their food on humanitarian aid whose distribution is controlled by the Polisario, in cooperation with the Algerian authorities, which has made the access of the population to it conditioned by the proximity of the Polisario leadership, and that over the years, this aid has been subject to major detour,³⁷ ranging from the substitution of goods by others of lesser quality, to looting or sale on the markets of the camps,³⁸ in Algeria or in neighboring countries³⁹ by the Polisario leadership, which has resulted in a shortage of basic foodstuffs, including for infants and newborns.
- 29** The existing problem is not only the implementation of the right to food, but also the services related to its implementation, although the Office of the High Commissioner for Refugees and the organization "Andalusia International Solidarity" are working in the water and sanitation sector to build and maintain the water supply network in each of the four camps, But access to drinking water remains a difficult problem, due to the quality of the water, which remains largely polluted or below the required standard, or due to the scarcity of water compared to the demand for water; Camp residents frequently demand,

³⁶ The Tindouf camps are located in the extreme southwest of Algeria, where extreme weather conditions, with temperatures exceeding 50 degrees in summer with a shortage of water, classify them among the most disadvantaged areas.

³⁷ The European Anti-Fraud Office (OLAF) published a report in 2007 based on the results of the 2003 investigation, which made heavy accusations (some names of Algerian officials and the Polisario leadership are cited) regarding the detour of EU humanitarian aid, intended for the inhabitants of the Tindouf camps, from the Algerian port of Oran:

<https://saharanews24.files.wordpress.com/2015/02/jk45as912ws-150203082157-conversion-gate01.pdf>

³⁸ Video documenting the group of angry women in the camps: https://www.youtube.com/watch?time_continue=13&v=q3zIKGOUgME

³⁹ Video documenting the sale of goods provided by the European Union as humanitarian aid to the Tindouf camps, on Mauritanian markets: <https://youtu.be/NAPRetuINYE>

through peaceful demonstrations often met with repression,⁴⁰ the supply of clean water; accusing officials of negligence and selling water to project holders, while ordinary people experience a thirst crisis.

30 Recommendations:

- 19. To take measures to strengthen the enjoyment of economic and social rights in the most disadvantaged areas, including the Sahrawi refugee camps in the Wilaya of Tindouf;**
- 20. Include the Tindouf camps in the development plans of the host country, Algeria;**
- 21. Guaranteeing the right to a decent standard of living for the inhabitants of the Tindouf camps;**
- 22. Providing humanitarian aid to the inhabitants of the Tindouf camps and fighting against all forms of misappropriation and looting;**
- 23. Work to improve basic services.**

V. Protecting children from exploitation:

- 31** PDES and OSPDH note the measures taken by Algeria in the field of children's⁴¹ rights at the institutional level by creating the position of national representative for the protection of children by promoting legislation, particularly in the field of protection, through Law 12-15⁴² of July 15, 2015, which includes the key principles of the Convention on the Rights of the Child, and where "child refugee" is part of the covered meanings of protection⁴³, through this law, from all forms of discrimination, neglect, abuse or treatment, abuse or any type of physical, moral or sexual abuse.
- 32** Algeria supported recommendations 202 and 203⁴⁴ to continue efforts to protect children from violence and abuse, but the impact of these recommendations, as well as legislative and institutional measures to protect

⁴⁰ Polisario forces intervene against demonstrators in Rabouni camp, demanding drinking water, see the following link: <https://www.facebook.com/SAHARAU100/videos/pcb.2279287402131458/2279287332131465/?type=3&theater>

⁴¹ The creation of the position of National Representative for Child Protection by Law 12-15 of July 15, 2015 responsible for coordinating and dealing with matters relating to child protection and advice and guidance on a number of issues within its mandate.

⁴² See The Official Gazette of the Algerian Republic No. 34, page 4, published on July 19, 2015, on the promulgation of Law No. 15-12.

⁴³ See Article II of Section 1 of the Algerian Republic No. 34 on the definition of the child in Law No. 15-12.

⁴⁴ These recommendations were made by the Islamic Republic of Iran and Jordan respectively.

children, do not benefit children in the Tindouf camps, where children continue to suffer exploitation:

- 33** The Polisario organization continues to exploit school curricula for purposes other than pedagogical ones, through contents that promote violence, hate speech and contents that encourage the carrying of weapons, and these practices are carried out outside the control of Algerian educational authorities; in the sense that the objectives of education embodying noble values are extremely important for children living in conflict or emergency situations.
- 34** Although Law 12. 15 emphasized the protection of the rights of children affected by armed conflict⁴⁵, as well as Algeria's support for Sri Lanka's recommendation 204 on the continuation of efforts to promote the rights of the child, in particular to prevent crimes against children; Algeria remains out of context with what is happening in the camps where the Polisario continues to deprive groups of children of schooling and force them to integrate its armed lines, and according to the testimonies of a group of mothers, children are deprived of their right to a normal childhood, taking part in military actions at a very early age with all the physical and psychological complications that result from it.
- 35** The behavior of the Polisario represents a political and military exploitation of thousands of children inside the Tindouf camps, and a direct violation of the obligations of the Convention on the Rights of the Child, in particular Article IV of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Children have been engaged in Polisario propaganda, involved in military training⁴⁶ and used as human shields; the Polisario recently boasted, in promoting its return to arms, through the participation of children in military parades, that it had a nursery of its ideology.⁴⁷

36 Recommendations:

- 24. To accelerate the extension of the protection provided by law 15.12, to the children of the Tindouf camps on Algerian soil;**
- 25. To schedule visits by the Algerian mechanism 'National Delegate for the Promotion and Protection of Children' to provide protection to children in the Tindouf camps against all forms of exploitation and discrimination and to make appropriate recommendations to the Algerian government in this regard;**
- 26. Algeria should assume its responsibility to put in place monitoring mechanisms on school programs and textbooks in the Tindouf camps;**

⁴⁵ Page 6 of La « République algérienne » n° 34.

⁴⁶ Article explaining the military exploitation of children in the Tindouf camps, see link: <https://www.algeriatimes.net/algerianews55657.html>

⁴⁷ The Polisario recruits hundreds of children, which was the subject of a parliamentary question see the following link: https://www.europarl.europa.eu/doceo/document/E-9-2020-004803_FR.pdf

- 27. Work to implement educational programs that promote understanding, peace, and tolerance and help prevent violence and discord;**
- 28. To intensify efforts to educate and instill in children the human values of human rights and peace;**
- 29. To increase opportunities for youth in the Tindouf camps to participate in peace movements to promote non-violent conflict resolution;**
- 30. The urgent need to put an end to the phenomenon of child recruitment in the Tindouf camps, in accordance with the host country's commitments in this regard.**

VI. Asylum conditions and the rule of law in the host country:

- 37** The total number of recommendations relating to refugees⁴⁸ was supported by the Algerian state, but the organizations PDES and OSPDH note that during the five years covered by the report, and in the absence of a legislative framework on asylum in accordance with international conventions the situation of Sahrawi refugees in the Tindouf camps has not evolved and the UNHCR continues to assume full responsibility for the refugees without the participation of the host country, despite the commitments made in this regard during the Universal Periodic Review, the third cycle, and which have not been implemented:
- 38** The classification of the Tindouf camps as refugee camps is experiencing difficulties, although they have been in existence for a long time; however, they have never been subject to a census, despite the fact that the UNHCR⁴⁹ has repeatedly submitted its request to the host country, and despite the Security Council⁵⁰ resolutions on the subject, as well as the recent request of the European Union.⁵¹
- 39** Although Recommendation 226, formulated by Portugal concerning the granting and recognition of refugee status with the necessary national documents, has been accepted by Algeria, despite its advocacy of Sahrawi refugee discourse at the international level, it continues to refuse to recognize the residents of the Tindouf camps as refugees with the rights that flow from it, undermining its obligations stemming from its ratification of the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees. Without a refugee card, camp residents are denied the right to move, thereby limiting their choices and impacting their freedom to construct their options and convictions for individual self-determination by opting to stay or leave the camps.⁵²

⁴⁸ These recommendations are 222, 223, 224, 225, 226, 227 and 229, respectively, made by Sweden, Belgium, Germany, Mexico, Portugal, South Sudan and Mozambique.

⁴⁹ The UNHCR has repeatedly asked the host country, Algeria, from 1977 to 2001-2003-2005, to register the refugees in the Tindouf camps.

⁵⁰ In its reports No. 1920, 2218, 2285 of, respectively, 2010, 2015 and 2016; the Security Council recalled on the importance of the registration of refugees in the Tindouf camps and the deployment of efforts in this regard; through resolutions No. 2351, 2414 and 2482 of, respectively, 2017, 2018 and 2019.

⁵¹ The European Union (EU) expressed, in 2017 before the Fourth Committee of the UN General Assembly, its support to UNHCR for the registration of refugees in the Tindouf camps.

⁵² The recurrence of incidents of indiscriminate shooting and arbitrary arrests by Algerian forces on the outskirts of the camps of people wanting to flee the camps through the security wall.

- 40** Regarding Israel's recommendation 228 on the need for Algeria to assume full responsibility in the Sahrawi refugee camps and protect all their rights; We draw the attention of the UPR Working Group to the fact that after more than 47 years, Algeria has not provided the necessary protection to the Sahrawi people on its soil, leaving them at the mercy of the Polisario and exempting them from national laws and international obligations in this regard.
- 41** We also express our concern about the transfer by the Algerian state of its prerogatives, including its legal mandate, to the Polisario Front in total contradiction with its obligations. As the host country, Algeria remains responsible for the illegal acts and actions of the Polisario Front as an entity with the elements of a 'state' within a state, granting it the necessary mandate and providing it with full immunity.

42 Recommendations:

- 31. Adopt a legislative framework for the implementation of the Convention relating to the Status of Refugees and its Optional Protocol;**
- 32. Initiate the registration of refugees in the Tindouf camps as a humanitarian claim prior to the preparation of humanitarian assistance plans;**
- 33. Activate the implementation of Algerian national law throughout Algeria, including the Tindouf camps in the southwest, and the protection of the camp populations through national laws and Algeria's international obligations in this regard;**
- 34. Relaunch the admission of refugees to the Tindouf camps in southwestern Algeria;**
- 35. Urge the Algerian state to implement the rights arising from the recognition of refugee status, in accordance with its obligations to ratify the Convention relating to the Status of Refugees;**
- 36. To ensure that Algeria provides the refugees in the Tindouf camps with the necessary protection through the suspension of the illegal mandate granted to the Polisario over the Tindouf camps, and to recover the administration of these territories in accordance with the international obligations of the Algerian state in this regard;**
- 37. To give the refugees of the Tindouf camps the right to access to a fair and equitable justice in the same way as the Algerian citizens;**