



اللجنة الصحراوية للموظفين  
والعمال المكرومين بشكل تعسفي

**Human Rights Council**  
**Working Group of the Universal Periodic Review**  
**41<sup>st</sup> session**

**Kingdom of Morocco**

**Violations of the right to work in the occupied territory of  
Western Sahara**

**Report submitted by**  
**Saharawi Committee for Employees and Workers**

The Sahrawi Committee for Employees and Workers “Arbitrarily dismissed by the Moroccan state” is a Sahrawi platform that was established in 2018 after the Moroccan occupation authorities persisted in a campaign to fire Sahrawi activists from work and suspend their wages. The committee aims to shed light on the policy of cutting livelihoods pursued by the occupation.

1. In addressing the violations related to the right to work in the Non-Self-Governing Territory of Western Sahara, illegally occupied by the Kingdom of Morocco since 1975, we stress that all violations by the Moroccan authorities are mainly related to the struggle of the Sahrawi people for their inalienable right to self-determination in this Territory pending decolonization and their support for the Popular Front for the Liberation of Saguia El-Hamra and Oued Eddahab (Polisario Front), the sole legitimate representative of the Sahrawi people recognized by the UN General Assembly<sup>1</sup>.

### **Right to work**

2. Article 23 of the Universal Declaration of Human Rights guarantees the right to work, to just and favourable conditions of work, and to protection from unemployment.
3. Article 6 of the International Covenant on Economic, Social and Cultural Rights states that States parties must recognize the right to work, which includes the right of every person to have the possibility of earning his living by work that he freely chooses or accepts, and they take measures for this right.
4. Although the occupying Power is party to the International Covenant on Economic, Social and Cultural Rights, it violates the right of the Sahrawis to work in the occupied Territory in a discriminatory manner.
5. The rate of unemployment among Sahrawis is particularly high among young people (under 25), especially among those holding high degrees diplomas.
6. In violation of article 49 of the Fourth Geneva Convention, the occupying Power continues to encourage settlement and to attract Moroccan national settlers in the occupied Western Sahara to work with the same qualifications and specializations as the unemployed Sahrawi youth. This policy is continuing even after the Moroccan Equity and Reconciliation Commission recommended their inclusion in the work.
7. Since 2011, the number of unemployed Saharawis holding degrees has increased dramatically, with less than 2% of graduated people annually enjoying their right to work in often suspicious and difficult conditions marked by clear discrimination against them.
8. We highlight here the case of the unemployed Sahrawi, Mhamed Hali, lawyer and well-known Sahrawi human rights activist: after he passed the exams to enter the legal profession, in February 2020 the Moroccan Bar Association issued a statement preventing him from entering the profession due to his political and human rights activities advocating for the free exercise of the right to self-determination for the Sahrawi people.
9. Similarly, the Sahrawi unemployed Abdullah Helab was deprived of his right to work after he passed a recruitment exam in the Ministry of Justice as a judicial commissioner in 2019 with distinction.

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<sup>1</sup> UNGA resolution 34/37 (Op 7)

10. The Moroccan occupation authorities also deprived former forcibly abducted Sahrawi activists from their right to work: this is the case of Brahim Sabbar, a former Sahrawi abducted, political detainee and human rights defender, as well as all of the former abducted Mohamed Noumria, Oswelem Noumria, Ibrahim Bousnina and Mahjoub Hammad.

## **Labor rights**

### *Public sector*

11. The number of Sahrawi employees in the public and semi-public sectors does not exceed 12 percent of the total number of workers.
12. Even though they are a minority, they are denied the right to express their political views, especially those related to the conflict over the Non-Self-Governing Territory of Western Sahara, or to advocate for self-determination for the Saharawi people, or simply to participation in human rights activities. As a result, anyone who has been proven to back the struggle of the Sahrawi people for self-determination, or express his opinion about the conflict, even on social media, is subject to arbitrary transfer to other cities, suspension from work or dismissal (see Annex 1).
13. Sahrawi workers suffer from discrimination and inequality in promotion and in bearing responsibility in entering job market. As an example, a local media reported ,in July 2017, the case of a group of Saharawi executives working at the Regional Academy for Education and Training in Laayoune (AREF) that were subjected to discrimination and exemption from responsibility because of the so-called ‘peripheral investigation’, which is an investigation conducted by security services.
14. The following members of the group were accused of sympathy with the Polisario Front, while in reality they never have taken part in any human rights or political activity.
  - Sheikh Boussaid was exempted from managing the communication department and following up the work of the governing council of the academy (AREF);
  - Moulay Aba Biba was relieved of the assignment of a person in charge of the Human Resources Department in the delegation of National Education in Smara;
  - Jalila Majide was dismissed from her job as responsible of public contracts;
  - Didi Mohamed was dismissed from his job as responsible of upgrading educational institutions;
  - Taleb Al-Sabai was exempted from being responsible of predictive management and redeployment.
15. Another example is that of the Sahrawi teacher Sidi Al-Rakibi, who applied for the position of head of one of the departments at the delegation of National Education in the occupied city of El Aaiun. After passing all tests at the beginning of 2021, and despite

the committee's confirmation as first choice, he was excluded, like the second in the list (also a Sahrawi), just because the "peripheral investigation" considers all the Saharawis sympathetic with the Polisario Front. The post was finally given to the third -place applicant, a Moroccan settler.

16. In fact, there are many examples of exclusion of the Saharawis from bearing responsibility in all sectors, but most of the Saharawis do not appeal for fear of reprisals from the Moroccan authorities.
17. Saharawi women suffer even more, due to a double discrimination: ethnic and gender-based. In the phosphate company (OCP) women were not allowed to work during the pandemic of COVID 19, while a number of employees, all males, were at work. In this sector, Saharawi men and women suffer from marginalization and exclusion, whether in assuming responsibility or gaining promotion, and they are also prevented from working in departments related to data on phosphate production or export quantities. On the contrary, the occupying Power encourages less qualified Moroccan settlers to take responsibility and get promotions.

#### *Private sector*

18. The private sector in the Non-Self-Governing Territory of Western Sahara tends to encourage settlement and the economic rent policy adopted by the occupying Power. This sector operates without supervision, and workers are seriously exploited in the absence of social security, minimum wages, and the ban to join labour unions.
19. Concerning fishing industry, whether in fishing boats or fish processing and freezing factories, the occupying Power does not guarantee the protection of workers, who are subject to exploitation by employers since they are deprived of the right to health insurance and social security. The main investors of this sector are Moroccan senior officials who use pawns as fronts in exchange of protection, and this applies to most other sectors.
20. With the influx of African immigrants into the region, different forms of excessive exploitation of these people appeared, as they are underpaid in many sectors such as construction and marine fishing, without providing them their basic rights.

#### *"The Entraide Nationale "*

21. Since the Moroccan invasion of Western Sahara, this sector has remained the only source of support for many Saharawi families. It was originally a form of social support, but the occupation authorities made it a sector for the employment of Saharawis and their exploitation in many public sectors related to the Ministries of interior, health and education where they work as clerks, security guards or cleaning operatives, some of them work in the construction sector.

22. This sector employs a large number of Sahrawis, as it is the only source of their livelihood. Several corroborating sources say that the sector employs more than twenty thousand Saharawis in the occupied Non-Self-Governing Territory of Western Sahara. They earn a monthly amount inferior to the minimum wage that the occupying Power, the Kingdom of Morocco, sets itself.
23. Workers do not have insurance against risks, social security, or health coverage and they do not have the right to a pension when they retire like other workers. They are prohibited from joining or forming labour unions and to demand their rights. As for those who are proven to be involved in any human rights or political activity or backing the Sahrawi people's right to self-determination, their wages will be suspended (see Annex 2) and consequently they cannot go to Court to claim their right to work, as they do not have an employment contract, work certificate or payslips which makes litigation difficult.
24. As part of the Moroccan occupation policy to compensate the victims of Enforced disappearance in the former detention center Kelaat M'Gouna, the former victim of Involuntary disappearance and activist Al-Najat Aknibela obtained a license to sell subsidized foodstuffs (known locally as Al-Zoon), but she lost the licence in 2010 due to her human rights and political activism.

### *Labour Unions*

25. Although there are representations for all Moroccan labour unions in Western Sahara, they operate according to the occupation's road map. They do not work on the files of the Saharawis expelled from work because of their human rights and political activism background. Moroccan trade unions tolerate discrimination against Saharawi workers in all sectors. The work they do
26. As labour unions, they do not work on the violations that workers are subjected to in different sectors, especially in the private sector, whether in fishing industry, tourism or construction. Most of these workers are originally settlers. They also condemn the brutal exploitation African migrant workers are suffering from in the region.
27. The Kingdom of Morocco has yet to ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). As a consequence, the occupying Power systematically violates the right of the Sahrawis workers to form labour unions of their choice.
28. The occupying Power has previously denied the late Sahrawi trade unionist Sayyid Ahmed Al-Diyah the right to run a trade union he founded with workers in different sectors (the Confederation of Sahrawi workers), mainly from the phosphate company (OCP). The Kingdom of Morocco until now prevent the Sahrawi coordination of the retired minors of Phosboucraa ( ex –workers of OCP) from organizing themselves, advocating their rights, demonstrating to face Phosboucraa administration reluctance to establish a dialogue with them. Instead, their peacefully demonstrations are dispersed violently by security forces.

## **Recommendations**

The Kingdom of Morocco must:

- ★ put an end to the illegal occupation and annexation of the Non-Self-Governing Territory of Western Sahara and to the illegal plundering of the Saharawi natural resources;
- ★ ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- ★ allow Saharawi workers to create and freely administer trade unions and stop all forms of retaliation against Saharawi human rights and political activists;
- ★ put an end to all practices of discrimination against Saharawi workers and of double discrimination against women workers;
- ★ immediately reintegrate all dismissed Sahrawis from work and compensate them for the years of suspension of their wages;
- ★ ensure a decent work to Saharawi abductees and political detainees as compensation for their suffering in Moroccan secret hideouts and prisons.

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## Annex 1

### Non-exhaustive list of Saharawi employees who have been arbitrarily transferred due to their human rights activities and political opinions

Name	Transfer date	Reason
Mohammed Al-Mutawakel	November 2001	Human rights and political speeches
Hasana Duehi	16 June 2017	Human rights and political activities
Abdul Rahman Zayu	30 May 2019	Human rights and political activities
Embarka Alina Baali	13 January 2021	Human rights and political activities

### Non-exhaustive list of Saharawi employees dismissed from work because of their human rights activities and political opinions

Name	Date of dismissal	Cause of dismissal
Ali Salem Tamek	01 / 06 / 2002	Human rights and political activities
Aminetu Haidar	05 March 2005	Human rights and political activities
Mohamed Ilawat	05 / 2005	Political opinions
Ahmed Al-Nasiri	01 / 02 / 2010	Human rights and political opinions
Sidi Mohamed Fadel Baka	01 / 02 / 2010	Political opinions expressed in writing
Mohamed Salem Dahi	01 / 2012	Media activity and political opinions
Alwali Maa-lainin	07 / 2013	Legal activism
Mohamed Mayara	21 /09 / 2015	Media activity and political opinions
Omar Andor	06 / 2016	Media activity and political opinions
Mina Abaali	19 / 11 / 2019	

## Annex 2

### Non-exhaustive list of Saharawi employees whose monthly salary have been suspended in “The Entraide Nationale “

Name	Date suspension	Amount*	Reason
Sakina Al Idrissi	2007	100	Human rights and political activities
Lalla Al-Nakiya Al-Sheik	2007	200	Human rights and political activities
Luaara Khaya	2007	100	Human rights and political activities
Al-Mahabah Al-Sheikhi	2007	100	Legal activities
Gabbal Jauda	2010	200	Human rights and political activities
Zaina Shtuki	2011	200	Human rights and political activities
Jueita Turki	2012	75	Human rights and political activities
Magbula al Bashrawi	2013	80	Human rights and political activities
Fatima Al-Deera	2015	200	Wife of journalist Mohamed Mayara
Muhammad Yahdih Lefkir	2016	200	Political activities
Muhammed Manolo	2017	200	Political activities
Abdul Karim Emberkat	2017	200	Media and political activities
Yahdiha Blal	2018	200	Political activities
Gali Ajna	2018	100	Political activities
Dahba Turki	2018	200	Political activities
Mahfuda Lefkir	2019	200	Human rights and political activities
Khadija Mild	2019	200	Political activities
Hanafi Basir	2019	200	Political activities
Aglehm Idrissi	2019	200	Political activities
Al Deeda Al Fares	2020	200	Political activities
Almaluma Bih	2020	200	Political activities
Minatu Dah	2021	100	Political activities
Hamoudi Ahmed Al-Yedasi	2021	200	Political activities
Salha Khaya	2021	100	Political activities

\* US \$

