

**Submission by Western Sahara Campaign UK in view of Morocco's third cycle
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Morocco/Western Sahara

1. This submission is prepared by Western Sahara Campaign UK. This submission reviews Morocco's performance with regards to the human rights of women indigenous to the part of Western Sahara that Morocco occupies (Saharawi women). It refers only to Morocco's performance during the period 2012 to 2016. Although no state in the world, nor the United Nations, recognises Morocco's asserted sovereignty over Western Sahara, Morocco's assertion means that its commitments to human rights under several international covenants extend to occupied Western Sahara.

Submitting organisation

2. Western Sahara Campaign is a UK-based organisation that works in solidarity with the Saharawi people to advance their right to self-determination and to promote their human rights. Several of our researchers conducting interviews with Saharawi women regarding the human rights situation have been expelled from Western Sahara by the Moroccan authorities over the last three year period.

Violations of Saharawi women's human rights

Gendered torture: forced miscarriage, forced sterilisation and state-orchestrated sexual violence

3. Whilst the Moroccan state routinely tortures both male and female Saharawi detainees, it is worth pointing out that the forms of torture employed carry gendered implications. For example, on 15 February 2015, ex-political prisoner Lalla Al Mosawi lost her baby after being detained by Moroccan police for her pro-independence activities. She was tortured

for ten hours, which resulted in a miscarriage. She had been five months pregnant.¹ Similarly, another routine form of torture used against women – the application of electric currents to the genitals – can result in forced sterilisation of the victim.²

4. Saharawi women activists routinely complain of having suffered sexual violence during detention. For example, in August 2014, Saharawi activist Izana Amidan reported that she was detained by Moroccan police for having participated in a pro-independence demonstration. She was taken to a secret detention centre in El Aaiún and suffered sexual forms of torture, including rape, for a period of 36 hours.³

5. Saharawi women also suffer sexual violence at the hands of state actors in the street. For example, in April 2013, Sultana Khaya, the President of the Saharawi League for Natural Resources and Human Rights, who had previously lost an eye during police torture, was sexually assaulted by police during a demonstration in El Aaiún and threatened with rape.⁴ Another example is that of Soukaina Yaya, who on 20 May 2014 was beaten in the street, including on her genitals, and sexually assaulted whilst participating in a sit-in with other women, demanding self-determination for the Saharawi people. After the attack, she was taken to El Aaiún's hospital, where she was denied medical attention due to her status as a pro-independence Saharawi.⁵

6. Arbitrary arrest, arbitrary detention and torture are all violations of the Universal Declaration of Human Rights, whilst sexual violence is a contravention of the International Covenant on Civil and Political Rights (ICCPR) to which Morocco is a state party. Sexual violence is a significant problem throughout Morocco-proper, where women have little access to legal remedy, and indeed rarely report rape for fear of facing charges of illicit sexual relations.⁶ In this context, the particular situation of Saharawi women who suffer violence at the hands of the state is especially worrying.

Freedom of Expression and Assembly

¹ Joanna Allan, and Lakhal, Hamza, "Annex: Human Rights Violations in Western Sahara," Oslo, April 2015.

² Libby Tata Arcel, "Torture, Cruel, Inhuman and Degrading Treatment of Women. Psychological Consequences," *Psyke & Logos* 22 (2001).

³ Western Sahara Campaign, "Report for Joanna Allan (WSRW) on Trip to Occupied Territories," 16 November 2014, available at <http://smalgangen.org/a146x1077>.

⁴ Norwegian Support Committee for Western Sahara, "Sultana Assaulted Again," 7 April 2014, available at <http://vest-sahara.no/a128x1897>. This weblink also offers some footage of the attack.

⁵ Allan and Lakhal, op.cit., April 2015.

⁶ The Advocates for Human Rights and Mobilising for Rights Associates, "Morocco's Implementation of Accepted UPR Recommendations on Women's Rights," June 2014, available at http://www.theadvocatesforhumanrights.org/uploads/morocco_human_rights_council_women_s_rights_june_2014_english.pdf.

7. The rights to freedom of expression, assembly and association are enshrined in articles 19 and 20 of the Universal Declaration of Human Rights. However, Saharawi women journalists that attempt to film Moroccan state abuses of Saharawi are routinely prevented from doing so. For example, on 21 August 2016 Saharawi journalist Nazha El Khalidi was attempting to film Saharawi participants in a peaceful protest being beaten by Moroccan police at Fem el Wad beach. She was abducted and detained for 12 hours, and was beaten by police during this period.⁷

8. Women-led protests are routinely prevented from taking place. For example, on 25 December 2014 in El Aaiun, 15 mothers of the Saharawi who were disappeared on 25 December 2005 were prevented from demonstrating in front of the Court of Appeals. They were demanding that the fate of their sons be revealed, but the demonstration reportedly ended with police beating them and insulting them. To this day, Moroccan authorities maintain that the 15 young men drowned in the sea, whilst their mothers insist that they were forcibly disappeared for their pro-independence activities.⁸

Appropriation of property and land

9. Arbitrary confiscation of property is a violation of article 14 of the Universal Declaration of Human Rights. Nevertheless, Saharawi women activists often suffer damage to their homes and property as a disincentive to carry out their pro-independence activities. For example, on 14 April 2015 the home of human rights defender and pro-independence activist Aminatou Haidar was attacked by Moroccan police as she hosted United Nations representatives to discuss human rights abuses against the Saharawi people.⁹ However, Saharawi also suffer confiscation of their property just for living in the path of Morocco's infrastructural developments that attempt to constitute "facts on the ground" to bolster the occupation. For example, on 22 October 2014 police allegedly turned up at the home Elghalia Boujamaa and beat her as well as detaining two of her cousins. Police did this in order to confiscate Boujamaa's house and land so as to make way for an electricity line built by the French company Alstom, as the contractor of Morocco's National Office of Electricity and Potable Water.¹⁰

Police violence against women at demonstrations

10. Using unnecessary force violates article 3 of the UN Code of Conduct for Law Enforcement Officials. Nevertheless, extreme police brutality (including beatings with fists, sticks, rocks and truncheons; sexual assault; slander and other forms of verbal abuse) at women-led peaceful demonstrations calling for independence, respect for human rights, sovereignty over natural resources or for the freedom of Saharawi political prisoners, is the norm in occupied Western Sahara. State violence against Saharawi women has been well-

⁷ El Khalidi posted a video testimony (in English) of her experience on her Facebook page shortly after the incident: <https://www.facebook.com/profile.php?id=100009078379548>

⁸ Allan and Lakhal, op.cit., April 2015.

⁹ Frontline Defenders, "Aminatou Haidar. Status: House Attacked," 21 April 2015, available at <https://www.frontlinedefenders.org/en/node/863>.

¹⁰ Ibid.

documented over the last four years by Saharawi journalists, including in video format.¹¹ One example is that of Kaltoum Ndour, who, on 15 May 2014 was brutally assaulted by Moroccan police on her way to the peaceful demonstration in favour of UN human rights monitoring in occupied Western Sahara. Kaltoum was assaulted in an alley in the Maatallah neighbourhood. She was beaten, including with a rock, until she lost consciousness. She woke up in the Hassan Ben al Mehdi hospital in El Aaiun later that night. She also accuses the hospital of medical negligence for having taken her from her bed and driven her to her house without her consent, even though she was in need of further medical attention.¹² Another example is that of Elfayda Khaya, who on 15 April 2014 sustained damage to her right eye whilst being beaten in the face by Moroccan police at a protest against the oil drilling planned by a partnership that includes the Moroccan state oil company ONHYM, British Cairn Energy, and US Kosmos Energy.¹³

Suspension of benefits

11. Saharawi suffer discrimination in the field of employment opportunities, on the basis of their ethnicity and especially if they are known to be in support of independence. The discrimination is even more dramatic in the case of Saharawi women, who face a double discrimination due to their ethnicity and their gender. Thus, many Saharawi women rely on social security payments in order to survive. The Moroccan state routinely removes such payments in an attempt to sanction women pro-independence activities. For example, on 31 May 2014 the Moroccan state decided to suspend social aid to 30-year old mother of two Mahfouda Lefkir. Lefkir has not received any explanation. She believes the decision was taken in relation to her continuous participation in pro-independence demonstrations.¹⁴

Landmine victims

12. Mines in rural areas of the occupied territories continue to ruin the lives of Saharawi, especially pastoralists, including women. For example, on 1 May 2015 Amhe iyiba Mohamed Saleh was killed when her car hit a landmine in the countryside near the city of Smara.¹⁵

Lack of access to self-determination

13. As is clear from the cases stated in this submission, Saharawi women campaigning for independence are at particular risk of suffering human rights violations. This makes the

¹¹ Equipe Media, the Saharawi Centre for Media and Documentation and other Saharawi groups try to film the repression of police protests despite continuous barriers to their work. Some videos of Saharawi women being beaten and harassed by police are available on the Al Jazeera-curated "Watching Western Sahara" series, see <http://watching-western-sahara.silk.co/explore/table/collection/watching-western-sahara/column/tags/pin/filter/equals/tags/Women>.

¹² Allan and Lakhel, op.cit., April 2015.

¹³ Western Sahara Resource Watch, "Letter from Elfayda to Kosmos Energy," 15 April 2014, available at <http://www.wsrw.org/a105x2883>

¹⁴ Allan and Lakhel, op.cit., April 2015.

¹⁵ Adala UK, "One Dead and Several Injured in Landmine Explosion," 2 May 2015, available at <https://adala.uk/2015/05/02/one-dead-and-several-injured-in-landmine-explosion/>

implementation of their right to self-determination all the more urgent. Article 1 of the UN Charter establishes that all peoples have the right to self-determination. More than 100 UN resolutions, and the ruling in 1975 of the International Court of Justice, have confirmed that the right to self-determination specifically applies to the people of Western Sahara. Morocco continues to deny this right to Saharawi women.

Non-state violations of women's rights

14. There is scarce information on the extent to which Saharawi women suffer non-state-orchestrated violations of their rights; violations that are also common in Morocco proper and amongst Moroccan settlers. These include domestic violence, sexual violence including rape, forced marriage, early marriage of girl children, men's unilateral right to repudiation without cause, unequal divorce and custody rights, and discrimination against unwed mothers.¹⁶ If Saharawi women do face such violations, it should be noted that due to widespread Moroccan state discrimination against Saharawi women (as noted throughout this submission), they are less likely to be able to access Moroccan state support or find legal remedy.

15. Recommendations for the Moroccan government

- protect and defend the human rights of Saharawi women, individually and collectively
- in accordance with international law, undertake effective disciplinary and criminal procedures against members of the police and security forces involved in torture and sexual violence against Saharawi women
- ensure access to medical attention to all Saharawi women victims of police brutality
- ensure that the special situation of Saharawi women, as a group discriminated against and abused by the state, is addressed in laws, policies and programmes designed to eradicate violence against women and to promote gender equality
- guarantee the implementation of a referendum on self-determination in Western Sahara
- sign the 1997 Mine Ban Treaty and, in accordance with it, clear mined areas and assist landmine victims.

16. Recommendations for the UN

- consider the special situation of Saharawi women, as victims of state-orchestrated (gendered) violence, when reviewing women's rights and gender equality in Morocco
- organise a referendum on self-determination with the option of independence for the Saharawi people
- include an independent, impartial and comprehensive human rights monitoring mechanism in the MINURSO mandate.

¹⁶ The Advocates for Human Rights and Mobilising for Rights Associates, op.cit., June 2014.