

WESTERN SAHARA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kingdom of Morocco claims the Western Sahara territory and administers Moroccan law through Moroccan institutions in the estimated 85 percent of the territory it controls. The Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (POLISARIO), an organization that has sought independence for the former Spanish territory since 1973, disputes Morocco's claim to sovereignty over the territory.

There has been no census since the Spanish left the territory in 1975, but the population was estimated to be more than 500,000 persons, many of whom were attributable to Moroccan immigration. The indigenous population is Sahrawi ("people of the desert" in Arabic), who also live in southern Morocco, Algeria, and Mauritania.

The territory has three provinces. The Moroccan government sent troops and civilians into the northern two provinces after Spain withdrew and extended its administration to the third province after Mauritania renounced its claim in 1979. Moroccan and POLISARIO forces fought intermittently from 1975 until a 1991 cease-fire and the establishment of a UN peacekeeping contingent, the UN Mission for a Referendum in Western Sahara, whose mandate does not include human rights monitoring. In the late 1980s, Morocco completed the construction of an approximately 1,690-mile stone and sand wall known as the "berm" that effectively marks the limit of its administrative control.

In 1988 Morocco and the POLISARIO agreed to settle the sovereignty dispute by referendum, which has not taken place. The parties did not resolve disagreements over voter eligibility and which options for self-determination (integration, independence, or something in between) should be on the ballot. The POLISARIO proposed a referendum in which full independence would be an option. Morocco proposed autonomy for the territory within the kingdom. Since 2007 there have been various unsuccessful attempts to broker a solution in face-to-face negotiations between representatives of the two sides under UN auspices. The latest round has been facilitated by the UN secretary-general's personal envoy for Western Sahara, Christopher Ross, since 2009. After many rounds of informal talks between the two sides failed to yield results, Ross began a period of shuttle diplomacy, which yielded no evident progress by year's end.

Morocco considered the part of the territory that it administers to be an integral component of the kingdom, with the same laws and structures conditioning the exercise of civil liberties and political and economic rights. Security forces reported to civilian authorities. Under the constitution ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers and approves members of the government recommended to him by the prime minister. In 2011 Morocco adopted a new constitution that it also applies to the territory.

Morocco administered the 85 percent of the territory it controlled. Principal human rights concerns in the territory were government restrictions on the civil liberties and political rights of proindependence advocates; limitations on the freedoms of speech, press, assembly, and association; and the use of arbitrary and prolonged detention to quell dissent.

Other human rights concerns were the same as those in the kingdom: citizens' lack of the ability to change the constitutional provisions establishing the monarchical form of government, corruption in all branches of government, and widespread disregard for the rule of law by security forces. Authorities physically and verbally abused detainees during arrest and imprisonment and continued to deny recognition of proindependence associations. As a result these associations could not establish offices, recruit members, collect donations, or visit Saharan proindependence activists or POLISARIO separatists detained in facilities in Morocco.

Widespread impunity existed, and there were no prosecutions of human rights abusers. Sahrawi human rights organizations claimed that the majority of police and other officials accused of torture remained in positions of authority. There were no reports of investigations or punishment of abuse or corruption among police and security services.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that security officials committed unlawful killings. Local human rights nongovernmental organizations (NGOs) alleged that between 53 and 71 Sahrawis had died in Moroccan detention from torture since 1975. No investigations into these alleged abuses were ever opened.

b. Disappearance

There were no confirmed reports of politically motivated disappearances during the year.

The governmental National Council for Human Rights (CNDH) provided reparations, including monetary assistance, vocational training, and medical insurance, for Sahrawis or family members of those who disappeared or were detained during the 1970s and 1980s. During the year the branch of the CNDH in Laayoune, the territorial capital, recommended compensation to victims (or victims' families) of forced disappearance. The CNDH continued to receive and investigate reparation claims throughout the year.

The CNDH's role is to file claims and complaints of human rights violations and endorse recommendations on reparation settlements to the local government and relevant ministries. The investigation and delivery of reparations depended on government action.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Credible reports indicated that security forces engaged in torture, beatings, and other mistreatment of detainees in both political cases and ordinary criminal cases. The August 4 report of the UN Working Group on Arbitrary Detention noted the working group received numerous complaints that authorities in Laayoune used torture and mistreatment to extract confessions (see also sections 1.d., 1.e., and 2.b.). In his February 2013 report on a 2012 visit to the territory, Juan Mendez, UN special rapporteur on torture, stated that authorities used torture and mistreatment to extract confessions, including at the time of arrest, in police stations, and at the Laayoune Prison. The report noted credible testimonies relating to rape, severe beating, and isolation for weeks, particularly of inmates accused of participating in proindependence activities. Both international and local NGOs continued to report abuses, especially of Sahrawi independence advocates. Activists who were detained and subsequently released, as well as family members of many of those still in custody, made similar accusations.

In one case seven young men linked to protests taking place in Laayoune in January were arrested and severely beaten in police custody before being sentenced to prison on charges linked to their participation in the protests. The detainees subsequently went on hunger strike to protest their treatment. In September the seven detainees reported to Amnesty International they had received harsh

treatment amounting to torture, resulting in a fractured arm, leg injuries, and other physical problems for which they did not receive medical care. Yahdih Bouchab, the governor of the province of Laayoune, accused them of making “absurd allegations” and denied their claims.

Torture occurred most frequently in pretrial detention, as reported in the 2012 joint submission of 10 Western Saharan human rights groups to Juan Mendez. Other types of abuse security forces reportedly used included beating with electric cables, near suffocation with wet cloths soaked in urine or chemicals, cigarette burns, and hanging by the arms or as a “trussed chicken” for prolonged periods (see section 1.d.). According to local Sahrawi NGOs, in 2011 the courts ceased to provide claimants of alleged police abuse with case registration numbers to track the disposition of their claims.

Most incidents of degrading treatment occurred during or following proindependence demonstrations or protests calling for the release of alleged political prisoners who were in detention.

According to the Association of Sahrawi Victims of Grave Human Rights Violations (ASVDH), an NGO not recognized by the government, family members of inmates regularly complained of physical abuse and occasional torture of inmates in Laayoune Prison, the sole prison in the territory. Access to inmates was highly restricted, and there was no independent verification of family-member complaints. Except for CNDH-led visits that occasionally included NGO representatives, authorities have denied prison access to independent human rights advocates and international NGOs since 2008.

Human rights and proindependence activists claimed that authorities falsely charged them with criminal offenses. Laws require authorities to investigate abuse allegations from any individual facing prosecution who requests such an investigation; most of these accusations date from the time of pretrial detention in prison or a detention center. Local and international human rights advocates claimed that courts often refused to order medical examinations or to consider medical examination results in such cases. According to local NGOs, authorities did not investigate most complaints, medical personnel failed to document any traces of injuries from torture, and authorities often did not send ambulances to treat injured protesters at demonstrations. For example, in July an appeals court upheld a 10-month sentence for Abdeslam Loumadi, a resident of Laayoune and vocal Sahrawi opponent of Morocco’s claim to Western Sahara. The court convicted him of “participating in an armed gathering” and “attacking police

agents” during a demonstration. According to the NGO Human Rights Watch, Laayoune’s Court of First Instance violated his right to a fair trial, principally by failing to investigate his allegations of police torture, convicting him on the basis of a statement he denied making to police, and failing to investigate his claim that the statement had been falsified.

On October 4, the Ministry of Foreign Affairs claimed that no complaints against prison authorities had been filed during the year. This was in contrast with the previous year, when residents of the territory reportedly filed 164 complaints through November 2013 against authorities based in the territory; the claim also differed from findings of the UN Working Group on Arbitrary Detention and other organizations, which received multiple complaints during the year.

Prison and Detention Center Conditions

Poor prison and detention center conditions generally mirrored those in Morocco and did not meet international standards.

Physical Conditions: A variety of sources, including NGOs and the UN special rapporteur for torture, continued to report substandard prison conditions, especially overcrowding. The government stated the problem of overcrowding was most acute in pretrial detention facilities. Physical abuse and a lack of access to health care reportedly occurred. The government reported, without any disaggregation, that in the 18 months ending in August, Laayoune Prison doctors conducted approximately 1,639 detainee medical examinations. Reporting on Laayoune Prison in 2013, the UN special rapporteur observed extreme overcrowding with attendant impacts on hygiene, nutrition, and health. Families of detainees charged that prison conditions were unusually harsh, family visitation rights were limited, and detainees had little access to health care, proper food, and clean clothes. On September 28, prominent Sahrawi activist Hassane El Ouali died in prison from underlying illnesses reportedly aggravated by prison conditions and complications from a hunger strike; the government disputed activists’ claims that his medical care was inadequate. The 2012 CNDH report on prison conditions in Morocco, which included Western Sahara, called on the government to take steps to prevent torture in prisons. Some prisoners and detainees were transferred to Sale, Marrakech, and other locations in internationally recognized Morocco, far from their families and lawyers.

On September 22, six of the seven detainees in Laayoune Prison ended their hunger strike protesting poor prison conditions that began September 18. The

seventh prisoner, Abdeslam Loumadi, ended his strike on September 25, when he was transferred to Ait Melloul Prison near Agadir.

Administration: Authorities followed Moroccan prison administration practices.

Independent Monitoring: In 2013 there was one known independent monitoring visit to the prison in Laayoune by the UN Working Group on Arbitrary Detention. By contrast, government-furnished statistics indicated that during the first eight months of the year, there were seven visits by the CNDH, one visit by the Mohammed VI foundation--which focuses on reintegration of detainees--and two visits by unspecified organizations. NGOs providing social, educational, or religious services were at times permitted to enter detention facilities and visit prisoners, with the CNDH playing a supporting role in organizing such visits. Most NGOs with a human rights focus were not permitted to enter except with special authorization.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but security forces often ignored this, particularly during and in the wake of protests. The August 4 report of the UN Working Group on Arbitrary Detention noted that among other abuses, the working group received numerous complaints of arbitrary detention at Laayoune (see sections 1.c., 1.e., and 2.b.). The UK-based NGO Adala reported dozens of protesters and journalists were detained in July without arrest warrants following peaceful demonstrations on June 30 in Laayoune, among them representatives of the television station RASD TV.

Role of the Police and Security Apparatus

Police impunity remained a problem. During the year alleged victims of human rights abuses made frequent complaints against police and auxiliary forces, according to several international, domestic, and Sahrawi NGOs. International and domestic human rights organizations claimed that authorities dismissed nearly all complaints and relied only on the police version of events. The government generally did not provide information on the outcome of complaints, although it claimed there were no complaints against prison authorities as of November 4 (see section 1.c.). According to the government, there were no prosecutions of security officers in the territory. Human rights organizations continued to track alleged abusers who remained in leadership positions or were transferred to other positions.

In 2013 the government stated that it was increasing training of security personnel in human rights and regularly coordinated with the CNDH to draw on the expertise of its members. On several occasions during 2013 and 2014, the CNDH coordinated with the Geneva Institute for Human Rights to hold conferences and training sessions on human rights protection mechanisms and monitoring in Laayoune Prison. The CNDH stated it established a protocol and procedures for consultation with local security forces. According to the CNDH, human rights components were incorporated in basic training as well as in various educational milestones throughout the careers of most security personnel.

Arrest Procedures and Treatment of Detainees

Arbitrary Arrest: NGOs reported several cases of arbitrary arrest and detention for periods of up to 20 days, although there were fewer arrests than in previous years. In an October meeting, the ASVDH reported police increasingly focused on crowd dispersal and the prevention of recording of protests for social media. This approach, according to NGO contacts, avoided the creation of any official record of arrests or dispersals of protests. The UN special rapporteur for torture found that authorities used the threat of kidnappings and abandonment in the desert to intimidate protesters during demonstrations for the independence of the territory.

Pretrial Detention: Pretrial detention was a problem throughout the territory. Disaggregated information was not available. Although the government claimed that accused persons were generally brought to trial within two months, prosecutors may request as many as five additional two-month extensions of pretrial detention. Consequently, pretrial detentions may last as long as one year. There were reports that authorities routinely held detainees beyond the one-year limit. Government officials, with some credibility, attributed these delays to the large backlog of cases in the justice system. A variety of factors contributed to this backlog: a lack of resources devoted to the justice system, both human and infrastructure; the lack of plea bargaining as an option for prosecutors, lengthening the amount of time to process cases on average; and the scant use of mediation and other out-of-court settlement mechanisms allowed by law. In a report published during the year, the International Federation of Human Rights estimated that 50 percent of detainees in Morocco and Western Sahara were in pretrial detention. In October the government claimed that despite overall improvement, overcrowding and other problems were worse in pretrial detention facilities than in prisons.

e. Denial of a Fair Public Trial

During a November 2013 visit abroad, King Muhammad VI committed to end the practice of military trials of civilians, and during the year a law eliminating the use of military trials for civilians was passed.

Political Prisoners and Detainees

The government denied there were political prisoners or detainees. It claimed that all persons incarcerated were charged with or convicted of nonpolitical crimes. Human rights and proindependence groups alleged, however, that there were up to 60 Sahrawis, held across the territory and in internationally recognized Morocco, whom they considered political prisoners. This number included the Gdeim Izik prisoners arrested during the 2010 dismantling of the Gdeim Izik Camp and subsequent violence in Laayoune. The August 4 report of the UN Working Group indicated its members met with 22 of those prisoners in the Sale 1 Prison. It received testimonies of torture and mistreatment and observed the deteriorating health conditions of some of them due to prison conditions. According to prisoners' testimonies, some Gdeim Izik group members went on hunger strikes.

Civil Judicial Procedures and Remedies

Moroccan law and practice apply.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

According to the August 4 report by the UN Working Group on Arbitrary Detention, allegations indicated that police regularly raided the private homes of alleged or known supporters of independence for Western Sahara, beating and mistreating residents.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Moroccan law and practice apply. The law generally provides for freedom of speech and press, although it criminalizes and restricts some freedom of expression, particularly in the press and social media. Moroccan law prohibits citizens from criticizing Islam, the institution of the monarchy, or the government's position regarding territorial sovereignty. In 2012 government-provided figures for the year showed that 45 journalists or media outlets faced criminal or civil

charges, a decrease from previous years. Those numbers included cases the government initiated as well as private citizens' libel complaints. Numerous human rights groups criticized the steady stream of criminal prosecutions of journalists and publishers, as well as libel suits.

Saharan media outlets and bloggers with opposing views often practiced self-censorship on these issues. There were no reports of government action against media outlets and bloggers in the territory.

The government enforced strict procedures governing NGO representatives and political activists meeting with journalists. Foreign journalists needed, but did not always receive, approval from the Ministry of Communication before meeting with political activists. For example, in April several journalists representing the news organization ACAPS were expelled from the territory after meeting with activists.

Domestic and international media, including satellite television and POLISARIO-controlled television and radio from the Sahrawi refugee camps in Algeria, were available in the territory.

Press Freedoms: The antiterrorism law and press code include provisions that permit the government to jail and impose financial penalties on journalists and publishers who violate restrictions related to defamation, libel, and insults. Prison sentences may be imposed on those convicted of libel. Consequently, the press reported gingerly on controversial and culturally sensitive topics involving the military and national security. Self-censorship and government restrictions on sensitive topics remained serious hurdles to the development of a free, independent, and investigative press. Authorities filed charges of libel and other violations of the criminal code against specific journalists, with prosecution of these charges indefinitely delayed.

Violence and Harassment: Authorities subjected some journalists to harassment and intimidation, including attempts to discredit them through rumors about their personal life. Journalists reported that selective prosecutions served as a mechanism for intimidation.

Censorship or Content Restrictions: The government rarely censored the domestic press; however, it exerted pressure by pursuing legal cases that resulted in serious financial problems for proprietors due to heavy fines and suspensions of publication. The consequences in prior years destroyed the financial viability of some publications; memory of those examples encouraged editors and journalists

to self-censor. The press code lists threats to public order as one of the criteria for censorship. Publications and broadcast media must also obtain government accreditation. The government has the ability to deny and revoke accreditation as well as to suspend or confiscate publications.

Libel Laws/National Security: The antiterrorism law provides for the arrest of journalists and the filtering of websites deemed to “disrupt public order by intimidation, terror, or violence.”

Internet Freedom

There was no indication that conditions for internet access in the territory differed from those in internationally recognized Morocco, where the government generally did not restrict access. According to the International Telecommunication Union, 55 percent of the population used the internet. Bloggers or internet users covering sensitive topics were the target of harassment and intimidation, leading to self-censorship. For example, Human Rights Watch reported on February 2 plainclothes police arrested a student who maintained a Facebook page documenting human rights violations, interrogated him about his web activism, and forced him to reveal his online passwords. Police released him in the middle of the night but warned that “next time, he would face criminal charges.”

Academic Freedom and Cultural Events

By law the government has the right to criminalize presentations or debate questioning the legitimacy of the monarchy, Islam, state institutions, or the status of Western Sahara. Cultural events and academic activities were restricted by the law, although the government generally provided more latitude to political and religious activism confined to university campuses. The Ministry of Interior approved appointments of university rectors in keeping with the Organic Law on Nominations to High Functions.

b. Freedom of Peaceful Assembly and Association

Moroccan law and a somewhat more restrictive practice apply.

Freedom of Assembly

The Ministry of Interior required those wishing to hold public gatherings, including demonstrations, to obtain permission. Permission was rarely granted for

politically oriented events other than those related to elections. As in Morocco, the government used administrative delay and other methods to suppress or discourage demonstrations with political overtones. It prohibited or failed to accept requests from groups associated with human rights activism or proindependence opinions.

Several residents of Laayoune claimed that police tended to disperse large gatherings of all kinds, even reunions held to celebrate the return of family members from the POLISARIO refugee camps in Tindouf, Algeria. Following his visit to the region, the UN special rapporteur for torture stated that law enforcement officials subjected protesters to excessive use of force and found a corresponding increase in acts of torture and mistreatment during the detention and arrest process during “large demonstrations.” Reports also suggested that abuse might have occurred as plainclothes police forcibly dispersed small protest groups several times a week. Proindependence organizations and some human rights NGOs stated that in recent years the submission of applications for permits to hold demonstrations declined because police rarely granted them. The government reported that in the first eight months of the year, 625 demonstrations or protests took place in the territory. The majority of these related to socioeconomic problems such as unemployment and housing; a minority had political overtones, such as sit-ins by relatives of allegedly disappeared persons and political prisoners.

Authorities violently dispersed protests throughout the year, resulting in dozens of injuries that required medical attention. For example, on October 2 outside a military hospital in Dakhla, the government violently dispersed demonstrators; protesting the death of incarcerated activist Hassane El Ouali (see section 1.c.).

Some injured protesters claimed that authorities were slow to respond to formal complaints of the use of excessive force and contended that they had been unable since 2011 to track the status of their complaints. On October 22, activists from the ASVDH reported police actively targeted activists attending demonstrations with recording equipment to prevent the release of potentially incriminating footage of security forces in action.

Freedom of Association

The government denied official recognition to NGOs it accused of advocating against the monarchy, the state religion of Islam, or territorial integrity. Several organizations the government chose not to recognize functioned without authorization, and the government tolerated their activities. This included the ASVDH, which won an administrative court judgment in 2005 confirming that its

applications for registration conformed to the law; however, administrative courts have no enforcement powers. As in previous years, the government did not allow the Sahrawi Collective of Human Rights Defenders or the ASVDH to register as NGOs, limiting their ability to raise funds or hold public meetings. In 2013 the CNDH invited the ASVDH to join its executive council, which included some members of civil society. The ASVDH declined, indicating it would continue to seek formal recognition as a registered NGO.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

There were no reports that the government restricted freedom to travel abroad or revoked citizenship. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) in implementing the United Nation's confidence-building measures program, which facilitated communication and family exchange visits between Sahrawis in the territory and Sahrawi refugees in Algeria.

Protection of Refugees

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. In October, CNDH's Laayoune office reported it had noticed an increase in the number of economic migrants passing through the territory and stated that migrants would fall under Morocco's new asylum laws. Please see the Department of State's 2014 Morocco Human Rights Report.

Access to Asylum: See the Department of State's 2014 Morocco Human Rights Report.

Refugee Abuse: See the Department of State's 2014 Morocco Human Rights Report.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Recent Elections: Moroccan citizens in the territory participated in local municipal and Moroccan parliamentary elections. Thirty-one elected parliamentarians in the Chamber of Counselors (the upper house of parliament) and 21 parliamentarians in the Chamber of Representatives represented districts that are all or partly in the territory. The regional governor and all members of the regional council in Laayoune self-identified as Sahrawi. In the absence of reliable data or a census, local observers estimated ethnic Sahrawi constituted no more than 25 percent of the population.

Section 4. Corruption and Lack of Transparency in Government

Corruption: As in internationally recognized Morocco, the law mandates criminal penalties for official corruption; however, enforcement was sporadic, and there were few investigations into corrupt practices and no high-level prosecutions during the year. In general Moroccan law and practice apply. Substantial development spending and military officers' involvement in private business created susceptibility to corruption and impunity. Some military officers reportedly relied on government connections to gain preferential access to fishing licenses or lucrative contracts for sand and other quarries on state lands. The government and state-owned enterprises were the territory's principal employers, and residents sought civil service jobs and taxi licenses through official contacts. Government officials denied that corruption was a serious problem.

Financial Disclosure: Moroccan law and practice apply. The law requires judges, ministers, and members of parliament to submit financial disclosure statements to the High Audit Institution within 90 days of taking office and again within 90 days of leaving office. The declarations were not available to the public. The law does not require family members to make disclosures. According to allegations from government transparency groups, many officials did not file disclosures. There are no effective criminal or administrative sanctions for noncompliance. The High Audit Institution is responsible for monitoring and verifying disclosure compliance.

Public Access to Information: Moroccan law and practice apply. There is no freedom of information law. The constitution provides for citizen access to information held by public institutions, but authorities did not provide a dedicated access mechanism. The government rarely granted access to official information

to citizens and noncitizens, including the foreign media. Public officials received no training on access to information. There were no public outreach activities regarding public access to information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A small number of international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. In general international human rights organizations, such as Amnesty International and Human Rights Watch, were allowed access to the territory. Government officials were generally responsive to requests for meetings from internationally recognized NGOs.

The government tolerated but did not recognize domestic NGOs investigating human rights cases or those that exhibited proindependence or pro-POLISARIO tendencies. Despite a 2005 legal decision from an Agadir court that it should be registered, the ASVDH remained unregistered at year's end. Domestic NGOs generally had poor relations with security forces.

The UN or Other International Bodies: An April 28-30 visit by a delegation from the UN Office of the High Commissioner for Human Rights (OHCHR) to Laayoune and Dakhla met with "civil society stakeholders." This was followed by a May 26-29 visit to Rabat by UN High Commissioner for Human Rights Navi Pillay, who met with the king and other government officials to discuss the findings of the preliminary OHCHR visit. During a press conference at the end of her tour, Pillay complimented Morocco for the "great strides toward the better promotion and protection of human rights" but expressed "concern over the use of torture and ill-treatment as well as the admissibility in court of confessions obtained under torture or other ill-treatment."

Government Human Rights Bodies: The government-affiliated CNDH, via its offices in Dakhla and Laayoune, as well as other government officials, maintained unofficial contact with unrecognized NGOs. The CNDH and government officials also occasionally investigated cases that unrecognized NGOs raised, especially those that drew internet or international media attention.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The living conditions and social mores paralleled the situation in internationally recognized Morocco, and the laws are the same. Please see the Department of State's 2014 Morocco Human Rights Report.

Anti-Semitism

Conditions mirror those in internationally recognized Morocco.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The Moroccan labor code applies to the Moroccan-controlled areas of the territory. Moroccan unions covering all sectors were present but not active in those areas. The largest trade confederations maintained a nominal presence in Laayoune and Dakhla. These included the Moroccan Union of Labor, the Democratic Confederation of Labor, and the National Union of Moroccan Workers.

Strikes are legal, but there were no known labor strikes or other collective actions, such as bargaining agreements, undertaken during the year. Most union members were employees of the Moroccan government or state-owned organizations. Unions were active in the phosphate and fishing industries. As an inducement to relocate to the territory, wage-sector workers earned up to 85 percent more than their counterparts in internationally recognized Morocco. The government also provided fuel subsidies and exempted workers from income and value-added taxes.

b. Prohibition of Forces or Compulsory Labor

Moroccan law and practice apply.

The labor code prohibits forced or bonded labor, and there were no reports that such practices occurred. The law provides for legal sanctions against employers who recruit children under age 15, with fines ranging from 27,000 to 32,000 dirhams (\$2,860 to \$3,390). Punishment for violations of child labor laws includes criminal penalties, civil fines, and withdrawal or suspension of one or more civil,

national, or family rights, including denial of legal residence in the country for five to 10 years. Labor inspectors assigned to labor delegation offices in Laayoune and Oued Eddahab enforced Moroccan labor laws.

c. Prohibition of Child Labor and Minimum Age for Employment

Regulations on the minimum age of employment are the same as in Morocco. There were no reports regarding child labor in the formal wage sector. Children worked in informal family-owned businesses and in the agricultural sector. Children working in informal sectors are not protected by the labor code. The Moroccan government continued to invest in education in the territory through the Tayssir cash assistance program and continued to provide child protection services through the second phase of the *National Initiative for Human Development Support Project*. Sahrawians received more assistance per capita from this program than persons living in other regions of Morocco.

d. Discrimination with Respect to Employment or Occupation

In general the conditions of workplace discrimination were similar to those found in internationally recognized Morocco. The labor law prohibits companies from adopting “with regard to employees, any discrimination based on race, color, gender, handicap, marital status, religion, political opinion, trade-union affiliation, national ancestry or social origin, resulting in a violation or alteration of the principle of equal opportunity or treatment on equal footing as regards employment or the practice of a profession, in particular with regard to recruitment, conduct and labor distribution, vocational training, wage, advances, the granting of social benefits, disciplinary measures and dismissal.” Furthermore, the law states: “Any discrimination with relation to wage between the two sexes for work of equal value is prohibited.” The law does not address sexual orientation and/or gender identity in this context. Moroccan law prohibits the employment of women and youth (between ages 15 and 17) in certain occupations determined hazardous, such as mines.

Discrimination in all areas prohibited by law occurred as the Moroccan government did not allocate sufficient human and financial resources to effectively enforce these laws. Migrant worker organizations reported that some migrants experienced discrimination in hiring, wages, or conditions, although the regularization campaign carried out during the year, which provided thousands of formerly undocumented migrant workers with residency cards, may improve employment opportunities and protections for this otherwise vulnerable population.

There were anecdotal reports that Sahrawis faced discrimination in hiring and promotion.

e. Acceptable Conditions of Work

The minimum wage and maximum hours of work and occupational health and safety standards are the same as in Morocco. During peak periods workers in fish processing plants worked up to 12 hours per day, six days per week. Enforcement was limited, except for prohibition on the employment of women in dangerous occupations.