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Members of the

Geneva Support Group for Western Sahara

*Invite all delegations to the 41st session of the UN Human Rights Council
to a High-Level side-event on*

The violations of the economic, social and cultural rights in Western Sahara

Tuesday 25th June 2019 – 12:00 to 13:30 – Room XXIV

Panelists:

*H.E. Amb. Nozipho J. Mxakato-Diseko – Permanent Representative of the Republic
of South Africa*

H.E. Mr. Mohamed Sidati – Minister for Europe of the Sahrawi Arab Democratic Rep.

*Prof. Carlos Villán Durán – Professor of International Human Rights Law, University of
Alcalá (Madrid)*

*Mr. Mahfud Mohamed Lamin Bechri – International Institute for Nonviolent Action
(NOVACT) – Western Sahara Office*

Ms. Miren Ogando – Association of the Friends of the Sahrawi Arab Democratic Rep.

Mr. Ahmed Ettanji – Equipe Media, El Aaiún (Occupied Western Sahara)

Dr. Gorka Urtaran Aguirre – Mayor of Vitoria-Gasteiz (Spain)

Oriental buffet will be served before the meeting

English / French interpretation

*Afrique du Sud - Algérie - Angola – Botswana -Bolivie - Cuba - Mozambique -
Namibie Nicaragua - Tanzanie - Timor Est - Venezuela - Zimbabwe*

Membres du

Groupe de Soutien de Genève pour le Sahara occidental

*Invitent toutes les délégations à la 41ème session du Conseil des droits de l'Homme
à un Side-event de Haut-Niveau*

Les violations des droits économiques, sociaux et culturels au Sahara occidental

Mardi 25 Juin 2019 – 12:00 à 13:30 – Salle XXIV

Intervenants:

*S.E. Amb. Nozipho J. Mxakato-Diseko – Représentante Permanente de la République
d'Afrique du Sud*

S.E. M. Mohamed Sidati – Ministre pour l'Europe, Rép. Arabe Sahraouie Démocratique

*Prof. Carlos Villán Durán – Professeur de Droit International des Droits de l'Homme,
Université d'Alcalá (Madrid)*

*Mr. Mahfud Mohamed Lamin Bechri – Institut International pour l'Action Non-
violente (NOVACT) – Section du Sahara occidental*

Mme Miren Ogando – Association des ami(e)s de la Rép. Arabe Sahraouie Démocratique

Mr. Ahmed Ettanji – Equipe Media, El Aaiún (Territoire Occupé du Sahara occidental)

Dr. Gorka Urtaran Aguirre – Maire de la Ville de Vitoria-Gasteiz (Espagne)

Un buffet oriental sera servi avant l'événement

Interprétation français / anglais



High-Level side-event at the 41st session

Human Rights Council

The violations of the economic, social and cultural rights in Western Sahara

Ambassador Nozipho J. Mxakato-Diseko

Permanent Representative of the Republic of South Africa

Geneva, 25 June 2019

Moderator,
Honourable Minister Sidati and fellow panellists,
Excellencies,
Representatives of Permanent Missions,
Members of civil society,
Friends,

Permit me to express my appreciation for the opportunity to open this side-event on violations of economic, social and cultural rights in Western Sahara on behalf of the countries that make up the Geneva Support Group for Western Sahara. In so doing, I again reiterate the support and solidarity of my government and of the people of South Africa for the liberation and self-determination of the Sahrawi people.

The High Commissioner for Human Rights has rightly pointed out that policies rooted in the full range of human rights, taking steps to advance civil, political, economic, social and cultural rights together, create a mutually reinforcing dynamic in which justice and civic freedom support sound development policies, social protection and social harmony.

In previous side events we have examined violations of the civil and political rights of the Sahrawi people. Economic, social and cultural rights are equally important. We take great pride as South Africans in the fact that economic, social and cultural rights are enshrined in our Constitution and justiciable in our courts.

This is important because the liberation of a people is both an event and a process. Once liberation and political freedom have been achieved, the long and difficult process of economic and social liberation begins. It is therefore crucial that the political freedom gained creates the parameters for economic liberation from poverty and under-development.

We as Africans have for centuries used culture to liberate ourselves from colonial occupation and oppression. We have employed language, belief, clothes, hairstyles, stories, dance, art, theatre and even food to resist colonialism. We know from our own lived experience that it is impossible to police people into cultural submission. When engaging in struggle, we know that cultural expression is in fact the very key to our dignity, identity and yes, even our sanity.

We look forward to the presentations we will be receiving today of studies of violations of economic, social and cultural rights in Western Sahara. Let these motivate us to re-commit to do all we can to relieve the suffering of the Sahrawi people and put our collective shoulder to the wheel of their liberation and freedom.

I thank you.

41st session UN Human Rights Council

High-Level side-event

25 June 2019

The violations of the economic, social and cultural rights in Western Sahara

Prof. Carlos Villán Durán

Professor of International Human Rights Law, University of Alcalá (Madrid)

President of the Spanish Society for International Human Rights Law

Ladies and gentlemen, dear friends,

Since 1976 a great part of the Non-Self-Governing Territory of Western Sahara is illegally occupied by Morocco, which refuses the Sahrawi people to exercise its right to self-determination. In accordance with Art. 1 of both Covenants, by virtue of this right the Sahrawi people shall freely determine its political status and freely pursue its economic, social and cultural development. It also shall freely dispose of its natural wealth and resources.

The prolonged military occupation produces flagrant and systematic violations of all human rights, including economic, social and cultural rights of the Sahrawi people. In 2006, an OHCHR Mission sent to Western Sahara and the Sahrawi refugees' camps concluded that the Sahrawi people are not only denied their right to self-determination, but equally are severely restricted from exercising a series of other rights and that almost all human rights violations and concerns with regard to the people of Western Sahara, stem from the non-implementation of the right to self-determination¹.

In 2015, the UN **Committee on Economic, Social and Cultural Rights** recommended that Morocco “strengthen its efforts, under the auspices of the United Nations, to find a solution to the issue of the right to self-determination for Western Sahara”; and recalled that States parties to the Covenant “are obligated to promote the realization of the right of self-determination in Non-Self-Governing Territories and to respect that right, in conformity with the provisions of the Charter of the United Nations”².

The Committee also recommended that Morocco “take measures to ensure that the rights of Saharawis refugees are respected upon their return”. It further recommended that Morocco “guarantee respect for the principle of the prior, free and informed consent of the Saharawis, and thus that they are able to exercise their right to enjoy and utilize fully and freely their natural wealth and resources”³.

¹ <http://www.arso.org/OHCHRrep2006en.pdf>

² Concluding Observations to the fourth periodic report of the Kingdom of Morocco (E/C.12/MAR/CO/4), adopted on 8 October 2015, para. 6(a).

³ *Ibidem*, para. 6(b).

The Committee further recommended that Morocco “enable the Saharawis to access their land and natural resources and rejoin their families”. It also urged Morocco “to expedite its mine clearance programme along the Berm⁴”.

In addition, the Committee recommended that Morocco “give effect to the Covenant in the domestic legal system”, including “information on judicial or administrative decisions taken in that regard”. It also encouraged Morocco “to conduct campaigns to raise awareness among judges, lawyers and the general population of the provisions of the Covenant and of its primacy over domestic laws so that it may be applied directly”, in accordance with its general comment No. 9 (1998) on the domestic application of the Covenant⁵.

The Committee also recommended that Morocco “adopt and apply a comprehensive anti-discrimination law, which should contain a general prohibition of all forms of direct and indirect discrimination”. In particular, Saharawis should “enjoy the rights recognized in the Covenant, particularly access to employment, social services, health care and education”⁶.

The Committee reiterated to Morocco its recommendation to “bring article 288 of the Criminal Code into line with article 8 of the Covenant and make it easier to establish a trade union”. It further recommended that Morocco “adopt legislation on the exercise of the right to strike and on trade unions” and “facilitate the establishment of trade unions on the basis of article 8 of the Covenant”⁷.

The Committee remained concerned about the fact that poverty continues to affect, *inter alia*, the Saharawis. Morocco should “reduce poverty, in particular by adopting a human rights-based poverty reduction strategy that specifically targets the needs of disadvantaged and marginalized individuals and groups, allocating sufficient financial and other resources to their implementation and ensuring that these resources are fairly distributed among those affected by poverty”⁸.

The Committee also expressed concern about “the difficulties the Saharawis experience in accessing education, especially at the university level”. Therefore, it recommended that Morocco “consider the specific needs of the Saharawis with a view to providing them with an education that enables them to play a useful part in a free society and encourages understanding, tolerance and friendship between nations and ethnic groups”⁹.

Finally, the Committee expressed its concern at the fact that “the Saharo-Hassani language and culture are not sufficiently supported”. Morocco should guarantee Saharawis “full and unrestricted enjoyment of their right to take part in cultural life”; and “to protect cultural diversity” and permit Saharawis “to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs”¹⁰.

⁴ *Ibidem*, para. 8. The Berm is a sand-wall fortified by anti-personnel mines built by Morocco to separate the Moroccan-controlled part of Western Sahara from the rest of the territory.

⁵ Concluding Observations to the fourth periodic report of the Kingdom of Morocco (E/C.12/MAR/CO/4), adopted on 8 October 2015, *cit.*, para. 10.

⁶ *Ibidem*, para. 14 (a) and (d).

⁷ *Ibidem id.*, para. 34.

⁸ *Ibidem id.*, para. 42.

⁹ *Ibidem id.*, paras. 47-48.

¹⁰ *Ibidem id.*, paras. 49-50.

In his last report to the Security Council, the **Secretary-General** noted “gaps in reporting on the situation of human rights in Western Sahara”¹¹ and concluded that “Independent, impartial, comprehensive and sustained monitoring of the human rights situation is necessary to ensure the protection of all people in Western Sahara”¹². He also reaffirmed “the United Nations effort to reach a just, lasting and mutually acceptable political solution to the conflict in Western Sahara that will provide for the self-determination of the people of Western Sahara”¹³.

Consequently, the **Security Council** stressed “the importance of improving the human rights situation in Western Sahara and the Tindouf camps”, and encouraged the parties “to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights, bearing in mind their relevant obligations under international law”¹⁴.

It also decided “to extend the mandate of MINURSO until 31 October 2019”¹⁵ and called upon the parties to resume negotiations “with a view to achieving a just, lasting, and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations”¹⁶.

Unfortunately, the Security Council did not provide MINURSO with the mandate of monitoring human rights in Western Sahara.

A recent NGO report analyzed the violations of the ESCR in Western Sahara, with a particular focus on the rights to work, health and education¹⁷. It concluded that the negative impact of the Moroccan occupation during more than 40 years has dramatically prevented the Saharawis from enjoying basic human rights.

Another NGO report highlighted the effects of the exploitation and plundering of the fisheries resources of Western Sahara¹⁸. The report underscored the responsibility of Morocco, the European Union and its Member States in the exploitation of natural resources of the Saharawis, without their consent or benefit.

To conclude, the persistent and systematic violations of ESCR in Western Sahara deserve to strengthen their international monitoring. To this purpose, we call upon the HR Council to establish the mandate of the **Special Rapporteur on the human rights situation in the Occupied Territory of Western Sahara**. The mandate should be active until the end of the Moroccan occupation. The competence of the mandate’s holder should cover all human rights universally recognized, including the right to self-determination and ESCR.

¹¹ S/2019/282, of 1st April 2019, para. 66, footnote 1.

¹² *Ibidem*, para. 76.

¹³ *Ibidem id.*, para. 83.

¹⁴ S/RES/2468, of 30 April 2019, preambular paragraph 17.

¹⁵ *Ibidem*, operative paragraph 1.

¹⁶ *Ibidem id.*, operative paragraph 4.

¹⁷ Idoia Landaluze (coord.), *A gap in the wall: Collective report on violations of economic, social and cultural rights in Western Sahara under illegal occupation by Morocco*. Vitoria (Spain), EPS Comunicación, 2018. Available at https://issuu.com/saharaaskea/docs/agapinthewall_englishreport/50

¹⁸ Observatorio de Derechos Humanos y Empresas en el Mediterráneo (ODHE), *Los tentáculos de la ocupación. Informe sobre la explotación de los recursos pesqueros del Sáhara Occidental en el marco de la ocupación del Estado marroquí*. Barcelona, ODHE, 2019. Available at <http://www.odhe.cat/es/los-tentaculos-de-la-ocupacion/>

The Special Rapporteur should visit the Territory at least twice a year and report on his or her conclusions and recommendations to the HR Council, the General Assembly and, through the Secretary-General, to the Security Council. The mandate's holder will be able to transmit to Morocco letters of allegations of human rights violations, as well as urgent actions, asking for the effective investigation of all allegations. Those found guilty of human rights violations should be accountable¹⁹.

Pending the decision of the Security Council to extend the mandate of MINURSO²⁰ with a component of human rights, the High Commissioner for Human Rights should be requested by the HR Council to establish a permanent Office in the Territory. In close co-operation with MINURSO, the Office shall collect and transmit to the Special Rapporteur all information pertinent to his or her mandate. In addition, the Office shall monitor the effective implementation of recommendations made by the mandate's holder.

I thank you very much for your attention.

¹⁹ See VILLÁN DURÁN (C.) & FALEH PÉREZ (C.): «Un Relator Especial del Consejo de Derechos Humanos sobre la situación de los derechos humanos en el Sahara Occidental ocupado», in Bahia Mahmud Awah *et al.*, *Sahara Occidental. Del abandono colonial a la construcción de un estado*. Zaragoza, Pregunta Ediciones, 2019, p. 276. Available at http://aedidh.org/wp-content/uploads/2019/06/Sahara_Occidental_Del_abandono_colonial_a_la_construccion%CC%81n_de_un_estado.pdf

²⁰ The UN Mission for the Referendum in Western Sahara (MINURSO) was established by S/RES/690, adopted in April 1991.

**High-Level side-event at the 41st session
Human Rights Council**

**The violations of the economic, social and cultural rights
in Western Sahara**

Geneva, 25 June 2019

Mr. Mahfud Mohamed Lamin Bechri

First of all, I would like to thank the organizers for having invited me to represent NOVACT in this panel, thus allowing me to present our last report on Western Sahara natural resources: “The Tentacles of occupation”, a report about the plunder of fishery resources in the framework of the Moroccan occupation. I also would like to thank the Geneva Support Group for Western Sahara for organizing this very important side-event to shed light on one of the most forgotten conflicts, the conflict over the last colony in Africa.

Western Sahara is considered a non-self governing territory by the UN, the well known 1975 International Court of Justice advisory opinion stated that there are not ties between Western Sahara and Morocco that might affect the application of the UN General Assembly resolution 1514 in the decolonization of Western Sahara.

Furthermore, the Court of justice of the European Union reiterated in several occasions that Western Sahara and Morocco are two distinct and separate territories and that commercial agreements signed with Morocco does not apply to Western Sahara.

It’s therefore clear that any exploitation of Western Sahara natural resources either by Morocco or any other external actor is a clear violation of both international and European laws.

The observatory of human rights and companies in the Mediterranean which is an initiative led by NOVACT and SUDS and based in Barcelona with aim of identifying companies, particularly Spanish companies involved in the trade with third parties and evaluate their respect to human rights in their business, the observatory recently published a report about the exploitation of fishery resources from occupied Western Sahara by the state of Morocco and other multinational companies.

Due to the limited time we are given, I will be quickly tackling the main content of the report. Summarizing in few lines a 133 long report of very important findings and information from the long way of the Saharawi fish, from being fished until it arrives to the European markets.

Fishing: Exploitation and Plunder

Morocco is the largest producer of fish in Africa and ranked 17th largest producer internationally. The fishing sector represents more than half of Morocco's total food exports 80% of the fish caught in Morocco and Western Sahara are pelagic, such as sardines. The cephalopods, such as the octopus, represent only 7% of the catches, but given their high price, they contribute 42% to the monetary value of the entire fishing sector.

The 1,400 kilometers of Atlantic coast and the adjacent waters of Western Sahara are controlled by the Moroccan state. Morocco is one of the first octopus producers in the world. However, in the Moroccan Atlantic waters there are no octopuses.

There is a complex network of corruption and illegal businesses by Moroccan security forces. A significant portion of the senior military posts assigned and deployed to Western Sahara are participants in this illicit enrichment.

An important source of income in the fishing sector in occupied territories is the licensing of fishing activity. These licenses are granted by the regime in an opaque and arbitrary manner.

Of the octopus captured in Saharawi waters, most are unloaded in Agadir, This obfuscates the traceability of this natural resource due to the fact that once exported, and the product is registered to a Moroccan port. According to the AMRPEN association, 62% of the octopus fished by industrial trawlers was processed in Agadir.

Most of the catches destined to be conserved are transported by road to Tan Tan, Agadir, Safi or other Moroccan localities, from where it is exported under the Moroccan flag.

Moving to the second chapter of the report, Saharawi fish in Spain, it is important to highlight that Spain is the biggest client of fish imported from Morocco.

Morocco exports more than 100,000 tons of fish per year to Spain, half of which are cephalopods. A portion of the fishery resources are captured by Spanish companies themselves outside the Spanish jurisdiction, which is the case for a lot of open-water fish.

As for the Spanish market for octopuses, 75% comes from outside the country. Much of what is marketed in Spain comes from Moroccan companies operating in Dakhla.

Many companies in the Spanish fishing sector, especially those from Andalusia, the Canary Islands and Galicia, are closely linked to the fishing sector in Western Sahara.

Shipowners (**PULMAR**), import-export companies (**Canosa de Frigoríficos Camariñas** and **Congelados del Estrecho**), industrial processing companies (**Grupo Conservas Garavilla**) or of auxiliary industries (**Mivisa**) are Spanish companies that can be found in both the Moroccan and European market.

In Spain, there is an extensive network of companies that import raw materials from Western Sahara for commercialization and subsequent distribution. These firms are mostly located in Galicia, such as **Salgado Congelado SL**, **Discefa**, and **Canosa**, but there are also brands such as **Viveros Merimar** located in Palencia, or **Angulas Aguinaga** which is based in the Basque Country.

The quantities of Saharawi octopus sold per year are very significant: 1,000 tons sold by the distributor **Rosa de los Vientos** (which sells under the "**O Pulpeiro**" brand), 2,000 tons by **Profand** and 9,200 tons according to **Discefa**. These companies are responsible for supplying other wholesale companies (Makro), large stores (El Corte Inglés), supermarkets (Carrefour, Mercadona, etc.), hotels, restaurants and schools.

Many other large stores in Spain sell fish from the Western Sahara, some inaccurately labeled with Moroccan origin.

The European Union: Reinforcing the Framework of Impunity

The fishing settlements composed of Moroccan settlers represent one of the most flagrant European complicities in the occupation. The EU, as well as other states, has the obligation not to render aid or assist in the maintenance of an illegal occupation.

EU funding has directly contributed to the arrival of the colonist population in Western Sahara, despite the fact that the transfer of population from the occupying power to occupied territories violates Article 49 of the IV Geneva Convention⁵.

The development of this infrastructure continues to perpetuate and deepen the occupation, as well as the demographic imbalance of the region with the attraction of working population of Morocco in an illegally occupied territory.

Conclusions

- The European Union is taking decisions that only benefit the private interests of certain lobbies, including the Moroccan and Spanish industrial fishing sector. European populations do not benefit from a sector that is not very transparent and which also puts the environmental and social sustainability of the artisanal fishing sector at risk.
- The structure of the sector reinforces and is complicit in the plundering of natural resources in occupied Western Sahara, as well as the development of infrastructures that normalize the Moroccan military and economic occupation of the territory.

- The current framework of EU trade and fishing sector relations with Morocco only reinforces an authoritarian and repressive regime.
- The economic development of the EU and good relations with neighboring countries such as Morocco, in that sense, seem to be above the fundamental pillars on which the EU was founded: human rights and international legality. This involves respecting the judicial decisions of their own institutions.
- The approval of the new EU fishing agreement and of various trade agreements with Morocco is perpetuating the occupation of Western Sahara, the repression of the Saharawi people and the deepening of a regional conflict.

Recommendations

Citizens and Civil Society

- As requested by Saharawi activists and in accordance with international legality, avoid and reject any consumption of products from occupied territories, including by Morocco in Western Sahara.

Public Institutions

- Stop accepting products originating from Morocco or occupied territories.
- Abide by the decisions of the different courts within the European Union that exclude Western Sahara from the agreements between Morocco and the European Union.
- Develop adequate mechanisms to ensure the correct labeling of fish imported from Morocco, making sure that it does not come from Western Sahara .
- Demand the withdrawal of Morocco from its occupied territories and the release of Saharawi political prisoners.

You can read the full report here: www.odhe.cat

Thank you.

41st session UN Human Rights Council

High-Level side-event

25 June 2019

The violations of the economic, social and cultural rights in Western Sahara

Ms. Miren Ogando

Association of the Friends of the Sahrawi Arab Democratic Republic

From the Association of the Friends of the Sahrawi Arab Democratic Republic was born the initiative to develop a collective project between young Basques and Saharawis to work in cooperation with and for Western Sahara. With this target, after several training sessions and laboratories on human rights, we shared the same concern and worry. Let the world know what is happening in the occupied Sahara, because most of the data we have is about the refugee camps.

However, little is known about how and what is being lived in the Occupied Sahara Territories. The situation under the Moroccan occupation has nothing to do with the camps located in Algeria, but in both are situations that lower the quality of life of the Sahrawi people.

How could we prove this? How could we visualize what happens under an occupation? How is the live over a wall of shame more than 2000km and a very strong informative blockage?

With this concern began the work that has already taken 6 years.

We defined what human rights we wanted to investigate, how we were going to do it, what data we would collect, and as Ahmed explains how we would work with the Saharawis in situ.

In 2015, 5 brigades went to collect hours and hours of interviews with the people of Western Sahara, and by 2018 we materialized this project in a report called "A Gap in the Wall", and the documentary we present later today, 'A hole in the wall', both based on real testimonies.

'A gap in the wall' is a collective report on the violations of economic, social and cultural rights, specifically: the right to education, the right to health and the right to work. We chose those rights because they are three pillar of every persons' life, three right whose violations prevent from having a life of dignity.

Beginning with the right to work, one of the conclusions of the report is that there is a express policy of marginalizing the Sahrawi people in middle- and high-ranking positions and in sectors which are particularly important to the economy, as the industries which plunder the natural resources. Thus, although the Moroccan government says that both in the sector of the mine and fishing has Saharawi workers, thanks to the data collected, we find that some of them had this work granted by Spanish settlers , and nowadays they are the smallest part of the workforce, occupying the positions of unskilled labor.

At this point, it is necessary to highlight the plundering of the natural resources of Western Sahara by Morocco which, with the help of companies and states, including the European Union, deprives the Saharawi people of the right to freely dispose of their wealth and natural resources and perpetuates the occupation.

The difficulties of accessing better paid jobs and greater responsibilities for the Saharawi and Moroccan workers are compounded by the impossibility of unionizing to claim their labor rights. The Kingdom of Mohamed VI has not ratified one of the main ILO Convention: Convention 87, on freedom of association and protection of the right to organize. Although the UN emphasizes the need for such an agreement, any form of collective or coordinator on labor protests remains under repression.

Among the irregularities and violations that were collected in the majority of interviews were harsh testimonies about labor abuses, longer hours than the Moroccan comrade, low wages and other discrimination for their Saharawi identity.

We counted up to 6 interviewees who, despite having high-ranking studies, (or diplomas, as they call them) were not hired because they were Saharawi; and the only case we found of hiring was because of the confusion that a young Saharawi woman had a Moroccan name, so she was hired for "error" and dismissed one year later after suffering sexual harassment and discrimination.

This constant discrimination and violation of rights responds to logic of systematic occupation, forcing the Saharawi to a situation of constant precariousness, diminishing his capacity to subsist every day and leading to large sections of the population living in poverty.

To this we must add the discrimination and extra exploitation that supposes to be a woman. In the interviews we collected testimonies of rape, sexual harassment, gender discrimination and total lack of labor rights in the case of maternity, sick leave, etc.

Precisely, motherhood and childbirth were some of the topics that were discussed in the interviews on the right to health. The women spoke of lack of hygiene, lack of follow-up of pregnancy and cases of bribes to obtain a better treatment during childbirth.

In the Occupied Territories there is only access to general medicine. There is no specialized attention service, nor rooms authorized for operations. In addition, if it is specific medicine or specific treatments, the person who needs it is obliged to move to Agadir or to Marrakech. Among the discussion groups and interviews, 100% of the interviewees coincided in the terrible infrastructures of hospitals in the territories.

Although private hospitals have something better infrastructure and material, the price to pay is more than double for their service, and in both cases, it is the patient who must pay from the consultation and the part of the material to be used, and everything before being treated. What directly threatens the establishment of an equitable, public, private or mixed health system that is affordable for all.

We have more than 40 cases of negligence and medical abuse due to the fact that they are Saharawi patients. We collected an account of a tubal ligation experience against the will of the patient so she could not get pregnant again, until bad cures on purpose. Cases of medical abuse increase when patients need medical assistance because of the repression received after a demonstration or political activity. Sadly, we collected cases even of people who did not come back alive and there were no explanations of what happened. Families do not report negligence for fear of consequences.

It is for this reason that the majority of cases of minor illnesses are usually treated through what they call "traditional medicine", which would become cures and care within the intimate space and in the home based on plants and natural remedies. . The Saharawi population distrusts the health service and the treatments it can receive.

We did not collect a single piece of information about the existence of Sahrawi doctors, which leads me to talk about the right to education. Access to higher education is hampered by the fact that there are no universities in the occupied territories, so they must travel to Morocco. In addition, the authorities prevent them from pursuing scientific careers, only letters or arts, being discriminated once again from several key jobs for the personal and collective development of their people.

100% of the interviews coincided in the discrimination between Sahrawis and Moroccans since childhood in the school environment. Different treatment, imposition of Moroccan culture in the classrooms, humiliations since they are kids... The clearest examples are found in the obligation to sing the Moroccan anthem, the prohibition to carry melfha in some cases, the prohibition of sitting together girls and Saharawi children, and punishments that go as far as physical violence, resulting in frequent school dropouts.

All the interviewees also agree when they denounce the bad infrastructures and lack of material of the schools. The public education system is designed to promote Moroccan culture and history to the detriment of the Sahrawi.

The people interviewed consider that poor educational quality and difficulties in accessing higher education are a political strategy of the Moroccan government to prevent the Saharawi population from accessing knowledge that may facilitate their progress on the social scale.

All these testimonies show a situation of systematic discrimination of the Saharawi population and constant violations that affect the quality of life of the Sahrawis living under occupation. This report is just a sample, a small gap in the information blockade that surrounds the occupied territories that shows the precariousness and systematic violations that the government of Morocco is carrying out and international governments allow.

The testimonies indicate, in turn, the need to have more information on the situation of human rights in the occupied territories and actions aimed at guaranteeing all the rights of the Saharawi population, including the right to self-determination.

I thank you for your attention.

41st session UN Human Rights Council

High-Level side-event

25 June 2019

The violations of the economic, social and cultural rights in Western Sahara

Mr. Ahmed Ettanji

Equipe Media

Ladies and gentlemen,

It's an honour for me to be here today on the occasion of the presentation of the report "A Gap in the Wall" which is the result of a hard and difficult collective work, due to the exhaustive censorship that the Moroccan regime of occupation is imposing in Western Sahara.

The success of this report came to light despite that the world is ignoring what is happening in my country. The consistent human rights violations.

I want to recall the importance of this report which offers a vast investigation on the ground about the reality of the violations of the right to health, work and education. I want to thank Sahara Gasteiz and the Vitoria City council for their efforts and the support given to this work. I also want to thank my colleagues of Equipe Media, the professors, nurses and workers who collaborated to push forward this excellent investigation.

The persistent and systematic human rights violations in the Occupied Western Sahara prevent the Sahrawi people to enjoy their fundamental rights and freedoms and impede the realization of the right to self-determination. The key of social justice is the implementation of right to health, to work and to education. As highlighted in the report, those rights are violated. The report collects 30 interviews: 8 in health sector, 13 in education and 9 in job rights. All gathered by the working group.

Citing the great Nelson Mandela on the importance of education "it's the most efficient arm to change the world". However, in my country, we are disarmed because the Occupying Power, the Kingdom of Morocco, imposes an educational system according to their occupation policies in order to tame the Saharawis and therefore eliminate our culture, this is what the illegal occupation is doing, finish with the culture and roots of the subdued people.

The report reveals the intention of Morocco not creating a fundamental base and an education of quality. The Moroccan teachers present in Western Sahara are sanctioned if they dare to say it.

The absence of universities in this Occupied Territory obliges the Sahrawi students who obtain their baccalaureate to immigrate to the Kingdom of Morocco to continue their university studies forbidding the access to many carriers.

The same policy carried out by Morocco in education is also carried out in the health sector. The majority of Saharawis do not feel confident with the health system because it's related to the Moroccan political apparatus of oppression and security, especially after the violent attack of Gdeim Izik.

The fundamental pillar of the human development is employment: it is a fundamental right of any individual and his family. Since Spain abandoned the Territory, the situation of the Saharawi workers went to worse, as evidenced with data, the number of Saharawi employees in the company Fosbucraa (the first company of phosphate in the world) has fallen. However, the profits increased 60 percent from the sales of phosphate by Kingdom of Morocco. The Saharawis do not have any chance to decide about the exploitation of their own natural resources and the profit go to the Moroccan and foreign companies.

In the sector of fisheries, we document, through interviews, the situation of employees in the sector and how their wages are lower than the basic salaries of settlers. Their salaries don't allow them to cover familiar expanses without having health insurances. Not to mention the discrimination they suffer from.

The study undertaken in the last colony of Africa serves as a reference and database for the researchers that are prohibited to access Western Sahara.

Finally, I thank you again for supporting us and give us access to this international space to break down the wall of silence and to deliver the message of the Saharawi people to the world. We will continue showing the continuous human rights violations that the Kingdom of Morocco perpetrates against the defenceless people whom their only crime is claiming the right of self determination.

I thank you for your attention.

41st session UN Human Rights Council

High-Level side-event

25 June 2019

The violations of the economic, social and cultural rights in Western Sahara

G. Urtaran Aguirre

Mayor of Vitoria Gasteiz (Spain)

Ladies and gentlemen,

When I was born, Western Sahara was a Spanish colony, and Spain was still a dictatorship, but had committed to the United Nations to hold a referendum on self-determination.

Two years later, while the dictator was dying, Spain signed the shameful Madrid Accords, with which it failed to fulfil its commitment to the United Nations and to the Saharawi people. Morocco invaded Western Sahara and consequently a bloody war and an exodus to exile of a large part of the Saharawi population occurred.

Thanks to activists of solidarity and human rights defenders (and I must mention here the Association of Friends of the Saharawi Arab Democratic Republic), my city, Vitoria-Gasteiz, is one of those that has not forgotten the Saharawi refugee population, to whom it has granted humanitarian aid continuously. But it is so impressive to think that people of my age and their sons and daughters have lived in refugee camps for all their lives.

However, it is necessary to admit that for a long time we have not been aware of the situation lived by the Saharawi population in the territories under Moroccan occupation. It was the courage of the Sahrawi human rights activists that allowed us to discover the violations of the most basic human rights, in particular against those defenders or against all those who claimed their identity. But we also we had an idea of what occupation meant for the daily life of the population.

That is why when we were asked to support an investigation on the economic, social and cultural rights in the Western Sahara occupied by Morocco; we did not hesitate to support this initiative.

As a sociologist, I am aware that this is an atypical investigation, primarily because of the security risks involved for the young students who carried it out. A recent report by Reporters Without Borders referred to the "News Black hole" that is prevalent in Western Sahara, it is also undoubtedly a black hole for sociological research or any approach to the reality of the Saharawi population.

In any case, the methodology of the study and the testimonies collected support without a doubt the conclusions about the systematic violation of the rights to work, to education and to health of the population and the attempt to eradicate their identity. And I trust that the dissemination of the report "A break in the wall" will help to reverse this situation and especially so that the Government of Spain in the first place, but also the European Union, assume immediately the responsibility they have in the resolution of the conflict.

As you well know, local authorities are called by the United Nations to contribute to the Sustainable Development Goals. From a medium-sized city like Vitoria-Gasteiz, which prides itself on being a European Green Capital, we are convinced that we should not only join the multilevel strategy of the 2030 Agenda in terms of environmental sustainability or well-being, we must also do so in order to achieve Objective 16 "Peace, justice and solid institutions". This happens so as the rights of the Saharawi people are respected and so as the conflict ends.

Vitoria-Gasteiz aspires to be a European Super-city not only for its commitment to sustainability but also for its profound respect for Human Rights. The city in which I live is a reference, promoter and example in the defence of Human Rights.

For what we want for ourselves we also want for others.

I thank you.



Sahrawi Arab Democratic Republic

H.E. Mr. Mohamed Sidati
Minister for Europe – Ministry of Foreign Affairs

The violations of the economic, social and cultural rights in Western Sahara

**High-Level side-event at the 41st session of the
UN Human Rights Council
25th June 2019**

FIRST OF ALL LET ME THANK YOU THE GENEVA SUPPORT GROUP FOR WESTERN SAHARA TO GIVE ME THE OPPORTUNITY TO ADDRESS THE INTERNATIONAL COMMUNITY ON BEHALF OF THE SAHRAWI ARAB DEMOCRATIC REPUBLIC.

TO START, WE MUST BE CLEAR THAT MOROCCO'S OCCUPATION OF WESTERN SAHARA VIOLATES INTERNATIONAL LAW – THE VAST MAJORITY OF THE INTERNATIONAL COMMUNITY ACCEPT THIS. THE RIGHT TO SELF-DETERMINATION OF THE SAHRAWI PEOPLE CAN NOT BE EXERCISED UNDER MOROCCO'S ILLEGAL, BRUTAL MILITARY OCCUPATION.

THE ILLEGAL EXPLOITATION OF THE SAHRAWI PEOPLE'S NATURAL RESOURCES IS CENTRAL TO THE VIOLATION OF THEIR ECONOMIC RIGHTS.

THIS HAS BEEN CLEAR IN SUCCESSIVE ILLEGAL TRADE DEALS BETWEEN THE EU AND MOROCCO – INCLUDING THE TERRITORY OF WESTERN. IT SHOULD BE OF DEEP CONCERN THAT EU MEMBER STATES HAVE FOR DECADES KNOWINGLY VIOLATED INTERNATIONAL AND EU LAW.

IN DECEMBER 2016 THE EUROPEAN COURT OF JUSTICE MADE TWO KEY FINDINGS; THAT WESTERN SAHARA 'IS SEPARATE AND DISTINCT FROM MOROCCO', AND THAT WESTERN SAHARA CANNOT BE INCLUDED IN SUCH AGREEMENTS WITHOUT THE CONSENT OF THE SAHRAWI PEOPLE.

MOROCCO HAS NO RIGHT TO NEGOTIATE AGREEMENTS ON BEHALF OF THE SAHARAWI PEOPLE, JUST AS ISRAEL HAS NO RIGHT TO NEGOTIATE ON BEHALF OF THE PALESTINIAN PEOPLE. THE EU ITSELF DOES NOT RECOGNIZE MOROCCO'S CLAIMED SOVEREIGNTY OVER WESTERN SAHARA.

THE CONSENT OF THE SAHARAWI PEOPLE HAS NEVER BEEN CREDIBLY OR GENUINELY SOUGHT BY THE EU. THESE EFFORTS OF THE EU AND MOROCCO ARE A CYNICAL ATTEMPT TO CIRCUMVENT INTERNATIONAL AND EU LAW AT THE EXPENSE OF THE SAHARAWI PEOPLE, AND A SUSTAINABLE, JUST POLITICAL SOLUTION IN WESTERN SAHARA.

WE HAVE MADE CLEAR OUR OPENNESS TO ENGAGE WITH THE EU CONSTRUCTIVELY TOWARDS A LEGAL, JUST TRADE DEAL THAT BENEFITS ALL, AND DOES NOT STRENGTHEN MOROCCO'S ILLEGAL OCCUPATION OF WESTERN SAHARA OR THE EXPLOITATION OF OUR NATURAL RESOURCES.

AS IS THE CASE WITH ANY ILLEGAL OCCUPATION – THE SAHARAWI PEOPLE DO NOT BENEFIT FROM THE TRADE OF THEIR OCCUPIER. MOROCCO DECIDES WHO BENEFITS FROM TRADE WITH THE EUROPEAN UNION; AND IT DOES SO ON THE BASIS OF EXCLUDING AND DISCRIMINATING AGAINST THOSE WHO DO NOT SUPPORT ITS ILLEGAL OCCUPATION; NAMELY THE SAHARAWI PEOPLE. THIS IS ECONOMIC APARTHEID. FURTHERMORE THE CLAIMED BENEFITS OF EU TRADE DO NOT EXTEND TO THE MORE THAN 174'000 SAHARAWI EXILED IN REFUGEE CAMPS DUE TO MOROCCO'S ILLEGAL OCCUPATION.

THE REALITY ON THE GROUND BEARS NO RESEMBLANCE TO THE PICTURE PRESENTED BY MOROCCAN SETTLER GROUPS OR MOROCCO'S GOVERNMENT. AFTER OCCUPYING MILITARILY, THE TERRITORY, MOROCCO, PROCEEDED TO ASSIMILATE IT TO ITS OWN NATIONAL TERRITORY, APPLYING MOROCCAN CIVIL LAW TO THE SAHRAWI. THIS ASSIMILATION AIMS TO SWEEP AWAY ANY VESTIGE OF SAHARAWI CULTURE AND, INSTEAD, IMPOSE MOROCCAN CULTURE IN VIOLATION OF ITS OBLIGATIONS UNDER IHL AND THE CONVENANT ON CULTURAL, ECONOMIC AND SOCIAL RIGHTS.

THE RIGHT TO RESPECT FOR CULTURAL RIGHTS INCLUDES THE RIGHT FOR INDIGENOUS COMMUNITIES TO THE LANDS, TERRITORIES AND RESOURCES WHICH THEY HAVE TRADITIONALLY OWNED, OCCUPIED OR OTHERWISE USED OR ACQUIRED. STATE PARTIES ARE REQUIRED TO RESPECT, PROTECT AND PREVENT THE DEGRADATION OF THEIR PARTICULAR WAY OF LIFE, INCLUDING THEIR MEANS OF SUBSISTENCE, THE LOSS OF THEIR NATURAL RESOURCES AND THEIR CULTURAL IDENTITY.

INSTEAD, MOROCCO HAS IMPOSED ON ALL THE INHABITANTS OF THE TERRITORY NAMES AND SURNAMES DIFFERENT FROM THOSE THAT THEY HAVE BEEN USING SINCE TIME IMMEMORIAL.

MOROCCO CONSTRUCTION OF THE BERM HAS LEAD TO THE COLLAPSE OF THE FAMILY AND LOSS OF LIVELIHOODS, WITH LANDS AND PROPERTY NO LONGER ACCESSIBLE. THE DISPLACEMENTS OF SAHRAWIS HAS ALSO ENTAILED WIDE-RANGING PHYSICAL AND PSYCHOLOGICAL IMPACTS, INCLUDING TRAUMA AND ANXIETY FOR CHILDREN AND ADULTS AS WELL AS LACK OF ACCESS TO HEALTH CARE, CLEAN WATER, AND EDUCATION.

TO COMPOUND THESE VIOLATIONS, MOROCCO GIVES PREFERENTIAL TREATMENT FOR NATIVE MOROCCANS TO SETTLE IN THE TERRITORY BY GIVING THEM GREATER ACCESS TO EMPLOYMENT, BENEFITS AND PROMOTION OF THEIR CULTURE TO THE DETRIMENT OF OURS.

SAHRAWIS FACE SEVERE DAILY REPRESSION AND DISCRIMINATION IN THE OCCUPIED TERRITORIES. THEIR FREEDOMS OF SPEECH, PRESS, AND ASSOCIATION ARE SYSTEMATICALLY RESTRICTED AND SUPRESSED. THOSE WHO DO EXERCISE THEIR RIGHTS, ARE BEATEN, IMPRISONED, TORTURED.

INSTANCES OF HUMAN RIGHTS VIOLATIONS AGAINST SAHARAWIS ARE WELL DOCUMENTED BY INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS. ACCORDING TO HUMAN RIGHTS WATCH, "AUTHORITIES CONTINUE TO HARASS AND OBSTRUCT HUMAN RIGHTS GROUPS AND MEDIA WORKERS" – INDEED, MOROCCO BANS INTERNATIONAL OBSERVERS AND MEDIA, TO DELIBERATELY PREVENT FREE ACCESS AND AWARENESS OF THE APPALLING HUMAN RIGHTS SITUATION UNDER ITS OCCUPATION.

UNFAIR, POLITICALLY-MOTIVATED TRIALS, TOGETHER WITH ILL-TREATMENT OF SAHARAWI PRISONERS, ARE COMMON – WELL DOCUMENTED BY AMNESTY INTERNATIONAL IN ITS LAST ANNUAL REPORT ON MOROCCO. 21 SAHARAWIS WHO PARTICIPATED IN THE 2010 PEACEFUL PROTESTS IN GDEIM IZIK CAMPS REMAIN DETAINED UNDER HEAVY SENTENCES BY MILITARY COURTS – IN A PROCESS AMNESTY INTERNATIONAL HAS CALLED A "SHOCKING MISCARRIAGE OF JUSTICE".

AFTER 40 YEARS OF STALEMATE, THE UN POLITICAL PROCESS AFFORDS US A RARE WINDOW OF OPPORTUNITY TOWARDS A PEACEFUL, JUST, AND LASTING POLITICAL SOLUTION IN WESTERN SAHARA. WHERE THE EU COULD BE PART OF THE SOLUTION, IT IS COMMITTED TO AN APPROACH WHICH MAKES IT PART OF THE PROBLEM.

I THANK YOU FOR YOUR TIME, AND I WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.
