



FREEDOM IN THE WORLD 2020

Western Sahara*

NOT FREE

4

/100

<u>Political Rights</u>	-3 /40
<u>Civil Liberties</u>	7 /60

LAST YEAR'S SCORE & STATUS

4 /100 **Not Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.

** Indicates a territory as opposed to an independent country.*



Note

The numerical scores and status listed here do not reflect conditions in Morocco, which is examined in a separate report. Territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview

Morocco has claimed authority over Western Sahara since 1975, but the United Nations does not recognize Morocco's control, calling Western Sahara a "non-self-governing territory." Morocco controls the most populous area along the Atlantic coastline, more than three-quarters of the territory. While the United Nations (UN) brokered a cease-fire in 1991, a long-promised referendum on the territory's status has yet to be held. The Moroccan-controlled area, which Morocco calls the "Southern Provinces," is represented in the Moroccan parliament. However, civil liberties are severely restricted, particularly as they relate to independence activism.

Key Developments in 2019

- The Moroccan government and the nationalist Polisario Front participated in two rounds of UN-backed talks in January and March, but made little progress. The UN's envoy to Western Sahara, former German president Horst Köhler, resigned in May for health reasons, and his position remained unfilled at year's end.
- The European Union (EU) finalized an agriculture trade deal with Morocco in January and a fisheries agreement in March; both of these agreements covered territory claimed by the Polisario Front, which did not participate in consultations on the deals. The Front launched legal action against the agreements at the European Court of Justice (ECJ) in April, which remained pending at year's end.

TOP

- In December, a Moroccan parliamentary committee voted in favor of measures to expand the country's maritime borders to include waters claimed by the Polisario. The full legislature did not vote on the proposal by year's end, however.

Political Rights

A. Electoral Process

A1 0-4 pts

<p>Was the current head of government or other chief national authority elected through free and fair elections?</p>	<p>0/4</p>
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Morocco controls more than three-quarters of Western Sahara and Moroccan authorities allow no proindependence candidates to run for office. The Polisario Front is based in Tindouf, Algeria, and leads a nationalist movement comprised of members of the Sahrawi ethnic group. It controls the less-populated interior of the territory. The constitution of the government-in-exile states that the leader of the Polisario Front is the territory's president, but it does not hold regular elections within the territory.

A2 0-4 pts

<p>Were the current national legislative representatives elected through free and fair elections?</p>	<p>0/4</p>
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In the Moroccan-controlled portion of the territory, voters elect 13 representatives to the Moroccan parliament. The representatives who serve in that parliament cannot contest the region's status. The parliament members from Western Sahara are ^{TOP} predominantly from the Justice and Development Party (PJD). Turnout in municipal and parliamentary elections in Western Sahara is difficult to ascertain, but reports are that it is chronically low.

The Sahrawi Arab Democratic Republic (SADR), the breakaway government, has a 51-member legislature called the Sahrawi National Council (SNC), which is indirectly elected by the General Popular Congress of the Polisario Front. Most voting occurs in refugee camps in Algeria. The Polisario Front organizes the elections and does not allow any political parties to compete.

A3 0-4 pts

<p>Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?</p>	<p>0 / 4</p>
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The electoral framework is not fair, given the constraints on representation in the Moroccan-controlled territory, the prohibition of any candidate who challenges Moroccan control of the territory to run for the parliament, and Moroccan control of the media.

B. Political Pluralism and Participation

B1 0-4 pts

<p>Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?</p>	<p>0 / 4</p>
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The Polisario Front, which controls the government-in-exile and the eastern portion of the territory, does not allow other political parties to compete. In recent years, the Polisario has cracked down on political dissent, imprisoning a number of opponents of the regime. In 2018, a vocal critic of the Polisario, who was imprisoned for his outspoken criticism, was found dead at the Dheibya prison, apparently from hanging. The Polisario stated he died by suicide, but the man's family claimed it was an assassination and staged a sit-in near the home of Polisario leader Ibrahim Ghali.

In Moroccan-controlled areas, the Polisario Front is banned, and proindependence parties are not allowed to form.

B2 0-4 pts

<p>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</p>	<p>0 / 4</p>
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Since political parties that advocate for Sahrawi independence or autonomy cannot function in Moroccan-controlled areas, the most salient opposition elements cannot gain power through elections. No credible opposition exists in the eastern territory controlled by the Polisario Front due to the ban on other political parties.

B3 0-4 pts

<p>Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</p>	<p>0 / 4</p>
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People's political choices in the Moroccan-controlled parts of the territory are dominated by the Moroccan government. The government-in-exile in Tindouf is ostensibly autonomous, but it works closely with Algerian authorities. As a "non-self-governing territory," the people in the region are unable to elect an independent government.

B4 0-4 pts

<p>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</p>	<p>0 / 4</p>
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Due to the territory's lack of sovereignty, no segment of the population has full **TOP** political rights or electoral opportunities. However, women play a significant role in politics. Many women are leaders in the independence movement and organize the refugee camps in Algeria.

C. Functioning of Government

C1 0-4 pts

<p>Do the freely elected head of government and national legislative representatives determine the policies of the government?</p>	<p>0 / 4</p>
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Western Sahara, which has not yet achieved self-determination, has no freely elected leaders. Thirteen representatives from the “Southern Provinces” serve in the 395-member lower house in Morocco. However, the Moroccan parliament is dominated by the monarchy, which determines government policies toward Western Sahara. The Polisario Front governs portions of the territory in its control.

The Polisario has long accused Morocco of exploiting Western Sahara’s natural resources, and Moroccan trade agreements with the EU have included territory claimed by the Polisario. In January 2019, the European Parliament (EP) approved an agriculture trade deal with Morocco that applied to Western Sahara. In February, the EP approved a new fisheries agreement that applied in coastal waters off of Western Sahara; that deal gained European Council (EC) approval in March and Moroccan parliamentary committee approval in June. A previous ECJ ruling required the EU to seek local consent on agreements covering the disputed territory. In April, the Polisario, which did not participate in consultations on the deals, launched a legal action against them at the ECJ; their case remained pending at year’s end.

A Moroccan parliamentary committee approved legislation to expand the country’s maritime borders to include disputed waters in December 2019. The full parliament did not vote on the proposal by year’s end.

C2 0-4 pts

<p>Are safeguards against official corruption strong and effective?</p>	<p>TOP 0 / 4</p>
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Corruption among Moroccan state officials and in the economy is widespread and investigations are rare. Corruption occurs primarily to facilitate the exploitation of natural resources—phosphates, hydrocarbons, and fisheries—by Moroccan and international interests. In Tindouf, official corruption among members of the Polisario is similarly widespread and endemic.

C3 0-4 pts

Does the government operate with openness and transparency?	0/4
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Moroccan laws on access to information apply to Western Sahara. Information about Western Sahara is nearly nonexistent, which severely limits transparency. The Moroccan government publishes budget and financial information online, and public officials—including parliament members, judges, and civil servants—are required to declare their assets. However, nongovernmental organizations (NGOs) assert that many officials do not hand over this information, and the law provides no penalties for noncompliance.

Add Q

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION	-3
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Before and since the establishment of the UN Mission for the Referendum in Western Sahara (MINURSO) in 1991, Morocco has endeavored to tip the population's balance in its favor. By some counts, Moroccans now outnumber Sahrawis in Western Sahara. Morocco also works to prevent a referendum to determine the territory's final status. Morocco constructed a sand berm to divide territory under its control from Sahrawi-controlled territory in the east.

TOP

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	0/4
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Some pro-Sahrawi media outlets do operate, such as the all-volunteer Equipe Media group, but they face regular harassment by Moroccan authorities, who ensure that reporting does not dispute Morocco's sovereignty over Western Sahara. Morocco's 2016 Press Code criminalizes challenging the "territorial integrity" of the kingdom, which potentially criminalizes independent journalism that focuses on the dispute in Western Sahara. Print outlets found to violate this provision risk suspension, while news sites face potential blocking. Journalists accused of challenging Morocco's territorial integrity could face prison sentences of between six months and two years. Reporting by Moroccan journalists working in the territory is sharply constrained.

International media are carefully vetted and scrutinized during their visits to Moroccan-controlled territory. Reporters visiting Tindouf reportedly enjoy greater freedom of movement and inquiry, but it is difficult to substantiate such claims. In Sahrawi-controlled territory in the east, press freedoms are also limited, with television and radio coverage reflecting the ideology and viewpoints of the Polisario. Some exiled groups provide coverage from outside Western Sahara. Internet access is limited throughout the territory.

In July 2019, a Western Sahara court fined Equipe Media member Nezha Khalidi for working without credentials, after she criticized Moroccan policy towards the territory and filmed a street scene in late 2018. Khalidi was previously arrested in 2016 when she covered a women's demonstration in Laâyoune, though she was released without charge.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

2/4

Moroccan authorities generally do not interfere with religious practices, though as in Morocco proper, mosques are monitored by authorities. Moroccan law prohibits any efforts to convert a Muslim to another faith. It is illegal to publicly criticize Islam.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

0/4

Educators practice self-censorship around the status of Western Sahara, as Moroccan law criminalizes debate that calls this into question. Other sensitive topics include the monarchy and Islam. The University of Tifariti was established in 2013 as the first university in Polisario-controlled territory.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

1/4

As in Morocco proper, there is concern about state surveillance of online activity and personal communications, and people do not feel free to speak privately about the status of Western Sahara and other sensitive topics. Freedom of expression is sharply constrained in Polisario-controlled areas as well.

E. Associational and Organizational Rights

TOP

E1 0-4 pts

Is there freedom of assembly?

0/4

Demonstrations and protests are broken up regularly, particularly on sensitive issues such as self-determination and Sahrawi prisoners held by Morocco. Protesters are frequently arrested and beaten.

In June 2019, Moroccan security forces stopped Smara residents from assembling to celebrate the release of political activist Salah Lebsir after a four-year prison term, and allegedly assaulted some participants. In July, Moroccan security forces violently dispersed Sahrawis who gathered in Laâyoune to celebrate Algeria's victory in the Africa Cup of Nations football tournament. According to eyewitnesses, one person was killed and as many as 80 were injured.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

0/4

NGOs that advocate for independence or question Islam as the state religion are denied official registration by the Moroccan government. Organizations that meet the government's criteria are frequently denied registration as well. Foreign NGO representatives observing the human rights situation of Moroccan-controlled areas of Western Sahara have been expelled in recent years.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

0/4

Moroccan unions have a presence in Western Sahara, but they are largely inactive. Government restrictions limit the right to strike. Most people in unions work for the Moroccan government.

The Polisario Front has a trade union called the Sahrawi Trade Union (UGTSARIO), which is also inactive; there is little economic activity in the refugee camps in Tindouf, and there is no functioning labor market in Polisario-controlled territory.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	0/4
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Courts in Western Sahara are controlled by Morocco and their rulings reflect its interests. Executive interference and corruption significantly impede judicial independence.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	0/4
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Due process rights are not respected. In 2017, a Moroccan court of appeals handed 23 Sahrawis prison sentences ranging from two years to life for the 2010 deaths of 11 Moroccan security personnel during an uprising at the Gdeim Izik protest camp. Evidence at the trial included confessions allegedly obtained by torture. The court did not investigate these allegations.

Proindependence advocates and other civil society leaders are often arbitrarily arrested, particularly in the aftermath of demonstrations. International human rights groups view many Sahrawis in Moroccan prisons, including human rights activists and proindependence advocates, as political prisoners.

TOP

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	0/4
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Tensions remain between the Moroccan military and the Polisario Front, with periodic mobilization of forces. A military standoff began in 2016 when the Polisario accused Morocco of breaking the terms of the cease-fire by attempting to build a road in the UN buffer zone. The standoff ended in 2017 when Morocco withdrew its troops.

In 2018, the first UN-brokered talks between the Polisario and the Moroccan government in six years took place. Both sides agreed to continue talks in 2019; two rounds were held in January and March, but little progress was made. The UN's envoy to Western Sahara, former German president Horst Köhler, resigned in May for health reasons; his position remained unfilled at year's end. Morocco ritually offers autonomy to the Western Sahara, but the Polisario demands an independence referendum.

Torture and degrading treatment by Moroccan authorities continues to be a problem, especially against proindependence advocates.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	0/4
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Sahrawis experience discrimination in access to education and employment. According to Sahrawi activists, Moroccan settlers are favored by employers in the phosphate mining industry, which is one of the predominant sources of jobs.

Women play leadership roles at the Sahrawi camps in Algeria, and some Sahrawi have described life in these camps as matriarchal; however, cultural norms also dictate that women stay at home and manage the household. Moroccan law prohibits same-sex sexual acts.

TOP

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	1/4
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Morocco and the Polisario Front both restrict free movement in Western Sahara. The sand berm, constructed by Morocco in the 1980s, is 1,700 miles long. The wall is surrounded on both sides by land mines, and constitutes what may be the longest continuous land mine field in the world.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	1/4
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The territory's occupied status leaves property rights insecure. No credible free market exists within the territory. The SADR government routinely signs contracts with firms for the exploration of oil and gas, although these cannot be implemented given the territory's status.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	2/4
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In the Polisario-controlled territory and in Tindouf, women have a relatively higher social status than in Morocco. However, social freedoms are curtailed. Moroccan law criminalizes both adultery and premarital sex. Spousal rape is not considered a crime.

TOP**G4** 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?	0/4
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Economic opportunity is inhibited by the territory's undetermined status. The economic activity generated by companies that exploit the country's natural resources generally does not benefit the Sahrawi population. Sex trafficking, often affecting young girls, takes place in coastal fishing villages.



On Western Sahara

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Country Facts

Global Freedom Score

4/100 Not Free

Other Years

2019

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