

# WESTERN SAHARA 2015 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.

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. 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 constitution that it also applies to the territory. During the year Morocco began to implement its "advanced regionalization" plan, devolving certain budgetary and decision-making powers to locally elected bodies, including in the provinces of Western Sahara. This also allowed for the direct election of certain local and regional government officials for the first time. Civilian authorities at times did not maintain effective control over the security forces. For more details, see the 2015 Morocco Human Rights Report.

There has been no census since the Spanish left the territory in 1975. Observers estimated the population to be more than 500,000 persons, many of whom were attributable to Moroccan immigration; local observers estimated the indigenous, ethnic Sahrawis constituted approximately 25 percent of the population. Sahrawis ("people of the desert" in Arabic) also live in southern Morocco, Algeria, and Mauritania.

The territory has three provinces. In 1975 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 (MINURSO), whose mandate does not include human rights monitoring. In the late 1980s, Morocco completed the

construction of a stone and sand wall approximately 1,690 miles long 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 yet taken place. The parties did not resolve disagreements about voter eligibility and which options for self-determination the ballot should include--integration, independence, or something in between. 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. Since 2009 the UN Secretary-General’s personal envoy for Western Sahara, Christopher Ross, has facilitated the negotiations. 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 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 pro-independence 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 internationally recognized territories of Morocco: citizens’ lack of the ability to change the constitutional provisions establishing the monarchical form of government, security forces’ reported torture and ill-treatment of persons arrested and imprisoned; the use of arbitrary and prolonged detention to quell dissent; corruption in all branches of government, harassment of journalists and human rights activists focusing on issues sensitive to the Moroccan 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 to pro-independence associations. Because of these restrictions, associations could not establish offices, recruit members, collect donations, or visit Saharan pro-independence activists or POLISARIO separatists detained in facilities in Morocco.

Widespread impunity existed. 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 within the government in Western Sahara.

**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.

**b. Disappearance**

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

During the year the Laayoune branch of the National Council on Human Rights (CNDH), an institution created and funded by the government to promote human rights and increase monitoring, created and funded by the government, continued to investigate claims of enforced and involuntary disappearance. When warranted, the CNDH recommended reparations in the form of money, health care, employment, or vocational training to victims (or victims' families) of forced disappearance. In the last several years, the government shifted its focus from outstanding and new individual claims to community reparation projects. 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. The CNDH continued to monitor the implementation of the recommendations of the Equity and Reconciliation Commission for former victims of human rights violations. The International Committee of the Red Cross, worked as neutral intermediary, with the parties and families regarding the cases of persons still unaccounted for.

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

Reports from the UN and from international and domestic nongovernmental organizations (NGOs) indicated that security forces engaged in physical abuse, beatings, and other mistreatment of detainees in both political cases and ordinary criminal cases.

On May 19, Amnesty International released a report based on the examination of 173 cases of accusations of mistreatment of detainees in Morocco and the Western Sahara from 2010-14. The report concluded that mistreatment in official custody amounting to torture persisted, although it was not systematic, and that a climate of “impunity” allowed such practices to continue. Both international and local NGOs continued to report abuses, especially of Sahrawi independence advocates. Activists, detained and subsequently released, as well as family members of many of those still in custody, made similar accusations.

The August 2014 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 over the period 2010-2014. The report stated, “in cases related to state security, such as cases involving terrorism, membership in Islamist movements or supporters of independence for Western Sahara, the Working Group on Arbitrary Detention found that there was a pattern of torture and mistreatment during arrest and in detention by police, in particular agents of the National Surveillance Directorate.”

In his 2013 report, Juan Mendez, UN special rapporteur on torture, stated that, while it was not an officially sanctioned policy, authorities used torture and mistreatment to extract confessions, including at the time of the arrest, in police stations, and at Laayoune Prison. The report noted credible testimonies relating to rape, severe beating and isolation for weeks, particularly of inmates accused of participating in pro-independence activities.

Reports of torture occurred most frequently in pretrial detention. 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.).

Most accusations stated that 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), family members of inmates regularly complained of physical abuse and occasional torture of inmates in Laayoune Prison, the sole prison in the territory. Authorities highly restricted access to inmates, and there was no independent verification of family-member complaints.

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.

The CNDH stated that during the year both the CNDH and Moroccan Observatory of Prisons had received 27 accusations of abuse in prison in the “Southern Provinces” of Guelmim, Laayoune, and Dakhla, which comprise the majority of the territory of the Western Sahara.

### **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 that prisoners on average received six medical consultations per year, although it did not disaggregate statistics for Western Sahara. Families of detainees charged that prison conditions were unusually harsh; family visitation rights were sometimes limited. Activists previously charged that such poor conditions exacerbated the underlying health conditions of prisoners and led to their deaths. Human rights NGO Adala UK reported that Sahrawi prisoner Braica al-Amari died in Ait Maloul Prison because of extreme medical negligence. Observers reported a lack of certified medical examiners capable of conducting independent investigations into prison deaths.

NGOs also frequently cited cases where prisoners protested the terms or conditions of their detention with hunger strikes. The August 2014 report of the UN Working Group indicated its members met in Sale 1 Prison with 22 of the prisoners, considered political prisoners by NGOs, arrested during the 2010 dismantling of

the Gdeim Izik Camp and subsequent violence in Laayoune. The 2014 report of the UN Working Group on Arbitrary Detention cited testimonies of torture and mistreatment and observed the deteriorating health conditions of some of the Gdeim Izik prisoners due to prison conditions.

Administration: Authorities followed Moroccan prison practices.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but, as in internationally recognized Morocco, security forces often ignored this prohibition, particularly during and in the wake of protests. The August 2014 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 Prison (see sections 1.c., 1.e., and 2.b.).

#### **Role of the Police and Security Apparatus**

Police, military, and auxiliary forces, organized as in internationally recognized Morocco, were all responsible for security in the territory and followed comparable practices in the territory. Impunity for security forces remained a frequent problem. The government reported no prosecutions of security officers in the territory. Human rights organizations continued to track alleged abusers who remained in leadership positions or authorities transferred to other positions.

During the year alleged victims of human rights abuses in the territory made frequent complaints against police and auxiliary forces, according to several international, domestic, and Sahrawi NGOs. International and domestic human rights organizations claimed that in many instances authorities dismissed many complaints and relied only on the police version of events. Information on the internal and/or external mechanisms to investigate security force abuses was not publicly available. Government officials generally did not provide information on the outcome of complaints. The CNDH and the Prison Administration reported nationwide human rights training for prison officials and members of the security forces during the year. According to the government, there were no prosecutions of security officers in the territory.

#### **Arrest Procedures and Treatment of Detainees**

Arrest procedures and treatment of detainees were similar to those in internationally recognized Morocco. For more information, please see the 2015 Morocco Human Rights Report.

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.

Pretrial Detention: Pretrial detention was a problem throughout the territory, as it was in internationally recognized Morocco. Disaggregated information was not available.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but the courts were not independent. Government officials, NGOs, and lawyers asserted that corruption and extrajudicial influence weakened judicial independence. The outcomes of trials in which the government had a strong political stake, such as those touching on the monarchy, Islam as it related to political life and national security, and the Western Sahara, appeared politically determined. Authorities sometimes failed to respect court orders.

The new Code on Military Justice published in the government's official bulletin in January went into effect in July, eliminating the use of military trials for civilians in most circumstances. Cases of several Sahrawis previously sentenced to prison by military tribunals were returned to civilian courts.

In one prominent example, authorities remanded the case of Mbarek Daoudi, a former Sahrawi rights activist convicted by a military tribunal of weapons-related charges and misdemeanor possession of a military uniform, to a civilian court in Agadir. The civilian court sentenced him to six months in prison in April. According to media sources, on September 4, authorities informed Daoudi's family that due to other, unspecified charges against him, authorities would not release him after the completion of his sentence.

In its 2015 World Report, Human Rights Watch (HRW) cited 22 other Sahrawis who continued to serve prison sentences imposed by a military court in 2013. Authorities charged the men in connection with violence that erupted in 2010, when authorities dismantled the Gdeim Izik protest camp in Western Sahara. HRW observed that the military court failed to investigate defendants' allegations

that police had tortured or coerced them into signing false statements, and relied almost exclusively on those statements to convict.

### **Trial Procedures**

Trial procedures are the same as those in internationally recognized Morocco. For more information, please see the 2015 Morocco Human Rights Report.

### **Political Prisoners and Detainees**

The government denied there were political prisoners or detainees and claimed that all persons incarcerated were charged with or convicted of nonpolitical crimes. Human rights and proindependence groups considered a number of Sahrawis to be 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 2014 report of the UN Working Group indicated its members met with 22 of those prisoners in Sale 1 Prison. Members received testimonies of torture and mistreatment.

### **Civil Judicial Procedures and Remedies**

Civil judicial procedures and remedies were the same as law and practice in internationally recognized Morocco.

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

Authorities in general followed practices prevalent in internationally recognized Morocco. According to the August 2014 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 authorities are sensitive to any reporting that is not in line with the state's official position on the

territory's status, and they continued to expel, detain, or harass persons who wrote critically on the issue.

Freedom of Speech and Expression: Moroccan law prohibits citizens from criticizing Islam, the institution of the monarchy, or the government's position regarding territorial sovereignty. 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.

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 and Media 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. Authorities may impose prison sentences 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 violations of the criminal code against specific journalists, with prosecution of these charges indefinitely delayed.

For example, according to a September 17 Reporters Without Borders report, authorities arrested blogger and reporter for a television station operated by the POLISARIO Front journalist Mahmoud al-Haissan for participating in a July 2014 "armed gathering," obstructing a public thoroughfare, attacking officials while they were on duty, and damaging public property. Police arrested him when he filmed security forces' violent dispersal of peaceful demonstrations chanting independence slogans in Laayoune. Released after eight months in detention, he remained at year's end with prosecution of the charges delayed.

Because of the sensitivity of the issue of Western Sahara, 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. Unlike in previous years, authorities did not expel foreign journalists from Western Sahara.

Government practices were the same as those internationally recognized Morocco concerning harassment; censorship or content restrictions; libel/slander, and national security issues.

### **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 a 2015 Freedom House Report, the government did not block or filter any websites during the year, although laws on combatting terrorism permit the filtering of websites. The report noted that the general atmosphere of fear has increased self-censorship.

### **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. The law restricts cultural events and academic activities, 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 applies; however, a somewhat more restrictive practice operated in Western Sahara.

### **Freedom of Assembly**

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

The April 15 UN Secretary-General's report on the Western Sahara cited claims by some human rights organizations that authorities did not permit demonstrations in the territory during the April 2014-2015 time frame, notably preventing demonstrations calling for self-determination, defending prisoners' rights, or raising socioeconomic issues. Security forces continued to disperse forcibly such gatherings, with allegations that they used excessive force in suppressing demonstrations, including towards women and children.

In some cases security forces subjected protesters and activists to arbitrary arrest, according to the UN special rapporteur for torture, ill treatment, and prosecution. Furthermore, reports indicated that very few injured protesters, including those detained, had access to a doctor. As a result, most were unable to obtain a medical certificate to document formally the effects of the violence.

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. 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. A large number of demonstrations took place in the territory every year, the majority 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.

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. Activists previously reported that police targeted individuals attending demonstrations with recording equipment to prevent the release of potentially incriminating footage of security forces in action.

## **Freedom of Association**

Generally, the government resisted official recognition of 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, but the government tolerated their activities. In March authorities informed ASVDH--a Sahrawi rights organization that won an administrative court judgment in 2005 confirming its applications for registration conformed to the law--that authorities recognized it as a legal NGO. Media sources reported Moroccan authorities' public comments that the organization's registration would require it to act "within the bounds of Moroccan law."

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) in implementing the UN's confidence-building measures program, which facilitated communication and family exchange visits between Sahrawis in the territory and Sahrawi refugees in Algeria. Due to a dispute between Morocco and the POLISARIO regarding administrative aspects of the program, it was suspended in June 2014, and no family exchange visits took place during the year.

The law provides for freedom of internal movement and travel abroad, although it restricted movement and travel abroad of proindependence and human rights activists.

## **Protection of Refugees**

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. In March, the CNDH's Laayoune office reported an increase in the number of economic migrants passing through the territory and stated that migrants would fall under Morocco's new

asylum laws. They further stated that authorities allowed a number of migrants to register in Laayoune as part of the 2014 regularization campaign to register migrants present in Moroccan-administered territory. Conditions for access to asylum and treatment of refugees were the same as in internationally recognized Morocco. For more information please see the Department of State's 2015 Morocco Human Rights Report.

### **Section 3. Freedom to Participate in the Political Process**

Freedom to participate in the political process was similar to that in internationally recognized Morocco. For more information, please see the Department of State's 2015 Morocco Human Rights Report.

#### **Elections and Political Participation**

Recent Elections: On September 4, the country held direct elections for municipal and regional councils for the first time. These defined electoral districts according to the 12 "regions" set out by the government's regionalization scheme, a plan designed to accord a greater amount of authority to local officials. On October 2, regional and professional bodies elected members of the Chamber of Counselors, the upper house of parliament. These elections were the first step in the implementation of the Moroccan government's "regionalization" program, which devolved certain authorities to local territories, including in the regions of Western Sahara, and allowed for the direct election of certain local government positions for the first time.

The government-sponsored CNDH was the lead institution monitoring the election. The Electoral Accreditation Commission, presided over by the CNDH with the participation of the Interministerial Delegation for Human Rights, the Central Instance for the Prevention of Corruption and five domestic associations accredited 3,425 domestic observers. An additional 76 international observers took part in election monitoring. The major political parties and the vast majority of the domestic observers considered the elections free, fair, and transparent. Most international observers considered them credible elections in which voters were able to choose freely and deemed the process relatively free of irregularities.

Participation of Women and Minorities: Participation of women and minorities in the political process was substantively similar to that in internationally recognized Morocco. A substantial number of candidates for elected officials self-identified as Sahrawis.

#### **Section 4. Corruption and Lack of Transparency in Government**

Corruption: Moroccan law and practice apply, including in the areas of financial disclosure and public access to information. As in internationally recognized Morocco, the law provides criminal penalties for corruption by officials, although the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Enforcement was sporadic, and there were no high-profile investigations and no high-level prosecutions during the year. Corruption was a continuing serious problem.

Substantial development spending and military officers' involvement in private business created susceptibility to corruption, as well as 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.

Public Access to Information: Moroccan law and practice apply.

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

Operating conditions for international human rights groups generally paralleled those in internationally recognized Morocco.

The government tolerated but did not recognize many domestic NGOs investigating human rights cases or those that exhibited proindependence or pro-POLISARIO tendencies. In keeping with a 2005 legal decision from an Agadir court that it should be registered, authorities informed the ASVDH in March that the government recognized it as a registered organization. Another organization, El Ghad Association for Human Rights, was also registered.

Domestic NGOs generally had poor relations with security forces.

The United Nations or Other International Bodies: In April, three representatives of the UN Office of the High Commissioner for Human Rights visited Laayoune

and Dakhla to survey the current state of human rights in the territory. During their visit authorities permitted them free access to government and civil-society interlocutors, including independence-minded NGOs.

Government Human Rights Bodies: The same government human rights bodies operated in the territory as in internationally recognized Morocco.

The government-affiliated CNDH, via its offices in Dakhla and Laayoune, as well as through other government officials, continued to carry out a range of activities, including monitoring demonstrations, visiting prisons and medical centers and organizing capacity-building activities for various stakeholders. It also maintained unofficial contact with unrecognized NGOs. The CNDH and government officials also occasionally investigated cases raised by unrecognized NGOs, especially those that drew internet or international media attention.

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

The living conditions and social mores affecting women, children, and persons with disabilities, as well as sexual orientation and gender issues, paralleled those in internationally recognized Morocco, and government laws and practice are the same. Reports of anti-Semitism were similarly rare as in Morocco, and the size of the Jewish community is unknown. Please see the Department of State's 2015 Human Rights Report for more detailed information on Morocco.

## **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, and government practice is largely similar. The law provides for the rights of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity.

The government did not enforce applicable laws. Penalties for violations were insufficient to deter violations. Judicial and administrative procedures were subject to lengthy delays.

The government and employers generally respected freedom of association; Moroccan unions covering all sectors were present but not active. The largest

trade union confederations maintained a nominal presence in Laayoune and Dakhla and included the Moroccan Union of Labor, the Democratic Confederation of Labor, and the National Union of Moroccan Workers. Most union members were employees of the Moroccan government or state-owned organizations. Unions were active in the phosphate and fishing industries.

There were no known labor strikes or other collective actions, such as bargaining agreements, during the year.

#### **b. Prohibition of Forced or Compulsory Labor**

The applicable Moroccan labor code prohibits all forms of forced or compulsory labor, and there were no reports that such practices occurred.

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

Regulations on the minimum age of employment are the same as in Morocco.

The Ministry of Employment and Social Affairs is responsible for implementing and enforcing the same child labor laws and regulations as in internationally recognized Morocco. The ministry did not systematically inspect, monitor, or enforce sanctions against child labor.

There were no reports regarding child labor in the formal wage sector. Children worked in informal family-owned businesses and in the agricultural sector.

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. Sahrawis received more assistance per capita from this program than persons living in internationally recognized Morocco.

Also see the Department of Labor's annual *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings](http://www.dol.gov/ilab/reports/child-labor/findings).

#### **d. Discrimination with Respect to Employment and Occupation**

Generally, the conditions of workplace discrimination were similar to those in internationally recognized Morocco. The labor law prohibits discrimination with respect to employment and occupation based on race, color, gender, disability,

marital status, religion, political opinion, trade-union affiliation, national ancestry, or social origin. The law does not address sexual orientation, gender identity, age, language, HIV-positive status or other communicable diseases. The law provides for equal pay for equal work.

Nevertheless, discrimination occurred in all areas, as government did not allocate sufficient human and financial resources to enforce these laws effectively. Migrant worker organizations reported that some migrants experienced discrimination in hiring, wages, or conditions, although the regularization campaign carried out during the year provided thousands of formerly undocumented migrant workers with residency cards.

There were anecdotal reports that Sahrawis faced discrimination in hiring and promotion. On January 25, in front of the headquarters of the Moroccan Workers' Union in Laayoune, an association of unemployed Sahrawi university graduates organized a peaceful protest calling for equal employment rights for Sahrawis. Security forces reportedly violently dispersed the demonstration, assaulted several participants, and targeted the organizers, including Babit El Kori, one of the leaders of the association and head of a Sahrawi human rights group, Tomorrow's Association of Human Rights.

#### **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.

The minimum wage was 97 dirhams (\$11.70) per day in the industrialized sector and 63 dirhams (\$7.20) per day for agricultural workers. The World Bank's absolute poverty-level threshold wage was 70 dirhams (\$8.50) per day. Including traditional holiday-related bonuses, workers generally received the equivalent of 13 to 16 months' salary each year.

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.