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Written statement* submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Report issued by the working group for the Universal Periodic Review (UPR) of Morocco and the issue of Western Sahara

The Cairo Institute for Human Rights Studies (CIHRS) expresses its deep concern regarding the recent report issued by the Working Group for the Universal Periodic Review (UPR) of Morocco. This report displays an alarming lack of consistency in representing the statements made during the oral review session on Morocco. Indeed, during the oral review, many delegations of UN member states expressed concerns and put forth recommendations regarding Western Sahara and the Sahrawi people. However, we note that several of these references made to Western Sahara were omitted entirely by the Working Group in drafting their report. The statements from which references to Western Sahara were disregarded are included at the end of this Written Intervention.

While we acknowledge that some references to the rights situation in the Western Sahara were retained in the draft report, others were completely removed or stripped of their significance. Furthermore, some of the statements that were summarized included critical information which was not expressed elsewhere in the report, while at the same time points of lesser import were retained, such as vague references to “priorities” and “concern [about] the rights situation” in Western Sahara (Ukraine, par. 36; Ireland, par. 88).

These omissions are particularly worrisome since the Sahrawi people continue to be subjected to grave violations to their basic human rights, including through arbitrary arrests and detentions; reported torture, ill-treatment, and sexual abused while in detention; the lack of due process and guarantees of fair trials for Sahrawis; and the acute and ongoing deterioration of the economic and social rights of the Sahrawi community. Many of these abuses target Sahrawi human rights defenders, among them Aminatou Haidar, who faced expatriation for her activism. Also concerning is the blatant interference of Moroccan authorities in Sahrawis’ exercise of their rights to freedom of expression, association, and assembly, including by banning dissenting political views and calls for independence for Western Sahara, increased regulations on Moroccan media, blocking the formation and interfering with the work of NGOs focusing on the region, and the violent dispersal of peaceful demonstrations, most prominently at the Gdaim Izik Camp in November of 2010.

The omission of the statements made by state delegations referring to the human rights violations in Moroccan-controlled Western Sahara against the Sahrawi people prevents the international community from being fully informed of the serious challenges facing the Sahrawi people. It is critical that the report accurately convey these concerns so that the international community may fully grasp the importance of acting urgently to put an end to the serious violations of human rights taking place in Western Sahara.

Therefore, CIHRS calls upon the state members of the UN to take the following actions at the adoption of the UPR report on Morocco at the 21st session of the UN Human Rights Council:

- Condemn the severe and ongoing violations to human rights in Western Sahara;
- Call for the revision of the report of the Working Group on the UPR of Morocco to ensure that it accurately reflects all of the concerns expressed in the summary section of the statements put forth by the state delegations present at the UPR review, including in relation to the Western Sahara;
- Call for the revision of the report of the Working Group on the UPR of Morocco to ensure that it includes the required record of the recommendations made by state

delegations present at the UPR review, specifically the recommendations of Sweden (paragraph 129.80, cited below) and Costa Rica (paragraph 132.1, cited below);

- Call upon the government of Morocco to accept and immediately implement all recommendations related to improving the situation of human rights in the Western Sahara, and within its territory;
- In particular, we call on the governments which referred to the Western Sahara during the UPR review of Morocco to ask that the UPR outcome document be revised to ensure inclusion of these references before final adoption of the report by the Human Rights Council.

Below are the UPR government statements from which references to Western Sahara were disregarded. Portions omitted from final document have been placed in brackets.

From the Interactive Dialogue, Section I, B (statements made by states during the Interactive Dialogue may be summarized by the Working Group in its report, due to the word limit allotted):

United States

Text Accurately Reflecting Delegation Statements:

Paragraph 39. United States of America expressed concern about arrests of journalists, bloggers and artists, allegations of police brutality against peaceful demonstrators and the torture of detainees by the security forces, and failure to register civil society organizations advocating on behalf of minority populations, [including Sahrawis]. The United States of America made recommendations.

Current Text of the UPR Draft Report excludes the phrase “including Sahrawis”.

Comments: Explicit mention of Sahrawis is critical in this context, as defending the rights of Sahrawis is one of the major reasons for which NGOs are denied registration. This omission would allow Morocco to permit other organizations in order to claim fulfillment of this recommendation, while continuing to marginalize organizations which work to defend Sahrawis.

Denmark

Text Accurately Reflecting Delegation Statements:

Paragraph 65. Denmark noted the excessive use of force to disperse peaceful demonstrations. It noted the arrest of journalists and bloggers. It regretted the arbitrary detention and attack of protesters and noted the persistence of legal and practical gender-based discrimination. [Denmark expressed regret that UN-led negotiations to find a peaceful solution to the status of Western Sahara remain stalled, and that peaceful demonstrations continue to be subjected to attacks and protestors arbitrarily detained or physically assaulted. It asked the government of Morocco what measures are being taken to protect the safety of peaceful protestors and respect human rights in Western Sahara.] Denmark made recommendations.

Current Text of the UPR Draft Report omits the extensive reference to Western Sahara in brackets above.

Comments: The content of this statement was not addressed in any of the other statements or recommendations in the report, despite the critical import of pointing out the failure of the long-standing negotiations aimed at resolving the status of Western Sahara as well as the treatment of peaceful protestors in the region specifically.

Ireland

Text Accurately Reflecting Delegation Statements:

Paragraph 88. Ireland noted that the Family Code stipulated that the legal age of marriage was 18 and welcomed the changes in the Constitution regarding gender equality. It highlighted Morocco's commitment to provide unimpeded access to all Special Procedures but remained concerned about the human rights situation in Western Sahara. [It noted that it would welcome the inclusion of a broader human rights monitoring mechanism in the mandate of the UN Peace-keeping mission in Western Sahara.] Ireland made recommendations.

Current Text of the UPR Draft Report omits reference to human rights monitoring mechanism in Western Sahara in brackets above.

Comments: Although including a human rights monitoring mechanism in MINURSO is included in other statements in the report, implementing such a mechanism is critical and emphasis by multiple states would have placed greater pressure on the Moroccan government to do so. The statement was left without substance as a result of this summarization.

From the Recommendations, Section II (recommendations from states may not be summarized or changed by the Working Group in its report).

Sweden

Text Accurately Reflecting Delegation Statements:

Paragraph 129.80. Take immediate steps to implement the new Constitution's provision that international human rights are to be fully respected, including press freedom, freedom of expression, assembly and association, [including views on the situation of and in Western Sahara] (Sweden);

Current Text of the UPR Draft Report:

Paragraph 129.80. Take immediate steps to implement the new Constitution's provision that international human rights are to be fully respected, including press freedom, freedom of expression, assembly and association (Sweden);

Comments: The exclusion of reference to Western Sahara in this paragraph is important due to explicit reference to press freedom, freedom of expression, and freedom of assembly and association in the preceding line and the stringent restrictions imposed by the Moroccan government on all of its citizens' exercise of these freedoms in relation to Western Sahara. There appears to be no particular reason as to why this reference was omitted.

Costa Rica

Text Accurately Reflecting Delegation Statements:

Paragraph 132.1. Accept the establishment of a permanent human rights component in the United Nations Mission for the Referendum in Western Sahara (MINURSO), being the only peacekeeping mission not having this component (Uruguay, [Costa Rica]).

Current Text of the UPR Draft Report:

Paragraph 132.1. Accept the establishment of a permanent human rights component in the United Nations Mission for the Referendum in Western Sahara (MINURSO), being the only peacekeeping mission not having this component (Uruguay).

(Note: While the report of the Working Group includes this recommendation and attributes it to Uruguay, it fails to include Costa Rica as having made the same request that Morocco consider the incorporation of a human rights component to MINURSO.)

Comments: Although this recommendation was moved to Costa Rica's statement in par. 63 (according to a request agreed upon by Costa Rica and Morocco), it is much stronger as a recommendation and should be restored as such. Furthermore, all changes to recommendations must be noted in the report.
