



SAHRAWI NGO ALLIANCE
تحالف المنظمات غير الحكومية الصحراوية

**Parallel report addressed to the CERD within the
framework of the review of the combined periodic
reports 19-20-21 of the Kingdom of Morocco**



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Introduction

The Sahrawi NGO Alliance welcomes the submission and examination of the combined nineteenth to twenty-first periodic reports of the Kingdom of Morocco, and appreciates the opportunity to submit this alternative shadow report to the United Nations Committee on the Elimination of Racial Discrimination.

The NGO Alliance is composed of three organizations working in the field of human rights and freedoms in the North Africa region, specifically in the Kingdom of Morocco, Algeria, the Tindouf camps, and Mauritania.

- **Africa Watch:** A civil society structure working on the preparation of parallel reports for UN treaty bodies, the Human Rights Council's special procedures, and the Universal Periodic Review (UPR) mechanism.

It organizes outreach activities on human rights topics and presents situational and annual reports reflecting the status of rights and freedoms in Morocco, Algeria, and the Sahrawi camps in the Tindouf region.

Its objective is to establish this practice as a primary reference for information for UN mechanisms, international and regional human rights organizations, as well as universities and research centers seeking reliable information on the human rights record in the region.

- **The International Network for Human Rights and Development (INHRD):** Established in 2020 by human rights defenders and activists in France, aimed at raising awareness of human rights violations in the African space and monitoring democratic transition processes in the region. The network focuses on studying and tracking a wide range of human rights and development issues within local communities.

- **Defenders for Human Rights:** A youth-led initiative in the Southern Provinces of the Kingdom, supporting the activities of human rights defenders and promoting and protecting civil and political rights, as well as ensuring access to economic, social, and cultural rights.

In its interventions, the organization focuses on seeking solutions to the situations and violations faced by activists and human rights defenders, in accordance with international human rights law and the national legislation of the Kingdom of Morocco.

The information contained in our alternative report has been gathered from national data, studies conducted by the research and report preparation unit, the database of NGOs operating in Morocco, as well as through dialogue and the organization of focus groups with communities, activists, and key stakeholders.

This introduction forms part of the shadow report coordinated by Africa Watch. The partner organizations fully endorse the content of the Sahrawi NGO Alliance's shadow report. In this introduction, we will examine the legislative and societal developments applicable to the Kingdom of Morocco as a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Some components of the Sahrawi NGO Alliance participated in consultative meetings regarding the contents of the State Party's national report in 2019, expressing their views on all axes of the report, thereby reinforcing treaty practice in the Kingdom of Morocco and strengthening the roles of all stakeholders, including NGOs working in the field of human rights.

1. Regarding the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in the Kingdom of Morocco

1. The Kingdom of Morocco adopted the International Convention on the Elimination of All Forms of Racial Discrimination on December 18, 1970. In 2006, pursuant to Article 14, it accepted the competence of the UN Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals claiming to be victims of violations set forth in the relevant Convention.
2. The review of the Kingdom of Morocco's combined nineteenth, twentieth, and twenty-first reports before the Committee on the Elimination of Racial Discrimination takes place within contexts and circumstances that have witnessed significant political, legal, and societal changes in the Kingdom.
Many recommendations contained in the concluding observations issued following the examination of Morocco's combined seventeenth and eighteenth national reports have been addressed.
3. Over the past two decades, Morocco has inaugurated numerous constitutional, political, and legal reforms, resulting from intensified demands by political components and vibrant societal forces, in continuation of the democratic transition process.
This began with a general political opening, followed by the establishment of the Equity and Reconciliation Commission (IER), which adopted reconciliation with the past and turning the page on political repression and restrictions on opinion and political participation as a primary objective.
4. The acceleration of events in the Kingdom of Morocco in the first decade of the third millennium constituted a decisive turning point in the country's democratization process.
This period saw the emergence of modernist political and civil currents that increasingly consolidated their presence by demanding profound reforms and contributing to the public debate on the necessity of deep political and constitutional reform, with a view to guaranteeing rights, protecting freedoms, enshrining the rule of law, and strengthening national institutions.
5. These national and societal efforts culminated in the adoption of the 2011 Constitution, which constituted a fundamental pillar in the reform process. The constitutional document dedicated an entire chapter to fundamental freedoms and rights.

This step was considered the beginning of a calendar of legislative and institutional reforms¹ covering all rights and freedoms, in addition to stipulating the plurality of the Kingdom of Morocco's national constituents, considering this diversity as a support for national cohesion, with equality among these various cultural and linguistic components².

6. The recognition of the Amazigh language as an official language of the State alongside Arabic, and the adoption of measures to officialize it in practice -despite the noted slowness in implementing these measures, particularly in administration, courts, and transactions- clearly answered the question of reconciliation among all cultural and linguistic components of Moroccan society. This strategy translated a strong desire to fuse the State's cultural constituents to build a State of law and institutions.
7. Despite all legislative developments and the modernization of the Moroccan legal arsenal to promote rights and freedoms, addressing the issue of eliminating all forms of discrimination remains in its nascent stages.

Except for the stipulation criminalizing discrimination in the preamble of the 2011 Constitution³ and the establishment of the Authority for Parity and the Fight against all Forms of Discrimination (APALD) to ensure men and women enjoy all rights and freedoms on an equal footing, there is a pressing need to develop a normative legal framework regarding discrimination, whether based on culture, language, regional or social origin, or gender.

Recommendation:

The Alliance of Sahrawi NGOs notes the absence of specific legislation on the elimination of all forms of discrimination within Moroccan national legislation, and that the provisions related to discrimination in the Constitution and the Penal Code are insufficient to address this type of violation. Therefore, the Alliance draws the State Party's attention to the necessity of enacting specific legislation on the elimination of all forms of racial discrimination, in conformity with the provisions of Article 2, paragraph (d), of the International Convention on the Elimination of All Forms of Racial Discrimination.

2. Regarding the Situation of Migrants, Refugees, and Asylum Seekers

8. The United Nations states that the phenomenon of migration constitutes one of the greatest challenges currently facing the world. Statistics record the presence of over 258 million migrants and large numbers of internally displaced persons, refugees, and asylum seekers⁴.

¹ The institutional reform efforts in the Kingdom of Morocco culminated in the establishment of a number of bodies aimed at protecting and promoting the cultural aspects of the various components of Moroccan society. The official recognition of the Amazigh language, the creation of a Royal Institute of Amazigh Culture, a Center for Hassani Studies and Research, a Center for Saharan Studies, and a Center for Andalusian Studies and Research are among the manifestations of progress achieved by Morocco within the framework of its international agreements, particularly in promoting equality and justice and eliminating discrimination among the various ethnic groups that make up Moroccan society.

² The preamble to the 2011 Constitution of the Kingdom of Morocco states that: "The Kingdom of Morocco is a fully sovereign Islamic state, committed to its national and territorial unity and to preserving the cohesion of its national identity, unified by the integration of all its components: Arab-Islamic, Amazigh, and Sahrawi-Hassani, and enriched by its African, Andalusian, Hebrew, and Mediterranean influences..."

³ The Moroccan Constitution, in its preamble, stipulates the "prohibition and combating of all forms of discrimination based on sex, color, belief, culture, social or regional origin, language, disability, or any other personal status."

⁴ According to the International Organization for Migration (IOM), the number of international migrants has reached 281 million, representing 3.6% of the world's population.

This poses intractable problems related primarily to the protection of the rights and freedoms of these groups, foremost among them the right to life, the right to physical integrity, health, food, and other fundamental rights, the absence of which may mortgage their status and cause them distress.

9. Due to the proliferation of armed conflicts on the African continent and situations of political instability, the phenomenon of irregular migration towards the European continent via Moroccan territory has exacerbated.

Morocco has transitioned from being a source country for migrants to simultaneously being a country of transit and destination for hundreds of thousands of migrants and refugees.

This must be considered in light of the challenges posed by the scarcity of financial resources necessary to cover the humanitarian needs of these individuals and the constraints of regularizing their legal status, amidst a sharp decline in international support and the imposition of unfair conditions by international donors that contradict their duties to protect humanity from imminent dangers.

On this basis, the Kingdom of Morocco has worked to regularize thousands of migrants from sub-Saharan countries, implementing a strong royal will to adopt and execute a National Strategy on Immigration and Asylum in 2014⁵.

10. Similarly, the Moroccan government deals with cases of asylum and asylum-seeking. UNHCR statistics in Morocco indicate 9,702 refugees and 8,400 asylum seekers⁶. The security concerns of North African states raise grave anxiety regarding refugee protection, particularly concerning access to national borders, determination procedures for asylum seekers and stateless persons, as well as constraints related to the exercise of rights and finding appropriate solutions that preserve the dignity of these individuals.

Recommendation:

While the Alliance of Sahrawi NGOs notes with satisfaction the migration policy pursued by the Moroccan government, it calls upon the Moroccan authorities to continue integrating migrants and refugees into the economic, social, and cultural fabric, without imposing discriminatory restrictions that might prevent individuals from enjoying the rights contained in the International Convention on the Elimination of All Forms of Racial Discrimination.

<https://www.iom.int/about-migration>

⁵ Following royal instructions, the Moroccan government began in 2014 to implement a new national strategy for immigration and asylum, aimed at regularizing the status of tens of thousands of irregular migrants, within the framework of two exceptional operations that culminated in regularizing the status of more than 50,000 migrants of more than 100 nationalities.

⁶ Statistics on the number of refugees and asylum seekers in Morocco as of December 31, 2022. See UNHCR Morocco website, January 2023.

<https://reporting.unhcr.org/morocco-factsheet-french>

3. Regarding the Situation in the Southern Provinces of the Kingdom of Morocco

11. The Southern Provinces of the Kingdom of Morocco are subject to the same development indicators applied to the northern provinces of Morocco⁷ and have remained a focal point for development strategies and programs since their recovery in 1975.

It is worth noting that sustainable development indicators were non-existent during the Spanish colonial period of more than nine decades in the Sahara provinces⁸. Accordingly, and with the aim of achieving rapid integration of the Sahara provinces into the national development trajectory, the Moroccan authorities allocated generous support to that region.

This was directed at combating pockets of poverty prevalent in the Sahara through the adoption of diverse programs in addition to sectoral policies dedicated to providing infrastructure in line with relevant national and international standards, such as constructing modern roads to connect the Sahara with the northern provinces⁹, establishing drinking water and liquid sanitation networks¹⁰, and building hospitals¹¹.

12. The Moroccan government has spared no effort to support the income of Sahrawi families and bolster their purchasing power by deciding to grant fixed financial aid estimated at 200 USD to poor families in various regions of the Sahara.

This aims to support them in bearing daily expenses and facing the requirements of urban life¹².

This is in addition to a large-scale distribution of housing units and plots of land¹³ to the most vulnerable segments of the Sahrawi population within the framework of the rural housing program, supporting stability in Sahrawi cities.

This represents a contribution from the Moroccan State and its local administrations to bring education and health services, the right to adequate housing, and development closer to the region's inhabitants.

⁷ See poverty statistics and rates in the southern provinces for October 2022 on the Oxford Poverty and Human Development Initiative (OPHI) database.

https://ophi.org.uk/wp-content/uploads/CB_MAR_2022.pdf

⁸ The Sahara region was subjected to 91 years of Spanish occupation, which was never used except to serve Spain's security and logistical needs, supporting its war effort and consolidating its presence in the vast Sahara. This occupation was marked by the plundering of the country's resources, such as phosphates and fisheries, in addition to the recruitment of locals to bolster the Spanish army and suppress tribal and local populations who opposed any foreign presence on their land.

⁹ The Kingdom of Morocco has adopted a new development model, in response to a royal directive to review Morocco's development strategy and prioritize the Sahara region within this project.

The modern road network is a key component of this new development model, connecting the north of the Kingdom to the Sahara provinces, starting from the city of Tiznit. The project includes the construction of a highway and the restructuring of National Route 1 along a 1,055-kilometer stretch, passing through all urban areas in the Sahara region, with a budget exceeding \$7.25 billion.

<http://www.equipement.gov.ma/AR/projets-phares/Pages/Tous-les-Projets.aspx?IdNews=6>

¹⁰ The National Office of Electricity and Drinking Water (ONEE) has invested \$2.8 billion in water, wastewater, and electricity projects across the Sahara region since its recovery in 1975. Sources within ONEE indicate that water production did not exceed 5,000 cubic meters per day before 1975, while 15 new plants have been built in the last four decades, including seven desalination plants and one demineralization plant, increasing production capacity to over 160,000 cubic meters per day.

<http://www.onep.ma/news/2022/CDP-13-10-2022-Laayoune-DG/accueil.html>

¹¹ Since 1975, Moroccan authorities have built 59 health facilities in the Sahara region. These include regional and provincial hospitals, clinics, blood transfusion centers, and dialysis centers, in addition to private health centers. Significant efforts have been underway since the beginning of 2021 to build a university hospital in Laayoune, along with a faculty of medicine and pharmacy.

http://cartesanitaire.sante.gov.ma/dashboard/pages2/agregat_2021.html

¹² These aid packages were granted to families with no income, as the majority of them adhere to the nomadic lifestyle that prevailed in the Sahara region before its annexation by the Kingdom of Morocco. According to officials at the Moroccan Ministry of the Interior, the monthly amount of these grants exceeds \$15 million.

¹³ The number of houses and plots of land distributed, according to reports from the African Union's focal points, reaches 50,000 housing units and plots of land since the Kingdom of Morocco's annexation of the Sahara in 1975.

13. Despite these efforts, the Sahrawi population continues to suffer from high rates of vulnerability. This is attributed to the waste of 16 years of developmental time due to the conflict over the Sahara with the Polisario organization and its incubator, Algeria. This conflict left direct and visible effects on the standard of living and well-being of the local population; however, the Kingdom of Morocco was able to rectify the situation following the ceasefire agreement in 1991.

Recommendation :

To bridge the development gap between the Southern Provinces and the rest of the Kingdom's northern provinces, the NGO Alliance draws the Moroccan government's attention to the necessity of adopting policies and measures ensuring that aid and support allocated to vulnerable groups in the Sahara reach their intended beneficiaries.

14. Managing multi-ethnicity requires effective tools to manage this plurality peacefully, with a view to building genuine citizenship that enhances the sense of belonging. Moroccan authorities have accumulated best practices in managing diversity and promoting a culture of peace.

The 2011 Constitution serves as an effective guarantee for peaceful coexistence among the various components of Moroccan society. Therefore, the State Party needs to create legal frameworks that prepare the climate for enshrining and protecting that diversity and combating any emerging forms of discrimination, to ensure equality among all cultural components of Moroccan society without discrimination, in full harmony with the provisions of the International Convention on the Elimination of All Forms of Discrimination.

Recommendations:

The Alliance encourages the Moroccan government to proceed with erasing and rectifying deficiencies in proactive policies, programs, and plans in the fields of education, employment, housing, and media to strengthen prevention tools against the spread of hate speech and racial discrimination. This should be achieved by enhancing human rights and citizenship education efforts, alongside establishing effective mechanisms for monitoring sectoral policies to integrate these principles and approaches into relevant public policies.

The Alliance recommends that the government ensure strict enforcement of the law against individuals and groups who advocate or adopt discourses of violence, hatred, discrimination, and racism in issues related to rights and freedoms, which are disseminated through a series of statements and comments circulating on social media networks, or through interviews and materials published on certain websites. Any delay in drafting and implementing a law to eliminate hate speech and racial discrimination provides a climate for the proliferation of racist crimes in the future.

15. In connection with the protection of cultural rights, the Alliance commends the governmental efforts made in this regard, primarily linked to the constitutionalization of the Hassani cultural component as one of the components of Moroccan identity¹⁴, alongside other elements that enrich Moroccan cultural pluralism and its diverse tributaries based on the principles of moderation and tolerance that frame the dialogue of civilizations.

16. Although Article 5 of the Constitution explicitly stipulates that the Hassani oral expression specific to the inhabitants of the Sahara provinces constitutes an integral part of the unified Moroccan cultural identity, and that the State ensures its protection and works to harmonize its public policies in this regard to accord it its proper place, hope remains pinned on allocating sufficient financial resources to immunize, enrich, and promote Hassani culture.

This should be done by studying it and directing university and academic research to probe its depths and explore its characteristics, to generalize knowledge of the culture of the people of the Sahara, their ways of life, transactions, and mode of thinking, thereby enriching the diversity and cultural wealth that constitutes a factor of strength and unity for the Kingdom of Morocco.

Recommendation:

The Alliance deems it necessary to double efforts directed at supporting and strengthening Hassani culture within the government's plans and strategies related to cultural affairs. It also calls for the adoption of this culture in the education and training system, and the inclusion of additional materials in curricula specifically regarding the history, geography, customs, traditions, literature, and culture of the Sahara region, to preserve it from fading and extinction.

17. The Southern Provinces are considered among the regions with the highest political participation in Moroccan electoral processes. They hold representatives in both chambers of the Moroccan Parliament and in regional, provincial, and local representative bodies.

Their mission is to represent the local population before administrations, implement economic and social programs and plans for their benefit, plan for the development of southern cities, realize public services therein, facilitate administrative operations, and manage issues related to civil transactions as well as services related to roads, water, electricity, and sanitation.

18. As for access to other civil and political rights, Moroccan law and practice have left no possibility for discrimination between individuals and groups based on their cultural or regional affiliation.

Every person has the right to exercise their right to expression, affiliation to an association or political party, or freedom of movement, in accordance with the regulations of the law. We have not recorded any significant violation in relation to the enjoyment of civil and political rights in the Sahara region in southern Morocco.

¹⁴ See the preamble to the amended Constitution of the Kingdom of Morocco of 2011.

19. However, the enjoyment of economic, social, and cultural rights has come gradually, given the general scarcity of resources in the region due to its desert nature, and its lack of economic structures capable of absorbing unemployment.

From this standpoint, the Moroccan State has launched several national and international initiatives to encourage investment in the region, with the aim that its inhabitants benefit from the returns of those investments, strengthen their families' purchasing power, and raise their monthly incomes to confront the causes of poverty.