

Universal Periodic Review 2016 : Morocco

Report submitted by Adala UK

The situation faced by Sahrawi children under Moroccan occupation in Western Sahara

The child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

Preamble of the United Nations Convention on the Rights of the Child (UNCRC)



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Adala UK is a UK-based NGO. We gather testimonies and evidence of human rights violations in the Occupied Territories of Western Sahara in order to:

- * raise awareness among the British public and internationally of human rights violations committed against the Saharawi people living in the Occupied Territories;
- * be a legitimate source of documentation of human rights violations committed against the Saharawi people;
- * lobby international governments and inter-governmental bodies to put pressure on the Moroccan government regarding its policies that negatively impact on the human rights of the Saharawi population.

Our aim is to mobilise national and international support to hold the Moroccan government to account and change existing practices regarding human rights.

We collaborate with a growing number of human rights activists based in the Occupied Territories of Western Sahara and in Morocco, who provide first-hand accounts of the situation on the ground.

1. Introduction

Between February and October 2014, members of Adala UK in Western Sahara interviewed more than 300 Saharawi children aged 4-17 and families living in the Occupied Territories to investigate the difficulties faced by Saharawi children. In October and November 2014, another member of Adala UK, visited the Occupied Territories and interviewed children, verifying the situation in schools as [published](#) by Adala UK.

This report concentrates on abductions, detentions and violence to which Sahrawi children are subjected. From all the interviews, we have selected certain statements to represent a range of the human rights violations suffered. Some testimonies had to be omitted as many families are too afraid to publish their claims. A common thread in all interviews was the fears held by the Sahrawi children, as well as the daily verbal, psychological and physical abuse to which they are subjected.

In the cities where the interviews took place a large presence of Moroccan authorities, both uniformed and plain-clothes, was noted by members of Adala UK in Western Sahara. During many of the interviews, police cars and officers surrounded the family house. Through constant intimidation, the Moroccan occupation forces try to instil fear in order to prevent the families and children from making their claims.

2. Arbitrary detentions, abductions, ill-treatment, torture, forced confessions

Sahrawi minors are repeatedly the victims of torture, fatal beatings and systematic and institutionalised ill-treatment by the Moroccan security forces in the Occupied Territories.

Reasons for this treatment include: being the children of human rights activists; participating in or being near the area of peaceful protests which seek the self-determination of Western Sahara; being accused of throwing stones. Numerous Sahrawis aged between 4 and 17, the majority of whom are boys, are arrested, interrogated, detained and sometimes subjected to torture or left for dead on the outskirts of the city by the Police and Moroccan security agents. In addition, in the latter months of this report, children who support or celebrate the wins of the Algerian football team in the street have been detained, tortured and abducted.

The persecution of Sahrawi children includes the abduction and detention of children in their homes between midnight and 5am, by heavily armed Moroccan uniformed and plain-clothes policemen. They handcuff the children and extract forced confessions without a lawyer or a family member present. The children are normally maltreated whilst in transit and arrive at the police station traumatised and alone.

Children are invariably denied contact with their families or the presence of a lawyer during the interrogation and are forced to sign confessions. During interrogation they are subjected to ill-treatment and methods of torture such as: excessive use of handcuffs; slaps and punches; being forced to sit in painful positions; solitary confinement. Children are threatened physically and psychologically, including threats of sexual assault and rape.

Many children confess under pressure and ill-treatment and some are forced to sign confessions that they are not allowed to read or that they do not understand because they are written in the Moroccan Berber dialect or another language they do not understand.

2.1 Kidnappings and arrests between midnight and 5am

Several children explain that they were arrested at their family homes in the middle of the night between midnight and 5am. The practice of arresting children during the night is intended to individually terrify children and their entire families, provoking strong feelings of insecurity.

These abductions and arrests during the hours of darkness violate one of the most sacred principles of the focus on the 'best interests of the child' as outlined by the UNCRC. There is no reason why these children cannot be ordered by the police to present themselves for questioning during the daytime.

2.2 Handcuffing; blindfolding

In many cases, children are handcuffed, often in a very painful way, and are frequently blindfolded. In a series of cases, children explained that the handcuffs cut off their blood supply and their hands become swollen. The humiliation and insecurity that is felt by children who are blindfolded, handcuffed and restrained in a painful manner, endures long after the event. Children who have been mistreated in this way complain of sleep disorders, they experience anxiety and find it difficult to feel secure.

2.3 Physical violence

In all cases, the children explained that they had experienced some form of physical violence during their arrest, in transit or during their interrogation.

The types of violence they describe include punches, slaps and kicks, being hit with truncheons, metal bars, and stones. Many children explain that they were subjected to violence after they were arrested and, in some cases, whilst they were handcuffed.

2.4 Threats and verbal abuse

In all cases, the children have informed us that they were habitually threatened during the interrogations and they also told of verbal abuse.

The absolute prohibition of torture and other treatment or punishment that is cruel, inhumane or degrading does not just refer to acts which cause physical pain but also to acts that cause mental suffering to the victim, such as intimidation and other forms of threats.

The most common threat issued by the Moroccan authorities against Sahrawi children is that of rape. The children believe these threats since it is common knowledge that adults in police custody are often victims of sexual abuse and rape and that school girls and boys are sexually abused by the security officers although this is a taboo and not spoken of.

The authorities also threaten the children's families and tell them that if they do not behave and sign all confessions that their parents and siblings will be hurt. This is also easily believed by the children since they have all been witness at some point in the past to houses being burned down by the Moroccan authorities and Sahrawi adults being beaten in the street in broad daylight.

2.5 Interrogations without the presence of a parent or legal representative

Although in the main under Moroccan civil law, children have the right to have either their mother or father present during an interview, the children arrested explain that they were interrogated without such presence.

2.6 Confessions extracted during interrogation

In various cases, children explained that they confessed at the end of a coercive interrogation. Some children explained that they were forced to sign documents written in Berber, or another language that they do not understand. They were not allowed to see the final content of the document before signing.

To obtain confessions and to force the children to sign confessions, the Moroccan authorities resort to beatings, to verbal menaces, to threats of rape, to long hours of confinement and to painful constraint.

3. Discrimination, Repression and ill treatment in schools and on the streets

Although there are no separate entries in schools for Saharawi and Moroccan Children and they are all in the same class, Sahrawi children are singled out in the classroom. Teachers do not answer them when they have a question; they do not speak to them directly, unless it is to insult or intimidate them. They are strictly forbidden to speak Hassania, even during their leisure times. Sahrawi children are forced to sing the Moroccan national anthem with the Moroccan students and salute the Moroccan flag.

Each Monday morning the Sahrawi children are forced to recite by heart the pledge to the Green March: "I swear to Allah that I will be loyal my whole life to the spirit of the Green March, whilst fighting with all I have for the integrity of the land of Morocco, from Tanger to Guira (Tanger to Guira includes all of the territory of Western Sahara). If the children do not know the pledge by heart they are beaten with a stick or a belt."

The history of Western Sahara is only taught starting from 1975. The Sahrawi children cannot display, draw or speak about the Sahrawi flag.

In the classroom, teachers often inflict physical punishments on the Sahrawi children using wooden sticks and metal rods. The insults from teachers and other staff members are frequent. Sahrawi children are insulted and called names such as 'filthy Sahrawi' by their teachers.

During breaktime, there is a lot of violence in the schoolyard without the staff intervening. Police officers in plain clothes are also present in the school yards every day. They threaten Saharawi children with rape and sexually molest girls and boys.

Two of the children talked about this sexual abuse, but said that they would never tell anyone and that the policemen knew that. It is a very big taboo and children are told that the family will suffer if they talk about it.

Surrounding the school building there are always cars belonging to the Moroccan authorities. They beat Sahrawi children at any time, without reason.

Headteachers also intimidate the Sahrawi children and issue threats to expel them.

The Moroccan authorities photograph and video the Sahrawi children.

Children also reported frequently being beaten on the streets when they are playing. When they see a police car or van many of them flee but others experience such a terror that they freeze and are victims of these beatings.

4. Cultural identity

Sahrawi children are denied their cultural identity in most aspects of their daily life. They are stripped of their nationality and given Moroccan nationality and Moroccan ID cards. Sahrawi children are given birth names by the Moroccan authorities that go against Sahrawi customs and the order by which the family tree is usually represented.

They are forbidden to wear their traditional clothing in school. The children also listen to 'Saharawi music' that has been changed. Moroccans use the lyrics and chords of Saharawi music and alter it to the rhythm of Moroccan music. This music is presented as Saharawi music but it is not.

Hassania is the Sahrawi language. Article 5 of the Moroccan Constitution states:

The State works for the preservation of Hassania, as an integral component of the Moroccan cultural unity, as well as the protection of the speakers [of it] and of the practical cultural expression of Morocco.

Yet the use of Hassania in schools is strictly forbidden and whenever a child speaks Hassania they are beaten and ridiculed.

5. Lodging complaints

Lodging complaints at official institutions is dangerous for Sahrawi families. When complaints are accepted they receive no response. Lodging complaints at school can lead to expulsion. Families risk losing their jobs and suffer harassment and threats.

6. Conclusion

Sahrawi children are exposed to violent behaviour, repression, ill-treatment, threats, psychological and physical abuse, and live in constant fear.

Lodging official complaints is difficult and dangerous. This leads to a lack of documented complaints.

Children are condemned to up to four years' imprisonment for throwing stones. Courts rely on police testimonies and confessions obtained under duress.

The children's complaints presented here are only the tip of the iceberg; many are not included due to their fear of reprisal.

All practices outlined violate international laws which protect children from ill-treatment when they in contact with forces of order and military and judicial institutions.

Recommendations:

We call upon the Human Rights Council to urge the Moroccan government to provide evidence as to how it is ensuring that the UNCRC is being upheld in the Occupied Territories of Western Sahara with regard to Saharawi children and in response to the evidence presented in this report.

We call upon the Human Rights Council to urge the Moroccan government to change practices of discrimination against Saharawi children in the classroom, based on their ethnicity and ensure that they receive the same educational opportunities as their Moroccan peers.

We call upon the Human Rights Council to urge the Moroccan government to investigate complaints of arbitrary arrest and detention of Saharawi minors without the presence of a family member or legal representative and present evidence of changes in this practice to the Council.

We call upon the Human Rights Council to urge the Moroccan government to investigate complaints of forced confession under torture and duress of Saharawi minors and present evidence of changes in this practice to the Council.

We call upon the Human Rights Council to urge the Moroccan government to investigate complaints of intimidation of Saharawi minors by Moroccan police officers and security agents in the Occupied Territories of Western Sahara and present evidence of changes in this practice to the Council.