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# **DRAFT REPORT**

on the situation of human rights in the Sahel region  
(2013/2020(INI))

Committee on Foreign Affairs

Rapporteur: Charles Tannock

PR\_INI

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the situation of human rights in the Sahel region

(2013/2020(INI))

*The European Parliament,*

- having regard to the key UN human rights conventions and treaties and the African Charter on Human and Peoples' Rights,
  - having regard to the Council Conclusions of 25 June 2012 on the EU Strategic Framework on Human Rights and Democracy and the EU Action Plan on Human Rights and Democracy, and the Council Decisions of 25 July 2012<sup>1</sup> and 18 March 2013<sup>2</sup> appointing the EU Special Representative (EUSR) for Human Rights, and the EUSR for the Sahel, respectively, in particular the human rights article in his mandate,
  - having regard to recent Council conclusions on the Sahel, in particular Mali, including the Conclusions of 21 March 2011 on the EU Strategy for Security and Development in the Sahel,
  - having regard to the Council Conclusions of 14 June 2011 on the EU indicators for the Comprehensive Approach to the EU implementation of the UN Security Council Resolutions 1325 and 1820 on Women, Peace and Security,
  - having regard to the EU Guidelines on Human Rights,
  - having regard to the UN Security Council resolutions and the reports of the UN Secretary-General and the UN High Commissioner for Human Rights regarding the Sahel, in particular Mali,
  - having regard to the UN Human Development Report 2013,
  - having regard to the European Commission's Humanitarian Implementation Plans for the Sahel,
  - having regard to the UN Secretary-General's report to the UN Security Council on Western Sahara, dated 8 April 2013, in particular its reference to the inter-connectedness between Western Sahara and the situation in the Sahel,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A7-0000/2013),
- A. whereas the Sahel is one of the poorest regions of the world, which confronts grave problems regarding human rights, the rule of law, security and armed conflict, as well as economic and social development;
- B. whereas the scope of this resolution encompasses the countries identified by the EU Sahel

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1 OJ L200, 27.7.2012, p. 21

2 OJ L 77, 20.3.2013, p. 23

Strategy, specifically Mauritania, Mali, Niger, and relevant parts of Burkina Faso and Chad; whereas the broader geographic and ecological definition of the Sahel also remains crucial with regard to the region's shared human rights challenges; whereas this report will also discuss the human rights situation in Western Sahara and the Tindouf camps;

- C. whereas the extreme poverty in the region is reflected in the UN Human Development Index for 2012, ranking Niger (186th), Chad (184th), Burkina Faso (183rd) and Mali (182nd) among the six least developed countries in the world; whereas the maternal mortality rate in Mali, estimated to be 1 100 deaths per 100 000 live births, is the highest in the world according to UN data; whereas the UN Human Development Report 2013 singles out Niger and Mali as having particularly high under-five child mortality rates, rising above 200 deaths per 1 000 live births where mothers are lacking any education; whereas the World Bank estimate of the primary school enrolment rates for Niger and Mali are among the worst in the world, at 62 and 63 % respectively; whereas the European Commission estimates that, in all, 10.3 million people are at risk of hunger in the Sahel region in 2013, among them 4.2 million are Malians;
- D. whereas Tuareg resentments in northern Mali were exploited by extremist groups who in early 2012 allied with, and subsequently displaced, the secular National Movement for the Liberation of Azawad (MNLA) in their rebellion; whereas these groups, in particular Ansar Dine, Al-Qaeda in the Islamic Maghreb (AQIM) and the Movement for Oneness and Jihad in West Africa (MUJAO), further benefited from the instability arising from the subsequent coup in Bamako; whereas the systematic violations of human rights in the north, combined with the impending existential threat to the Malian state itself, precipitated the international interventions to help shore up democracy, restore the rule of law and improve the situation of human rights;
- E. whereas the EU has recently paid increased attention to the Sahel, as evidenced by the adoption of the EU Sahel Strategy in 2011, the launching of EU Capacity Building (EUCAP Sahel), and the nomination of an EUSR for the Sahel; whereas the mandate of the new EUSR, adopted on 18 March 2013, includes a strong human rights component;
- F. whereas complex and interdependent problems require efficient coordination of different EU policies, linking EU efforts in the areas of human rights, democracy support and the rule of law, to EU objectives on crisis management, the security sector, development co-operation and ecological sustainability;
- G. whereas EU co-operation with the African Union (AU), the Economic Community of West African States (ECOWAS), regional human rights institutions and UN human rights bodies remains a pre-requisite for productively advocating the protection and advancement of human rights in the Sahel;
- H. whereas a ceasefire in Western Sahara between the Moroccan Government and the Polisario Front has been in place since 1991; ~~whereas no country recognises Moroccan sovereignty over Western Sahara; whereas the Sahrawi Arab Democratic Republic is currently recognised by the AU and over 45 UN states;~~ but not by the UN collectively or by any EU Member State; whereas the UN and EU do not **explicitly** consider Morocco to be an occupying power; ~~whereas a referendum on the status of Western Sahara, first agreed on principle in 1988, has still not taken place;~~

Hbis. Whereas the various UN Security Council resolutions, including 2099 have 'called

upon the neighboring States to cooperate fully with the United Nations and with each other and to strengthen their involvement to end the current impasse and to achieve progress towards a political solution.’

- I. Whereas the refugee camps near Tindouf in Algeria, having first been established thirty-seven years ago, remain the second longest-operating in the world; whereas a political stalemate precludes any realistic prospect of their dissolution, or the resettlement or repatriation of their inhabitants, in the near future; **whereas the Tindouf camps population has never been registered even though UNSC and UNHCR appeals to the host country, Algeria to allow UNHCR to conduct full-fledged census, taking into account the international legal obligations of the host country.**
- J. whereas the UN Mission for the Referendum in Western Sahara (MINURSO) ~~is the only UN mission not to include a human rights dimension in its mandate, and offers no mechanism for alleged human rights violations to be reported;~~ whereas both the Moroccan Government and the Polisario Front have been accused of human rights violations;

### ***General considerations***

1. Expresses its deep concern over the human rights situation in the Sahel region, which has been aggravated by multiple crises in the political, social, economic and ecological spheres; stresses that deeply enmeshed challenges require a well-coordinated policy response;
2. Notes that the situation of human rights in the Sahel has acquired greater international prominence as a result of the armed conflict in Mali and the international response to it; acknowledges that this conflict has created specific problems in that country, as well as exacerbating fundamental underlying challenges already present in Mali and elsewhere in the region; stresses, however, that the immediate concerns in Mali should not deflect attention from the chronic and pervasive problems that seriously impact on human rights in the rest of the Sahel, in particular, slavery and human trafficking, jihadi extremism and radicalisation, fragile governance and institutional corruption, and systemic and debilitating poverty;
3. Welcomes the increased attention to human rights in EU policy; notes that the UN has also taken steps to develop a comprehensive strategy on the Sahel with a strong human rights dimension; recalls that the EU and the countries of the Sahel, as signatories to the Cotonou Agreement, have assumed mutual obligations to protect human rights and democratic principles, based on the rule of law and transparent and accountable governance;

### ***Human rights in armed conflict situations***

4. Attaches particular urgency to the human rights situation in Mali, with reports of serious human rights violations in northern Mali by armed groups; notes that alleged crimes include mass rape, mutilation, cruel treatment and torture, ethnic-based violence, summary executions, illegal arrests and passing of sentences without due process, forced disappearances, the use of child soldiers, forced marriages, intentionally directing attacks against protected objects, and destruction and looting of property; notes that, since January 2013, there have also been reports of human rights violations by elements of the Malian security forces and vigilante groups against the Tuareg and Arab communities, and other groups perceived to have cooperated or been associated with rebel groups; urges the

Malian authorities and their international partners to pay close attention to the new patterns of human rights violations, including reprisals based on ethnicity, that have emerged since the recovery of certain parts of northern Mali, and could constitute an obstacle to peace-building and reconciliation if not properly addressed; calls upon the Malian Government to facilitate the reporting of abuses in any future offensives, and to respect due process when interrogating suspected militants; reiterates its condemnation of the atrocities committed against the civilian population; recalls the International Criminal Court (ICC) Prosecutor's determination of a reasonable basis to believe that atrocities committed in the Mali conflict constitute war crimes; believes moreover that some atrocities could constitute crimes against humanity;

5. Notes with grave concern the UNHCR's estimate of almost 300 000 internally displaced persons in Mali, in addition to over 175 000 refugees in neighbouring countries; calls for immediate action in those refugee camps which are reportedly suffering from extreme food insecurity and alarming levels of child mortality; stresses the importance of securing the refugees' and IDPs' safety, and facilitating their orderly return to their home communities as a key element of national reconciliation;
6. Emphasises that women have borne the brunt of the violence against civilians in Mali; specifically condemns as a war crime the use of abduction and rape as weapons of war; expects the EU and other international partners of Mali to cooperate closely with the Malian authorities to implement the commitments inherent in the UN Security Council Resolutions 1325 and 1820 and in the EU Comprehensive Approach;
7. Abhors the grave violations against children in Mali, including the reported use of child soldiers by all of the armed groups active in the north; emphasises the importance of allocating sufficient resources to the tasks of demobilisation and rehabilitation of child soldiers; condemns in the strongest terms the sexual violence against girls, forced marriages, abductions and attacks on schools and hospitals that have occurred during the Mali conflict; draws attention to the capture and detention of children for intelligence purposes as a worrying emerging trend that needs to be addressed as a matter of the utmost urgency;
8. Deplores the attempted obliteration of northern Mali's precious cultural heritage, with armed groups destroying ancient Sufi shrines and other cherished monuments in Timbuktu and Gao, along with approximately 3 000 ancient manuscripts; considers that the cultural desecration witnessed in northern Mali constitutes a war crime; welcomes and calls for EU support to the UNESCO Action Plan for the Rehabilitation of Cultural Heritage and the Safeguarding of Ancient Manuscripts in Mali;
9. Welcomes the strong human rights direction in UN Security Council Resolution 2100, adopted on 25 April 2013, and the instruction in the mandate of the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA) to monitor, help investigate and report to the Security Council on any abuses or violations of human rights or violations of international humanitarian law; welcomes the integration of a human rights training component into the EU CSDP Training Mission (EUTM) in Mali;
10. Welcomes the substantial African contingent within the MINUSMA mission, and in particular the AU's decision to send human rights observers embedded within it; welcomes furthermore the European Commission's endeavour to train additional local observers within the European Instrument for Democracy and Human Rights; urges the

EU to learn lessons from this experience and to explore appropriate ways to have available pools of trained experts, who could be quickly deployed on the ground in urgent situations to give professional advice to EU policy-makers if necessary;

11. Welcomes the conclusions of the International Donors Conference ‘Together for a New Mali’, held in May 2013; commends the Malian Government’s Plan for the Sustainable Recovery of Mali (PRED); reiterates the need to link aid with institutional reform and discernible social and political development; furthermore commends the constructive involvement of regional actors;
12. Considers the need to fight impunity and hold all perpetrators of serious human rights violations accountable, irrespective of affiliation and status, as key to ensuring lasting peace and stability in Mali; welcomes therefore the Malian Government’s referral of the situation to the ICC and the ICC Prosecutor’s opening of formal investigations; calls on the EU and other international partners of Mali to help the government to pursue its objective of investigating and prosecuting perpetrators of abuses; calls on the Malian Government to consider establishing a Truth and Reconciliation Commission, along the South African lines, to encourage dialogue and foster trust between communities;

#### *Accountability and reform of governmental, judicial and security institutions*

13. Considers that the current human rights challenges in the Sahel cannot be disaggregated from a general crisis of governance, encompassing widespread corruption in public office, weak provision of basic services, poor implementation of social and economic rights, and particularly in the vast and often sparsely populated Saharan regions, profound challenges in upholding the rule of law and maintaining effective border controls; regrets the ensuing harm to the legitimacy of the region’s institutions and political systems; fears the risk of further conflict or disorder in the future if such issues are not adequately addressed;
14. Notes with great concern the role of these factors in facilitating the regional surge in international organised crime and jihadi networks; emphasises the serious threats that they pose to human rights and regional stability, and the need to confront such threats for the benefit of Sahelian populations; expresses particular alarm at the ‘trafficking highways’ across Africa from west to east, and south to north from the West African coast, transporting arms, narcotics, cigarettes, and people; notes that the Sahel risks further destabilisation from the proliferation of light weaponry originating in Libya; further condemns the region’s increased incidences of kidnapping and hostage-taking, which have proved highly lucrative for criminal and terrorist groups, and welcomes the work of the UN Human Rights Council Advisory Group on the impact of terrorist hostage-taking on human rights; draws attention to the impact of these activities on the wider region, as well as the EU, which is the destination for much of the illicit traffic;
15. Considers it crucial, therefore, to encourage the reform of institutions responsible for the judiciary, security and basic services in the Sahel countries, in order to help restore the rule of law and create better conditions for human rights, sustainable development and institutional legitimacy; encourages Sahel governments to continue the process of decentralisation, to transfer more power and resources to local authorities and boost their capacity, legitimacy and accountability; stresses, in particular, the importance of clear accountability structures for promoting efficiency and transparency, and calls on the EU to work with local authorities to strengthen mechanisms for civilian control and oversight; points out the imperative in Mali, in particular, of ensuring adequate human and financial

resourcing of the Ministry of Justice, as well as the professional training of its staff;

16. Applauds Senegal's decision to try former Chadian President Hissène Habré for war crimes, torture and crimes against humanity, and the agreement between the two governments to allow Senegalese judges to conduct investigations in Chad; strongly encourages a continued resolve to end the culture of impunity for alleged war criminals and human rights violators in Chad and elsewhere in the region;
17. Encourages all countries in the region to tackle the persistent reports of alleged arbitrary arrests, ill-treatment and abuses, even torture, despite legislation prohibiting such practices; expresses concern over the reports of alleged forced disappearances of convicted prisoners in Mauritania; is troubled by reports of extremely poor conditions in some of the region's prisons, which inflict great suffering on their inmates;

### ***Civic freedoms and democratic governance***

18. Stresses that the security imperative in the current Mali conflict should not detract from the primacy across the region of inclusive national dialogue, good governance and democratic reforms as the engine of political stability and sustainability; notes that these issues are inextricable from improvement in the spheres of development and human rights;
19. Supports the UN Security Council resolution commitment to assist the transitional authorities of Mali to implement the road map towards the full restoration of constitutional order, democratic governance and national unity; considers it essential to create conditions conducive to the holding of credible elections, in keeping with international standards; stresses the need to overcome challenges related to the voting arrangements in the IDP and refugee camps, to avoid further political marginalisation; calls for immediate action on this issue by the Malian Government and its international partners; emphasises the need to ensure the safe participation of women in the electoral process;
20. Calls on the Malian Government and the international community to learn lessons from the democratic transition in Niger and its constitutional process in 2010-2011, in particular regarding the extensive consultation with civil society and other stakeholders, the efforts to promote women's political participation as candidates, and the support of civil society partners to conduct citizen election observation, voter education and activities; emphasises the importance for the whole Sahel region of continued support to Niger in order to consolidate citizens' confidence in the democratic system, and to follow up on the new constitution's requirement to increase transparency and fight corruption in extractive industries management;
21. Stresses the importance in the Sahel of supporting human rights defenders, independent civil society and a free media as key actors in the life of a democratic society, particularly in times of elections;

### ***Development, humanitarian aid and human rights***

22. Notes with due seriousness the extreme and pervasive poverty of Mali, Niger, Chad and Burkina Faso, and acknowledges its detrimental impact on the prospects of realising human rights; expresses grave concern over the high maternal and under-five child mortality rates in the region; stresses the UN's findings of lower mortality rates among



better educated mothers as a rallying call for universal education; points out that fast population growth puts additional pressure on governments' capacity to protect even the most basic economic and social rights;

23. Emphasises the interdependence of development, democracy, human rights, good governance and security in the Sahel; reiterates its support for the human rights-based approach and democratic ownership in development cooperation, based on harnessing local participation and knowledge to achieve development goals on the ground, and for strong, effective and independent follow-up enforcement mechanisms, involving parliaments, other genuinely representative bodies and civil society at both national and international level; equally emphasises the necessity of combating corruption to enhance institutional legitimacy and tackle the mounting development challenges in the region; further stresses the importance of a free, organised civil society and media to monitor and report abuses;
24. Notes, with due gravity, the frequent food crises and other humanitarian emergencies in the Sahel region, and their effect on the most fundamental human rights; welcomes the strong involvement of the EU and its Member States in the humanitarian crisis efforts in the Sahel; emphasises, however, the need for humanitarian action to be coordinated with longer term EU support in the context of development cooperation and human rights protection;

#### ***Human rights situation of women, children and minorities***

25. Condemns in the strongest terms the ongoing slavery in Mauritania; is shocked by evidence that up to 20 % of Mauritania's population reportedly lives in slavery, embedded in a rigid caste system, despite the country's official abolition of slavery in 1981 and its criminalisation in 2007; notes that the Mauritanian Government is extremely reluctant to acknowledge the continued widespread existence of slavery, and that to date only one legal case against a slave owner is known to have seen successful prosecution; urges the Mauritanian Government to live up to its national and international legal commitments and obligations to effectively end all forms of slavery; furthermore, urges the Mauritanian authorities to stop harassing local civil society organisations campaigning for an end to slavery; calls on the Commission and the Member States to continue to support the work of Mauritanian as well as international anti-slavery organisations, including the UN Special Rapporteur (UNSR) on contemporary forms of slavery;
26. Notes, furthermore, with great concern, that slavery persists across the wider Sahel region, with large numbers of people in bonded labour in Mali, Niger and elsewhere; urges the responsible national and international authorities to take action in this regard, with particular attention to the position and vulnerability of women and girls, inter alia assisting victims' rehabilitation and reintegration, collecting data, and organising awareness-raising campaigns;
27. Expresses deep concern about evidence of child labour in Malian gold mines, agriculture and forestry, reportedly involving children as young as six years old; notes Malian laws prohibiting child labour, and the particularly hazardous nature of gold mining; calls, therefore, on the Malian authorities to implement the policy proposals in its Action Plan for the Fight against Child Labour (PANETEM) of June 2011, and to promote universal education more actively; calls on the EU to work with the International Labour Organisation (ILO) and other national and international organisations, to eradicate fully

child labour in Mali;

28. Is greatly concerned about reports of child abduction for ransom and sale in Chad; notes that children are trafficked internally and abroad for forced labour and sexual exploitation; notes, furthermore, that in some cases children have been abducted and sold to international adoption agencies;
29. Notes the discrimination faced by women and girls in much of the region, the manifestations of which include forced marriage, child marriage, sexual exploitation, under-education and, particularly in Chad, widespread female genital mutilation, including infibulation; calls on the EU to assist local women's groups and civil society to tackle oppression, and enable women to lead lives that they have freely chosen;
30. Welcomes the legal status of same-sex relationships in Mali, Niger, Chad and Burkina Faso; regrets, however, the societal discrimination still present; hopes that those oppressed during the insurgency in northern Mali may safely re-integrate into their society; expresses deep concern over the continuing criminalisation of LGBT relationships in Mauritania; urges the Mauritanian Government to work with civil society to reform its legislation and help to improve the lives of LGBT citizens;
31. Believes that a rights-based approach to the situation and development of the Tuareg people, which honestly addresses historic grievances, is essential for peace and development in the Sahel region; welcomes developments in Niger on this issue, but urges all countries with significant Tuareg populations to work with community representatives to resolve, politically and institutionally, the problems of underdevelopment and animosity; notes, furthermore, the variety of cultures across the Sahel; encourages the region's governments to include all of them in social and political dialogues;

### *EU Policy recommendations for the Sahel*

32. Welcomes the appointment of the EUSR for the Sahel, and the strong human rights element in his mandate; expects the new EUSR to cooperate closely with the EUSR for Human Rights, the Office of the Prosecutor of the ICC, the Office of the High Commissioner for Human Rights (OHCHR), and the human rights defenders and observers in the region;
33. Stresses the importance of implementing the EU's human rights policy commitments, including its guidelines on children and armed conflict, on violence against women and girls and combating all forms of discrimination against them, on promoting compliance with international humanitarian law, on the protection of civilians in CSDP missions and operations, as well as the EU comprehensive approach policy regarding implementation of the UN Security Council Resolutions 1325 and 1820 on Women, Peace and Security;
34. Notes that the EU Sahel Strategy still does not adequately mainstream human rights, the rule of law and support for democracy as key elements to support the development-security nexus at the heart of the strategy; urges the EU institutions to work together soon in revising the strategy accordingly;
35. Welcomes the strong human rights dimension in the proposed UN comprehensive integrated strategy, and calls on the EU to continue its support; stresses, nevertheless, the crucial importance of increased EU engagement with African regional actors such as the

AU, ECOWAS, the Arab Maghreb Union, and the African regional human rights mechanisms, to generate sustained progress in the human rights and democracy initiatives in the Sahel;

*Human rights considerations in Western Sahara and the Tindouf camps*

36. Notes the April 2013 report of the UN Secretary-General on the situation concerning Western Sahara, which stresses ‘the critical importance of addressing the Western Sahara conflict as part of a broader strategy for the Sahel’, and that ‘the issue of human rights remains important for any resolution of the conflict’; further notes the conclusions of many observers that Western Sahara risks becoming destabilised by the conflict in the Sahel and the groups participating in it;
37. Emphasises the need for human rights in Western Sahara to be considered without anticipating any final political settlement or expressing a view on such a settlement; reiterates, nevertheless, that self-determination is a fundamental human right, as specified by Article 1 of the UN International Covenant on Civil and Political Rights; moreover, recalls UN Security Council Resolution 1754(2007), while welcoming Morocco’s serious and credible efforts in achieving a political solution, urges the parties to enter into negotiations in good faith, without preconditions, ‘with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara’; also recalls that the Security Council has stated that realism and spirit of compromise by the parties are essential to achieve progress in negotiations; fears that the 25-year delay in arranging a referendum in achieving a political solution is increasing Sahrawi alienation and the potential for violence, particularly amongst the young in the Tindouf camps;
38. ~~Expresses deep concern~~ Takes notes of the recent report from the UNSR on torture, who learned about allegations found evidence that Moroccan officials have detained individuals on political grounds, ~~inflicted torture and rape on Sahrawi inmates, kidnapped and abandoned protesters in the desert to intimidate them, and deliberately and frequently targeted pro-independence advocates, including in their homes; notes further widespread allegations of forced disappearances and unfair trials;~~ “the Special Rapporteur perceives the emergence of a culture of human rights and the political will among the various authorities, (...) , to build up an institutional culture that prohibits and prevents torture and ill-treatment;” “The Special Rapporteur welcomes the efforts made between 2003 and 2005 by the transitional justice mechanism, the Equity and Reconciliation Commission, to investigate the gross, large-scale and systematic human rights violations that took place in Morocco between 1956 and 1999 (a period that Moroccans call —the years of lead), including many cases of torture and ill-treatment”; draws particular attention to the dismantling of the Gdeim Izik protest camp in November 2010, where significant violence claimed 11 security forces lives Moroccan and Sahrawi lives, and the subsequent trial of 25 persons originating from the Sahara region Sahrawis, many of them some known human rights activists, in February 2013; notes Morocco’s insistence regarding the trial’s fairness and due process, and the positive conclusions of some national and international observers; welcomes the acceptance by King Mohammed VI the recommendations put forward by the CNDH consisting of suing against civilians involved in military offences before a civil court. ~~but also recalls the UNSR’s concern at the use of a military court, the allegations of torture, and the Moroccan authorities’ failure to investigate them; notes the conclusions by some NGOs and human rights observers relating to the case’s alleged politicised prosecutions, deficient evidence and excessive sentences; calls therefore on the Moroccan~~

~~authorities to work with civil society and other actors to guarantee the transparency and fairness of its judicial processes, and to investigate and prosecute security officials alleged to have been involved in arbitrary detentions, torture and other abuses of power;~~

39. ~~Reiterates the concerns of the 2006 OHCHR report about restrictions on freedom of speech, assembly and association in Western Sahara;~~ notes Morocco's claim to allow sit-ins and other forms of protest; ~~regrets~~ notes Morocco's decision not to ~~allow~~ register NGOs ~~apparent institutional obstruction of NGOs~~ advocating a pro-independence position by preventing their legal registration and recognition; ~~condemns the often severe punishments for 'undermining Moroccan territorial integrity', an item of legislation reportedly used to target Sahrawis peacefully advocating independence;~~ recalls the findings of the UN Independent Expert on cultural rights that ~~the new Moroccan constitution introduced additional references to cultural rights particularly the Hassani-Sahrawi as an essential component of the Moroccan identity (A/HRC/20/26/add2,par.12) and was impressed by the work done by the Royal Consultative Council on the Sahrawi Affairs and~~ ~~the Moroccan authorities suppress certain aspects of Sahrawi culture, and repeats her call to overturn such measures and~~ to promote full cultural diversity;
40. Welcomes the significant economic and infrastructural development implemented by the Moroccan Government in Western Sahara; ~~welcomes also the report of the Economic Social and Environmental Council by which this institution presented original development model for the Sahara;~~ ~~remains~~ notes ~~concerned~~, however, by the ongoing dispute over the exploitation of the territory's natural resources, particularly relating to phosphate mines, fisheries, and preliminary oil exploration; ~~recalls the UN Under-Secretary-General for Legal Affairs' advice in 2002, which stressed the Western Saharan people's 'inalienable rights' to their territory's natural resources, and determined that further exploitation 'in disregard of the interests and wishes of the people of Western Sahara' would be illegal~~ The letter dated 29 January 2002 from Mr. Hans Corell, Under-Secretary General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council states in its conclusions, states that "while the specific contracts which are the subjects of the Security Council's request are not in themselves illegal, if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara"; ~~stresses, therefore, Western Saharan goods and resources should be exempt from any trade agreements between Morocco and the EU unless the Sahrawi population's consent and benefit can be clearly demonstrated; expresses particular concern that the EU should not re-institute a fisheries agreement with Morocco while this controversy remains unresolved;~~
41. Notes that landmines in Western Sahara have tragically caused at least 2 500 casualties since 1975, continuing to threaten many thousands of Sahrawi nomads, and representing a major obstacle to a resolution of the Western Saharan dispute and refugee situation; commends, therefore, the work of MINURSO, the Royal Moroccan Army, Landmine Action and others to map and clear affected areas, and encourages all actors to do everything possible to educate the population, assist victims and remove all remaining munitions;
42. Expresses deep concern about the chronic poverty, and lack of basic services and adequate housing in the Polisario Front-administered refugee camps near Tindouf; repeats the recommendations of the UNSR on adequate housing that sufficient international funding be directed for this purpose; notes in this regard the lack of clear documentation about the precise number of inhabitants in Tindouf, and urges the ~~Algerian~~ authorities to conduct or

facilitate regular censuses or formal registrations;

43. Expresses concern that the poverty in Tindouf, coupled with an absence of long-term prospects for many refugees, leaves them vulnerable to radicalisation along religious fundamentalist lines; draws attention to the region's porous borders, which risk facilitating deeper infiltration of the camps by jihadi groups from northern Mali and elsewhere; stresses, therefore, the paramount importance of ensuring the safety and security of the camps; **notes with deep concern the information coming through via different sources including official statements according to which some elements of Polisario have joined terrorist organizations in the Sahel region, including 'MUJAO';**
44. Notes that while most recent observers, and reports from the OHCHR, Robert F. Kennedy Center for Justice and Human Rights, and Human Rights Watch, have identified ~~little evidence of systemic and institutional human rights violations in the camps~~, multiple actors, including the Moroccan Government, Moroccan NGOs and some former inhabitants of Tindouf, have alleged that the Polisario authorities restrict inhabitants' freedom of expression and freedom of movement, practise or permit slavery, forcibly marry children, and separate families in order to send children to Cuba for military training; notes Polisario's vigorous denials of these accusations, which it claims are politically motivated; calls therefore on ~~Algeria Polisario~~ to allow independent human rights observers full, regular and unfettered access to the camps; amidst reported evidence of some residual private slavery in ~~both Tindouf and Western Sahara~~, calls on the Polisario and Moroccan authorities to redouble their efforts to terminate this practice and rehabilitate its victims;
45. Welcomes efforts to improve the documentation of alleged human rights abuses in Western Sahara, in particular through the institution of the Moroccan National Council for Human Rights (CNDH), with offices in Laayoune and Dakhla; notes the positive work of the CNDH, and calls on the Moroccan Government to help strengthen its independence and remit, and to ensure the implementation of its recommendations; furthermore welcomes Moroccan invitations to, and acceptances of, ad-hoc international delegations, including the UNSR on torture, and urges all relevant parties to continue such engagement with UN human rights bodies;
46. Notes, nevertheless, ~~the serious and~~ contested allegations against both the Moroccan and Polisario ~~administrations,~~ and recalls the UN Secretary-General's recent emphasis on 'independent, impartial, comprehensive and sustained monitoring of the human rights situation in both Western Sahara and the camps'; notes also that the **UN Security Council in its resolution 2099 of April 2013 while renewing MINURSO's mandate recognizes and welcomes the steps taken by Morocco to strengthen the National Council on Human Rights Commissions operating in Dakhla and Laayoune, and Morocco's ongoing interaction with Special Procedures of the United Nations Human Rights Council, including those planned in 2013.** ~~that the UN did not upgrade the mandate of MINURSO in April 2013 to incorporate a human rights dimension; encourages the UN to do so, or else to establish a new, permanent, impartial human rights body for the purpose of supervising and reporting on the overall situation of human rights, and investigating individual complaints; calls on such a body to encompass the Moroccan-controlled section of Western Sahara, the Tindouf camps, and other territory controlled by the Polisario Front;~~

47. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EUSRs for Human Rights and for the Sahel, the EU Member States, the governments and parliaments of the Sahel countries, Morocco, Algeria, and the Polisario Front, the UN Secretary-General and Security Council, the UN High Commissioner for Human Rights, the AU Chair and Secretary-General of the Commission, and the ECOWAS Chair and President of the Commission;