



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined nineteenth to twenty-first periodic
reports submitted by Morocco under article 9 of
the Convention, due in 2014* ****

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* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



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Introduction

1. On 18 December 1970, Morocco ratified the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the United Nations General Assembly on 21 December 1965.
2. This report has been prepared in accordance with the guidelines on treaty-specific documents (CERD/C/2007/1) of 13 June 2008 and in response to the concluding observations (CERD/C/MAR/CO/17-18) adopted by the Committee on the Elimination of Racial Discrimination following its consideration of the combined seventeenth and eighteenth periodic reports of Morocco (CERD/C/MAR/17-18).
3. It sets out the measures taken by Morocco between 2010 and 2019 to give effect to the rights recognized in the Convention and highlights the progress made and the difficulties encountered in implementing appropriate policies and actions designed to ensure more effective compliance with the Convention. It addresses each of the Committee's recommendations, providing as much information as possible.
4. The report was prepared on the basis of a participatory approach involving all stakeholders, representing ministerial departments, national institutions, professional organizations, elected officials, the media, universities and civil society. Extensive information-sharing and consultation meetings were held to consolidate and approve the report.
5. This broad consultation process included the organization of two regional days of discussion, in Fez on 6 April and in Marrakech on 13 April 2019, in addition to a national day in Rabat on 23 April 2019. Two consultation meetings were also held with members of parliament, in the House of Representatives on 15 July 2019 and the House of Councillors on 17 July 2019.¹
6. Since the submission of its last periodic report in 2010, the Moroccan Government has made every effort to implement the Convention. In accordance with article 9 (1) of the Convention, rule 65 of the Committee's rules of procedure and paragraph 27 of the concluding observations (CERD/C/MAR/CO/17-18), in 2012 Morocco submitted to the Committee information on its follow-up to the recommendations contained in paragraphs 11, 13 and 14 of the concluding observations.
7. This report is submitted against the backdrop of significant constitutional and institutional reforms in Morocco, following the adoption of the new Constitution in 2011, which marked an important turning point in the process of consolidating the rule of law and strengthening democratic institutions.
8. With respect to the Committee's recommendation in paragraph 26 of the concluding observations concerning the common core document, it should be noted that Morocco updated this document on 6 August 2012.² A new updated version of this document is available in Arabic.³
9. In response to the Committee's recommendation in paragraph 24 of the concluding observations regarding the ratification of the amendment to article 8 (6) of the Convention, it should be clarified that Morocco notified the Secretary-General of the United Nations in writing of its acceptance of this amendment on 14 October 2013.⁴

¹ See annex 1 for the report and conclusions of the national consultation process in connection with the preparation of this report.

² HRI/CORE/MAR/2012.

³ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/CoreDocuments.aspx?Lang=fr.

⁴ See the status of ratifications of this amendment at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2-a&chapter=4&clang=_en.

Part One: General information

I. Information about the population

Recommendation contained in paragraph 7 of the concluding observations

A. Composition of the Moroccan population

10. The 2014 general population and housing census provided the following information on the composition of the Moroccan population:

- The total population of Morocco in 2014 was 33.8 million. In 2014, 60.3 per cent of the population resided in urban areas compared to 55.1 per cent in 2004.
- The following changes in the breakdown of the Moroccan population by age were observed between 2004 and 2014:
 - The proportion of children under the age of 15 decreased from 31.2 per cent to 28 per cent
 - The proportion of the population of working age (15–59 years old) remained large, increasing from 61.2 per cent to 62.4 per cent
 - The proportion of the population of over 60 years of age increased from 8.1 per cent to 9.6 per cent
- The illiteracy rate among the population aged 10 years and older declined from 43 per cent in 2004 to 32 per cent in 2014; it is 22.1 per cent for men and 41.9 per cent for women, and 22.2 per cent in urban areas and 47.7 per cent in rural areas.

11. The languages spoken by the population of Morocco have the following characteristics depending upon place of residency and region:

- In all, 89.8 per cent of the population speak the vernacular, Darija⁵ (96 per cent in urban areas and 80.2 per cent in rural areas)
- In all, 26.7 per cent of the population speak the Amazigh language (15 per cent Tachelhit, 7.6 per cent Tamazight and 4.1 per cent Tarifit)
- In all, 99.1 per cent of the population of the region of Casablanca-Settat, 98.6 per cent of the population of Rabat-Salé-Kénitra and 97.3 per cent of the population of Tanger-Tétouan-Al Hoceïma speak Moroccan Arabic
- In all, 70.2 per cent of the population of the region of Souss-Massa speak Tachelhit
- In all, 48.8 per cent of the population of Drâa-Tafilalet speak Tamazight
- In all, 38.4 per cent of the population of the Oriental region and 8.2 per cent of Tanger-Tétouan-Al Hoceïma speak Tarifit
- In all, 36.9 per cent of the population of the region of Laayoune-Sakia El Hamra, 20.4 per cent of the population of the region of Guelmim-Oued Noun and 18.4 per cent of the population of the region of Dakhla-Oued Eddahab speak Hassaniya
- In all, 0.9 of the population speak Hassaniya – 1.2 per cent in urban areas and 0.4 per cent in rural areas

12. The 2014 census recorded 1,354,428 persons with disabilities – a prevalence rate of 4.1 per cent – whose characteristics are as follows:

- Fifty-six per cent (758,085 persons) live in urban areas

⁵ The Moroccan Arabic dialect.

- Forty-four per cent (596,343 persons) live in rural areas
- A greater proportion of persons with disabilities are women (52.5 per cent) as compared to men (47.5 per cent)
- In all, 50.6 per cent of persons with disabilities are aged 60 and over, 38.3 per cent are between 15 and 59 and 10.9 per cent are under 15
- The disability rate is highest in the regions of Guelmim-Oued Noun (4.8 per cent); Fès-Meknès (4.6 per cent), Tanger-Tétouan-Al Hoceïma (4.5 per cent), Draa-Tafilalet (4.4 per cent) and Oriental (4.3 per cent)
- It is relatively low in the regions of Dakhla-Oued Eddahab (1.7 per cent) and Laayoune-Sakia El Hamra (3 per cent)⁶

B. Migrants and refugees

13. Having been a country of emigration in the 1960s and then a country of transit, Morocco is now a country of destination and residence for many migrants. Accordingly, on the instructions of His Majesty the King, Morocco has made significant efforts to develop a new migration policy, based on a coherent, comprehensive, humanitarian and responsible approach. This resulted in the introduction of the new National Immigration and Asylum Strategy in 2014.

14. The Strategy's key actions have included two extraordinary operations to regularize the stay of foreign nationals in an irregular administrative situation, benefiting 27,649 people in 2014 and a further 27,660 in 2016–2017, bringing the total number of regularized migrants to 55,309, representing 113 nationalities.

15. According to the general census of 25 January 2019, there were 125,772 foreign nationals legally residing in Morocco, which amounts to 0.35 per cent of the total Moroccan population.⁷

16. There are also approximately 26,688 sub-Saharan migrants regularly residing in Morocco, most of them students who stay for an average of three to four years.⁸

17. As at 1 January 2019, the representation of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Morocco had registered a total of 8,994 refugees and asylum seekers – 6,489 refugees and 2,505 asylum seekers. They live in 49 cities around the country and comprise 3,695 Syrians, 637 Ivorians, 898 Yemenis, 737 Cameroonians, 306 Congolese, 570 Guineans and 2,182 nationals of other countries. In order to facilitate the social and vocational integration of refugees in Morocco, UNHCR supported the creation of 81 micro-enterprises in 2017, while 80 new micro-projects were created in 2018 for the benefit of 120 refugees.⁹

⁶ Indicators from the 2014 general population and housing census under the headings of demographics, disability, education and literacy, local languages, activities, employment and housing conditions by region, province, commune and urban centre, as well as at the national level, may be consulted at the following link: <http://rgphentableaux.hcp.ma/Default1/>.

⁷ Source: Ministry of the Interior.

⁸ Overview of Migration in Morocco, presentation of the results of the National Immigration and Asylum Strategy, Ministry in charge of Moroccans Living Abroad and Migration Affairs, 10 September 2014.

⁹ Source: UNHCR Representation in Rabat.

II. Developments since the consideration of the combined seventeenth and eighteenth periodic reports

A. Strengthening of the constitutional, legislative and institutional framework for human rights, the rule of law and the elimination of racial discrimination

Constitutional framework

18. The 2011 Constitution introduced several important innovations.

1. *The affirmation of the pluralistic and unified identity of the nation*

19. The preamble states: “As a sovereign Muslim State, attached to its national unity and territorial integrity, the Kingdom of Morocco intends to preserve, in its fullness and its diversity, its one and indivisible national identity. Its unity is forged by the convergence of its Arab-Islamist, Amazigh and Saharan-Hassaniya components, nourished and enriched by its African, Andalusian, Hebraic and Mediterranean influences.”

20. The Amazigh language has become an official language of Morocco (art. 5).

21. Institutions answerable to the public authorities and tasked with promoting cultural diversity have been set up, notably the Centre for Hassaniya Study and Research, the Centre for Saharan Studies and the Centre for Andalusian Study and Research.

2. *Strengthened rule of law*

22. All litigants may challenge the constitutionality of the law (art. 133).

3. *Strengthened human rights*

23. Morocco reaffirms its commitment to universal values: “It reaffirms its commitment to universally recognized human rights and its will to continue to work to preserve peace and security in the world.” (Preamble)

24. The Constitution contains the following provisions:

- Prohibition of all forms of discrimination based on sex, colour, belief, culture, social or regional origin, language, disability or personal circumstance
- Primacy of international conventions duly ratified by Morocco over domestic law (Preamble)
- Recognition of the following rights and freedoms: right to life; right to security of person and property; prohibition of torture and all serious and systematic violations of human rights; presumption of innocence and right to a fair trial; guarantee of fundamental rights in detention and custody; protection of privacy and all forms of communication; freedom of thought, opinion and expression; freedom of the press and right to access to information; freedom of assembly, freedom to hold peaceful demonstrations, freedom of association and freedom to join a trade union or a political party
- Expansion of economic, social, cultural and environmental rights: rights of access to water, to a healthy environment and to sustainable development
- Article 30 of the Constitution establishes that foreign nationals enjoy the same fundamental freedoms granted to Moroccan citizens, in accordance with the law. Foreign nationals residing in Morocco can legally participate in local elections, through the application of international conventions or reciprocal arrangements. The conditions for extradition and the granting of asylum are defined by law.

25. The Constitution also provided for the creation of several institutions for the promotion and protection of human rights, sustainable human development and participatory

democracy, namely the Equality and Anti-Discrimination Authority,¹⁰ the Advisory Council on Youth Affairs and Voluntary Action¹¹ and the Family and Children's Advisory Council.¹²

26. During the period under review, the following entities were established and made operational: the National Observatory for Improving the Image of Women in the Media under the Audiovisual Communication Authority, the National Observatory on Violence against Women under the Ministry for Solidarity, Women, the Family and Social Development, the Observatory for Gender Equality in the Civil Service under the Ministry for Administrative and Public Service Reform, and the Centre of Excellence for Gender Budgeting under the Ministry of Economic Affairs and Finance.

Legal framework

27. In accordance with the legislative plan of the current Government Programme and the one for the period 2012–2016, which provide for the adoption of 23 organic acts implementing the Constitution, 22 organic acts have been adopted.¹³

¹⁰ Royal Decree No. 47-17-1 of 21 September 2017, promulgating Act No. 14-79 on the Equality and Anti-Discrimination Authority (*Bulletin officiel* No. 6612 of 12 October 2017).

¹¹ Royal Decree No. 1-14-212 of 2 January 2018, promulgating Act No. 89-15 on the Consultative Council for Youth and Voluntary Action (*Bulletin officiel* No. 6640 of 18 January 2018).

¹² Royal Decree No. 1-16-102 of 20 July 2016, promulgating Act No. 78-14 on the Consultative Council for the Family and Children (*Bulletin officiel* No. 6496 of 1 September 2016).

¹³ The 22 organic acts passed are as follows:

Organic Act on Political Parties (Constitution, art. 7), adopted in October 2011 and amended and supplemented in July 2015 and August 2016

Organic Act on the House of Representatives (Constitution, art. 62), adopted in October 2011 and amended and supplemented on 10 August 2016

Organic Act on the House of Councillors (Constitution, art. 63), adopted in November 2011 and amended and supplemented in July 2015

Organic Act on the Election of Members of the Councils of Territorial Entities (Constitution, art. 146), adopted in November 2011 and amended and supplemented in July 2015

Organic Act on Appointments to Higher Office (Constitution, art. 49), adopted in October 2011 and amended and supplemented on 10 August 2016

Organic Act on the Economic, Social and Environmental Council (Constitution, art. 153), adopted in July 2014

Organic Act on Parliamentary Committees of Inquiry (Constitution, art. 67), adopted in July 2014

Organic Act on the Constitutional Court (Constitution, art. 131), adopted in August 2014

Organic Act on the Conduct of Government Business and the Status of its Members (Constitution, art. 87), adopted in March 2015

Organic Act on the Finance Act (Constitution, art. 75), adopted in June 2015

Organic Act on the Regions (Constitution, art. 146), adopted in July 2015

Organic Act on the Provinces and Prefectures (Constitution, art. 146), adopted in July 2015

Organic Act on Communes (Constitution, art. 146), adopted in July 2015

Organic Act on the Status of Judges (Constitution, art. 112), adopted on 24 March 2016

Organic Act on the Supreme Council of the Judiciary (Constitution, art. 116), adopted on 24 March 2016

Organic Act on the Crown Council (Constitution, art. 44), adopted in June 2016

Organic Act on the Exercise of the Right to Submit Petitions to the Public Authorities (Constitution, art. 15), adopted on 28 July 2016

Organic Act on the Exercise of the Right to Make Requests in the Area of Legislation (Constitution, art. 14), adopted on 28 July 2016

Organic Act No. 86-15 on the Exception of Unconstitutionality of Laws (Constitution, art. 133) passed in the House of Representatives on 6 February 2018. However, following the decision of the Constitutional Court concerning the Act issued on 6 March 2018, the Government is required to make revisions to it.

28. At present, only Draft Organic Act No. 97-15, defining the conditions and modalities for the exercise of the right to strike – the twenty-third organic law of the aforementioned legislative plan – is still under discussion in parliament.

29. The independence of the judiciary has been strengthened following the adoption in 2017 of Act No. 33-17, on the transfer of the powers of the governmental authority responsible for justice to the Prosecutor-General of the King before the Court of Cassation, in his capacity as head of the Public Prosecution Service.¹⁴

30. Immediately following his appointment, the Head of the Office of the Public Prosecution issued a circular to the country's prosecutors regarding the priorities of criminal policy. In the circular, the Head of the Office states that plaintiffs should be given a fair hearing, that cases be rigorously pursued, that the law protecting informants be enforced,¹⁵ that rights and freedoms be protected, that the integrity of public life be safeguarded, that public order and the safety of citizens be maintained, and that judicial cooperation be strengthened. Other equally important circulars have been sent to public prosecutors regarding the protection of victims of human trafficking, pursuant to Act No. 27-14, the management of remand cases and the monitoring of the implementation of Act No. 103-13 on combating violence against women, among others.

Institutional framework

31. The institutional framework for the promotion and protection of human rights involves several national mechanisms and institutions, including:

1. The Interministerial Unit on Human Rights/Ministry for Human Rights

32. Established by decree of 11 April 2011 as a national coordination mechanism, the Interministerial Unit on Human Rights is responsible for:

- Developing and implementing the governmental policy for the defence, protection and promotion of human rights and international humanitarian law, in coordination with the relevant ministerial departments and entities
- Proposing measures to ensure the implementation of international conventions on human rights and international humanitarian law to which Morocco is a party
- Undertaking actions and initiatives aimed at promoting respect for human rights in the implementation of public policies

33. Since 5 April 2017, when the current Government took office, the Interministerial Unit has been attached to the new Ministry for Human Rights, in accordance with Decree No. 2-17-190 on the mandate of the Minister for Human Rights.

2. National Human Rights Council

34. The National Human Rights Council was established by Royal Decree of 1 March 2011 to replace the Consultative Council for Human Rights, which had been created on 8 May 1990. The National Human Rights Council has broad powers and functions that it exercises both at the central level and through its 13 regional commissions, which provide protection at the local level.

Organic Act No. 26-16 defining the process for making Amazigh an official language, as well as the modalities for its incorporation into education and priority areas of public life (Constitution, art. 5), published in *Bulletin officiel* No. 6816 of 26 September 2019

Organic Act No. 04.16 on the Establishment of the National Council for Moroccan Languages and Culture (Constitution, art. 5), published in *Bulletin officiel* No. 6870 of 2 April 2020.

¹⁴ See *Bulletin officiel* No. 6632 of 21 December 2017.

¹⁵ Royal Decree No. 1-11-164 of 17 October 2011 promulgating Act No. 37-10, which amends Act No. 22-01 (Code of Criminal Procedure) in relation to protection for victims, witnesses, experts and informants in offences involving corruption, misappropriation abuse of authority, etc. In *Bulletin officiel* No. 5988 of 20 October 2011.

35. In accordance with Act No. 76-15 on the Reorganization of the National Human Rights Council, published on 1 March 2018, the Council carries out the tasks of the three following national mechanisms: the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment; the national complaint mechanism for child victims of rights violations; and the national mechanism for the protection of the rights of persons with disabilities.

36. Pursuant to its protection mandate, the National Human Rights Council received 62,627 complaints between 2011 and 2017, of which 9,416 were from detainees or related to prisons, equating to an average of 1,800 complaints per year from detainees or their families (1.5 per cent of complaints were related to allegations of torture).

37. The Council and its regional commissions conduct an average of 300 prison visits each year.

3. *Office of the Ombudsman*

38. The Office of the Ombudsman is a constitutional institution, established by Royal Decree of 17 March 2011 in order to modernize the institution of the Diwan al-Madhalim to make it a national, independent and specialized institution, in line with international standards.

39. The main function of the Ombudsman is to promote the principles of equality, non-discrimination and transparency in the management of public services and administration by territorial units, public establishments and entities that are empowered to exercise government authority with regard to all persons, whether natural or legal, Moroccan or foreign, acting individually or collectively.¹⁶

40. Since 2014, the Office of the Ombudsman has had four regional delegations, in the cities of Laayoune, Meknès, Tangier and Casablanca, in addition to a provincial delegation in Fez and four contact points in the Oriental, Souss-Massa, Marrakech-Safi and Béni Mellal-Khénifra regions.

41. Between 2011 and 2017–2018, the Office received 65,323 complaints. Of this total, 50,688 complaints were referred to the competent authorities, while 14,635 came under the Office's competence.

42. Of the 2,713 complaints registered in 2017-2018 that came under the competence of the Office of the Ombudsman, 2,049 were followed up with the relevant authorities. Additional information was requested from the complainant in 458 cases. As a result, during this period the Office of the Ombudsman issued a total of 510 recommendations, 524 conflict resolution decisions, 383 guidance decisions, 220 decisions on lack of competence, 707 referral decisions, 213 decisions of inadmissibility and 324 dismissals.

4. *Council for the Moroccan Community Abroad*

43. The Council for the Moroccan Community Abroad, a consultative institution established in 2007 was raised to the rank of a constitutional body in July 2011. As part of its monitoring and forecasting mandate, the Council carries out various activities aimed at preserving the rights of Moroccan communities abroad, maintaining and developing their cultural and spiritual ties with Morocco and working in partnership with countries of residence for their well-being.

44. The Council's activities increasingly include the promotion of intercultural and interfaith dialogue for the harmonious integration of Moroccan communities. The main objective is to combat prejudice and stereotypes, tensions, Islamophobia and discrimination and thus to allow Moroccan communities abroad to be open to their societies of residence.

¹⁶ See the Royal Decree on the establishment of the Office of the Ombudsman, in *Bulletin officiel* No. 5926 of 17 March 2011, and Royal Decree No. 1-19-43, in implementation of Act No. 14-16 on the reorganization, composition, competencies and rules of the Institution of the Ombudsman, in *Bulletin officiel* No. 6765 of 1 April 2019.

The training of religious leaders (imams) is an essential component of intercultural and interfaith dialogue that takes into account the values of the host society.¹⁷

45. The Council for the Moroccan Community Abroad has also carried out activities for foreign communities in Morocco to confront racism and xenophobia, including organizing meetings and conducting studies. In particular, the Council has set up the first public forum for exchange between public, private and civil society actors and sub-Saharan immigrants within the framework of the Beyond Irregularity project, in collaboration with the British Institute for Public Policy Research, the Sussex Centre for Migration Research, Eaves Housing for Women from the United Kingdom and the Platform for International Cooperation on Undocumented Migrants from Belgium.

B. Accession to international human rights instruments

Recommendation contained in paragraph 21 of the concluding observations

46. Morocco ratified the International Convention for the Protection of All Persons from Enforced Disappearance on 14 May 2013 and published it in Official Gazette No. 6229 of 10 February 2014.

47. In line with its commitment to acceding to international human rights instruments, Morocco acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 24 November 2014.

48. Morocco became a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 5 March 2011.

49. With respect to combating discrimination against women, Morocco has begun the process of acceding to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. On 3 September 2015, Royal Decree No. 1-15-112 of 4 August 2015 was published, promulgating Act No. 125-12 approving ratification of the Optional Protocol.¹⁸

50. Morocco also notified the United Nations Secretary-General on 8 April 2011 of its decision to withdraw the reservations it had made to articles 9 (2) and 16 of the Convention upon accession.

51. On 4 June 2013, Morocco ratified the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and in 2017 submitted its first periodic report under the Convention.¹⁹

52. Morocco has hosted visits, including to the southern regions, by 12 Human Rights Council special procedure mandate holders: the Independent Expert in the field of cultural rights (5–16 September 2011); the Working Group on discrimination against women in law and practice (13–20 February 2012); the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (15–22 September 2012); the Special Rapporteur on trafficking in persons, especially women and children (17–21 June 2013); the Working Group on Arbitrary Detention (9–18 December 2013); the Special Rapporteur on the right to food (5–12 October 2015); the Independent Expert on human rights and international solidarity (15–20 January 2016), the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (22–28 October 2017) and

¹⁷ As evidenced by, among others, the organization in Brussels, in partnership with the European Council of Moroccan Ulama, of meetings on the management of mosques in Europe and the role of the imam in the European context in 2016 and 2017, respectively; as well as the implementation of a project of linguistic and cultural training of Moroccan imams in Hessen in Germany between 2015 and 2017.

¹⁸ *Bulletin officiel* No. 6392 of 3 September 2015.

¹⁹ See: <https://fr.unesco.org/creativity/governance/periodic-reports/2017/morocco>.

the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (13–21 December 2018).

53. See annex 2 for an additional overview of public policies pursued since 2010.

Part Two: Information on articles 2 to 7 of the Convention

Article 2

Recommendations contained in paragraphs 8 and 9 of the concluding observations

54. According to the preamble of the Constitution, which is an integral part of the constitutional text, “the Kingdom of Morocco, a united State, totally sovereign, belonging to the Maghreb, reaffirms that which follows and undertakes:

...

- to protect, advance and contribute to the development of human rights and of international humanitarian law, while taking due account of their indivisibility and universality
- to banish and combat any and all forms of discrimination based on sex, colour, belief, culture, social or regional origin, language, disability or personal circumstance
- to accord the international conventions duly ratified by Morocco, within the framework of the Constitution and the laws of the Kingdom and with respect for its immutable national identity, once these conventions have been published, primacy over domestic law and consequently to harmonize the relevant provisions of national legislation with the conventions.”

55. In terms of civil and political rights, article 30 of the Constitution provides that “all adult citizens who are in possession of their civil and political rights shall be entitled to vote and to be elected. The law shall include provisions to promote equal access of women and men to elective office. Voting shall be a personal right and a national duty. Foreign nationals shall enjoy the fundamental freedoms accorded to Moroccan citizens, in accordance with the law. Those residing in Morocco shall be able to take part in local elections in accordance with the law, international conventions or reciprocal arrangements. The conditions for extradition and for the granting of asylum shall be defined by law.” Article 35 provides that “the State shall guarantee equal opportunities for all and specific protection for disadvantaged social groups”.

56. Under title XII of the Constitution, on good governance, article 154 states that: “Public services shall be organized on the basis of equal access of citizens, equitable coverage of the national territory and continuity. They shall be subject to standards of quality, transparency, accountability and responsibility and governed by the democratic principles and values enshrined in the Constitution.”

Recommendation contained in paragraph 11 of the concluding observations

57. The Amazigh language has official status under the Constitution. Article 5 of the Constitution states that “Arabic shall be the official language of the State. The State shall work to protect and develop the Arabic language and to promote its use. Amazigh shall also be an official language of the State, as the common heritage of all Moroccans without exception.”

58. In 2003, the Royal Institute of Amazigh Culture and the Department of Education established a general cooperation framework for the integration of Amazigh into the education system.

59. The Institute’s activities in the area of language planning have included: (i) transcribing and disseminating expressions of Amazigh culture; (ii) research; (iii) compiling general lexicons, specialized dictionaries and teaching aids; (iv) assisting in the development of basic and in-service training programmes for Amazigh teaching staff, civil servants who

must use Amazigh in the course of their duties, and anyone who wishes to learn the language; (v) assisting universities in setting up Amazigh linguistic and cultural research and development centres and in training their staff; and (vi) enhancing the status of Amazigh in the communication and information spheres.

60. Partnership agreements between the Institute and universities have led to the establishment of master's degree and other Amazigh study programmes in Agadir, Rabat, Fez and Oujda. Four regional education centres in Agadir, Marrakech, Meknès and Nador specialize in training Amazigh language teachers. The Institute has also concluded agreements with several national bodies and institutions, including the High Authority for Audiovisual Communication and the National Human Rights Council, to teach Amazigh language courses.

61. In March 2011 the High Authority for Audiovisual Communication created a cultural and linguistic diversity unit within its Programme Monitoring Department. Furthermore, in cooperation with the Royal Institute of Amazigh Culture, it has compiled a glossary in which all relevant terminology related to audiovisual production in the national media is consolidated, organized and standardized.

62. To promote Amazigh culture, the Royal Institute regularly allocates financial resources for the following activities:

- Support for associations: 10 million dirhams (DH) per year²⁰
- Publishing, contract research and other services: DH 7 million per year
- Amazigh cultural prizes: DH 1 million per year
- Subsidies for media outlets and authors and support for the teaching of Amazigh: DH 625,000 per year²¹

63. The 35 articles of the recently adopted Organic Act No. 26-16 set out the process by which Amazigh will become an official language and thus be used in the areas of education, legislation and the work of Parliament, information and communication, cultural and artistic creativity, public administration and services, and justice. The Act provides for the protection of Amazigh cultural and civilizational heritage, with all its characteristics, and for the strengthening of the authorities' human resources in the field. It also aims to consolidate scientific research in order to develop Amazigh and encourage translation.

64. Amazigh will be gradually integrated into the public and private education sectors, with the possible creation of training courses and research units specializing in Amazigh language and culture within higher education institutions. The language will also be integrated into literacy programmes and non-formal education. The Organic Act also provides for the use – through simultaneous interpretation – of Amazigh in the work and public meetings of parliamentary committees and for the broadcasting of these meetings on Amazigh public television channels and radio stations.

65. The Act stipulates that information written in Amazigh must be provided on national identity cards, passports, driving licences, administrative certificates, coins, postage stamps and official rubber stamps. Public signs, including those displayed inside and outside the buildings of government authorities, public services, councils, constitutional bodies and Moroccan embassies and consulates, and road, port and airport signs, must also carry text in Amazigh.

66. It is planned that the Act will be implemented progressively in three phases: the short term (over a period of 5 years), the medium term (10 years) and the long term (15 years).

67. In view of the challenge of giving effect to the provisions of the Constitution in this area, and in response to social trends and expectations, civil society actors have proposed

²⁰ On 16 September 2019, the foreign exchange reference rate set by the central bank of Morocco was DH 9.6765 to the United States dollar.

²¹ See the periodic report on the implementation of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2017).

priority measures to create the conditions for the successful integration of Amazigh as an official language.

68. Regarding the recommendation in paragraph 11 to give special attention to the development of the regions inhabited by the Amazigh, a regional analysis revealed that between 2012 and 2013, per capita GDP increased:

- From DH 19,661 to DH 21,626 in Souss-Massa Region, where Tachelhit is spoken by more than 70 per cent of the population
- From DH 22,550 to DH 24,874 in Guelmim-Oued Noun Region, where Tachelhit is spoken by more than 50 per cent of the population
- From DH 17,768 to DH 19,801 in Oriental Region, where Tarifit is spoken by more than 38 per cent of the population

69. By late 2018, the councils of 10 of the 12 regions had adopted regional development plans. Those of Drâa-Tafilalet and Guelmim-Oued Noun are still being prepared. The 10 regional development plans that have been adopted and validated by the responsible ministry entailed investment projects in the amount of approximately DH 411 billion spread over a 6- or 7-year period.²²

70. The Government is also implementing a programme to reduce disparities in rural areas for the period 2017–2023. The programme budget includes DH 35 billion for the construction of roads and technical infrastructure; DH 2 billion and DH 6 billion for connections to the electricity grid and drinking water supply, respectively; DH 5 billion for the upgrading of school infrastructure and an estimated DH 1.5 billion for rehabilitation of rural health facilities.²³

71. Several social initiatives have been launched to improve the living conditions of the population. A steady increase in gross national income per capita caused income poverty to fall significantly from 15.3 per cent to 4.8 per cent between 2001 and 2014. Multidimensional poverty dropped sharply from 24.5 per cent to just 6 per cent over the same period. This was accompanied by a decline in the vulnerability rate from 22.8 per cent in 2001 to 12.5 per cent in 2014, a drop of 10.3 percentage points.²⁴

72. In addition to these important development programmes, the projects launched in 2015 by the King in the framework of the development model for the southern provinces have had a positive impact on several regions with a large Amazigh population.²⁵

Article 3

Recommendation contained in paragraph 10 of the concluding observations

73. Morocco has introduced significant amendments to its Criminal Code.²⁶ Under article 431-1 thereof, discrimination is defined as “any distinction between natural persons on

²² Figures announced by the Head of Government in the House of Representatives on 22 July 2019 during a monthly debate on public policies.

²³ A standing ministerial commission for the development of rural and mountain areas has been established. The programme, its results for the period 2017–2018 and its 2019 action plan were presented at the commission’s second meeting, chaired by the Head of Government, on 24 July 2019.

²⁴ See *La question des inégalités sociales : Clés de compréhension, enjeux et réponses de politiques publiques* (Social inequality: keys to understanding, challenges and public policy responses). Directorate of Financial Studies and Forecasting, October 2018, p. 23.

²⁵ A budget of DH 77 billion (including DH 17 billion allocated to Dakhla Oued Eddahab) was set aside for 200 structural projects, particularly those intended to strengthen links between the southern regions and the rest of Morocco. These include the construction of the Tiznit-Dakhla expressway (DH 8.5 billion in the first phase), the construction of Dakhla Atlantic Port (DH 6 billion), the connection of the city of Dakhla to the national electricity grid (DH 2.360 billion) and the strengthening and extension of second-, third- and fourth-generation mobile service coverage in the three southern regions (DH 1 billion).

²⁶ Criminal Code (French version). Directorate of Legislation. Ministry of Justice. Consolidated version of 5 July 2018.

grounds of national origin, social origin, colour, sex, family status, state of health, disability, political opinion or trade union membership, or on account of the person's actual or perceived membership or non-membership of a particular race, nation, ethnic group or religion." Likewise, "any distinction applied to a legal entity on account of the origin, sex, family status, state of health, disability, political opinion or trade union activities of its members or some of its members, or on account of their actual or perceived membership or non-membership of a particular race, nation, ethnic group or religion, shall also constitute discrimination."

74. As for the penalties for discrimination, article 431-2 stipulates that "discrimination as defined under article 431-1 above shall be punishable by 1 month to 2 years' imprisonment and a fine of between DH 1,200 and DH 50,000 when it consists of:

- Refusing to provide a good or service
- Hindering a person in his or her normal pursuit of an economic activity
- Refusing to hire, disciplining or firing a person
- Making the provision of a good or service conditional upon one of the grounds described in article 431-1."

75. Article 431-3 also stipulates that "legal entities that commit an act of discrimination as defined under article 431-1 above shall be punishable by a fine of DH 1,200 to DH 50,000".

76. According to article 431-5:

- "Anyone who incites discrimination or hatred between people shall be punishable by 1 month to 1 year's imprisonment and/or a fine of DH 5,000 to DH 50,000"
- "If the incitement to discrimination or hatred between people is committed in speeches, shouting or threats made in public places or meetings, in posters exposed to public view, or by any other public means, including electronically, on paper or via an audiovisual medium, the penalty shall be 1 to 2 years' imprisonment and/or a fine of DH 5,000 to 50,000."²⁷

77. According to article 431-5, "Anyone who incites discrimination or hatred between people shall be punishable by 1 month to 1 year's imprisonment and/or a fine of DH 5,000 to 50,000. If the incitement to discrimination or hatred between people is committed by speeches, shouting or threats made in public places or meetings, in posters exposed to public view, or by any other public means, including electronically, on paper or via an audiovisual medium, the penalty shall be 1 to 2 years' imprisonment and/or a fine of DH 5,000 to 50,000."

Recommendation contained in paragraph 13 of the concluding observations

78. In the context of the implementation of the new migration policy, an ad-hoc subcommittee has prepared an asylum bill. The new national asylum system will apply the principles enshrined in the 1951 Convention relating to the Status of Refugees, including the rights and benefits granted to refugees.

79. The bill:

- Adopts the definition of the term "refugee" set forth in the 1951 Convention
- Explicitly enshrines the principles of non-discrimination and non-refoulement
- Aims to establish a genuine national asylum system with the asylum application procedure at its heart, with due importance attached to a procedural mechanism providing for the right of appeal

80. Royal Decree No. 1-03-196 of 11 November 2003, promulgating Act No. 02-03 on the Entry and Residence of Foreign Nationals in Morocco and Illegal Emigration and

²⁷ Royal Decree No. 1-16-104 of 18 July 2016, promulgating Act No. 73-15 amending and supplementing certain provisions of the Criminal Code. *Bulletin officiel* No. 6522 of 1 December 2016.

Immigration, affords genuine protection for the rights and dignity of the various categories of foreigners in Morocco and is in keeping with the relevant international conventions.

81. Besides the provisions of the Criminal Code, those of the Labour Code (arts. 9, 346 and 478),²⁸ the Code of Public Freedoms, the Organic Act on Political Parties, Act No. 23-98 on the Prison Service (art. 51), the Family Code, the Nationality Code, the Commercial Code (art. 17), the Code of Civil Status, and the Religious Endowments Code also prohibit racial and gender discrimination.

Recommendation contained in paragraph 14 of the concluding observations

82. In accordance with the royal guidance issued by the King in relation to the National Immigration and Asylum Strategy, a humane and protective human rights approach is applied in the management of irregular migratory flows.

83. Mechanisms for combating trafficking in human beings include a package of measures to assist and care for migrants in vulnerable situations, including preventive and protective processes for vulnerable people and potential trafficking victims, especially women and children.

84. Furthermore:

- Morocco recognizes the Committee's competence under article 14 of the Convention to receive and consider communications from individuals claiming violations of rights set forth in the Convention.
- Article 431-2 ff. of the Criminal Code penalizes any distinction between natural persons on grounds of national origin, social origin, colour, sex, family status, state of health, or membership of a particular nation, race or religion. These provisions protect all foreign nationals in Morocco regardless of their residence status.

85. Regarding access to the courts, article 23 of the Act on the Entry and Residence of Foreign Nationals in Morocco and Illegal Emigration and Immigration provides that a foreign national who is the subject of a deportation decision can request the annulment of the decision before the presiding judge of the administrative court acting in the capacity of interim relief judge. The person concerned can request the services of an interpreter and access to the file containing the information on the basis of which the contested decision was made. He or she may be assisted by a lawyer or request the court to appoint one.

86. As for ensuring the correct application of the principle of non-refoulement, the same Act protects women and children as particularly vulnerable categories of migrants. Thus:

- Article 26 protects pregnant women and children from deportation
- Article 29 (2) stipulates that foreign nationals cannot be deported to a country where their life or liberty could be at risk or where they could be subjected to cruel, inhuman or degrading treatment. This provision is strictly enforced.

87. The Act also covers any return to their countries of non-citizens lacking residence permits – unless their stay is legal according to the conditions and procedures for residence in Morocco – and that of foreigners who are subject to expulsion orders or who are to be deported.

88. The authorities are aware of the hazards faced by illegal immigrants when they are deported. Accordingly, the authorities have adopted a method of return that is consistent with international standards, whereby deportation of foreigners without residence permits is done by air in order to ensure their rights, dignity and safety, in coordination with the accredited diplomatic representatives of their countries of origin in Morocco.

²⁸ Art. 478 provides that "private employment agencies shall be prohibited from discriminating on grounds of race, colour, sex, religion, political opinion, national origin or social origin in a manner that violates the principle of equal opportunity and equal treatment in employment. They shall also be prohibited from discriminating on the basis of selection that denies freedom of association or collective bargaining. The provision of special services or programmes intended to assist the most disadvantaged job seekers in finding employment shall not be considered a discriminatory measure."

Article 4

Recommendation contained in paragraphs 9 and 10 of the concluding observations

89. Under section II bis of the Criminal Code, concerning violence committed at sports events, as amended by Act No. 09-09, promulgated by Royal Decree No. 1-11-38 of 2 June 2011,²⁹ article 308-5 stipulates that “without prejudice to heavier penalties, anyone who, during a sporting event or competition or the public broadcast thereof, through speeches, shouting, appeals, slogans, banners, images, statues, sculptures or by any other means, incites racial discrimination or hatred towards one or more people on the grounds of their national origin, social origin, colour, sex, family status, state of health, disability, political opinion or trade union membership, or on account of their actual or perceived membership of a particular ethnic group, nation, race or religion, shall be punishable by 1 to 6 months’ imprisonment and/or a fine of DH 1,200 to DH 10,000”.

90. Article 4 of Organic Act No. 29-11 of 3 March 2011 on Political Parties states that “Any constitution of a political party on a religious, linguistic or regional basis or, in general, on any basis that is discriminatory or contrary to human rights, shall be null and void”. Article 26 states that “all political parties shall strive to expand and universalize the participation of women and young people in the political development of the country. To that end, each political party must seek to attain a one-third participation rate for women in its executive bodies at the national and regional level with a view to gradually ensuring compliance in the long run with the principle of parity between men and women”.

91. Act No. 88-13 on Journalism and Publishing contains various provisions establishing the penalties for direct incitement to violence or hatred between people; for incitement to racial and gender discrimination and to the harm of minors; and for discriminatory propaganda.³⁰

92. Act No. 66-16 amending and supplementing Act No. 77-03 on Audiovisual Communication stipulates under article 9, among others, that “without prejudice to the penalties laid down under the legislation in force, broadcasts and repeats of programmes or parts of programmes must not:

...

- Promote political, ethnic, economic, financial or ideological interest groups or serve their exclusive interests or causes
- Incite violence, hatred, racial discrimination or terrorism against a person or group of persons on account of their origin or their membership or non-membership of a particular ethnic group, nation, race or religion”.³¹

93. In relation to public service broadcasting, article 3 of the terms of reference of the Société nationale de radiodiffusion et de télévision (National Radio and Television Corporation) states that the public service broadcaster is obliged to “refrain from any homage to violence or incitement to racial discrimination, terrorism or violence against a person or group of persons on the grounds of their origin, sex or membership or non-membership of a particular ethnic group, race or religion”.³²

94. The National Commission for the Control and Protection of Personal Data, in its capacity as the national data protection authority, is competent to receive complaints from any data subject who believes that he or she has been harmed by the publication of processed personal data, to investigate such complaints and to follow up on them by ordering the

²⁹ *Bulletin officiel* No. 5956 bis of 30 June 2011.

³⁰ Royal Decree No. 1-16-122 of 10 August 2016, promulgating Act No. 88-13 on Journalism and Publishing. *Bulletin officiel* No. 6522 of 1 December 2016.

³¹ Royal Decree No. 1-16-155 of 25 August 2016, promulgating Act No. 66-16 amending and supplementing Act No. 77-03 on Audiovisual Communication. *Bulletin officiel* No. 6526 of 15 December 2016.

³² Decree No. 2-12-596 of 12 October 2012. *Bulletin officiel* No. 6093 of 22 October 2012.

publication of corrections and/or the referral of the matter to the Crown Prosecutor for prosecution.³³

95. The first case that the Commission referred to the courts related to a complaint of blackmail and invasion of privacy filed by a foreign national against a Moroccan citizen. This case, considered a typical cybercrime offence, was referred to the Crown Prosecutor with territorial jurisdiction. A second case file was referred to the courts following the receipt of several complaints against a Moroccan e-commerce site. The Commission conducted investigations, including a check of the website in question and an on-site inspection. The results of the investigation revealed that the law had been broken and gave rise to suspicions of fraudulent processing of personal data.

96. The Commission has thus demonstrated its commitment to protecting a fundamental human right, namely the right to privacy, in an era of new information and communications technologies.

Article 5

Equal treatment before the tribunals and all other organs administering justice

97. Article 29 (1) of the Constitution, unequivocally establishes the right to a fair trial and the right to a remedy. Thus, everyone has the right:

- To the presumption of innocence. No one may be deemed guilty of an offence until his or her guilt has been definitively established by a judicial decision
- To assert his or her rights and interests before the courts of the Kingdom as plaintiff or defendant
- To be assisted by a lawyer for the exercise of his or her rights and the preparation of a defence
- To be informed of the charges against him or her
- To a fair trial within a reasonable time, once charged with an offence
- To a hearing by an independent and impartial tribunal
- To an effective remedy before the courts to assert the rights and freedoms recognized by the Constitution. Everyone convicted of a crime has the right to have his or her conviction and sentence reviewed by a higher tribunal
- To a public trial and a publicly pronounced judgment; however, the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security, where the interests of juveniles or the protection of the privacy of the parties so require, or in special circumstances where the court considers that publicity would prejudice the interests of justice
- To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under identical conditions

98. Similarly, article 66 of the draft Code of Criminal Procedure, as amended by Act No. 35-11 of October 2011, requires that any person arrested or taken into custody be informed immediately and in a language he or she understands of the reasons for his or her detention and of his or her rights, including the right to remain silent, to have access to a lawyer, and to contact his or her family.³⁴

99. The draft Code of Criminal Procedure envisages additional fair trial guarantees, including the greater rationalization of police custody by reaffirming its exceptional nature

³³ Royal Decree No. 1-09-15 of 18 February 2009, promulgating Act No. 09-08 on Personal Data Protection. *Bulletin officiel* No. 5714 of 5 March 2009.

³⁴ Code of Criminal Procedure (Arabic version). Directorate of Legislation. Ministry of Justice. Consolidated version of 25 March 2019.

in order to reduce the number of cases in which it is used. The draft Code also provides for several measures to improve oversight of police custody, such as the audiovisual recording of questioning and the right to contact a lawyer from the moment of arrest. It also aims to rationalize pretrial detention through several procedures designed to reinforce its exceptional character.

100. Further fair trial guarantees envisaged in the draft Code include:

- An obligation for the criminal investigation police to hire an interpreter if the person being questioned speaks a language or dialect that the police officer does not know, or a sign language interpreter if a signing deaf person is being questioned, and to require the interpreter's signature on the record of the questioning (art. 21)
- The requirement that the Public Prosecution Service (art. 47) and investigating judges must also fulfil this obligation during judicial inquiries
- The strengthening of the role of the lawyer during questioning of the accused by the prosecutor. The lawyer has the right to request a medical examination of the accused, to present documents or written evidence on his or her behalf, and to request his or her release on bail (arts. 73 and 74)
- The setting of time limits for the completion of judicial proceedings and for the adjudication of cases under investigation in order to ensure the prompt and efficient dispensation of criminal justice, especially in cases involving detainees (arts. 180, 196, 215, 234, 381, 528 and 540)

101. To serve the Moroccan Jewish community, two Hebrew chambers, composed of seven rabbis sitting as judges, are located within the courts of first instance of Casablanca and Marrakech. These Beth Din, or rabbinical courts, hear and rule upon civil cases in accordance with Jewish law. Morocco has the only Jewish court system outside Israel that is officially recognized as a national legal body and housed within the same complex as Muslim courts.

102. Foreign detainees have the same rights as Moroccan prisoners. They do not suffer from any discrimination but rather from the lack of contact with the outside world. For this reason, the General Delegation for Prison Administration and Reintegration systematically notifies the relevant diplomatic missions so that they may organize visits to these detainees, although some of them avoid declaring their true nationality.

103. Prisoners are free to practise their religion. Masses are celebrated in prisons on the occasion of Christian religious festivals. Visits are organized so that members of religious bodies can bring spiritual and moral comfort to prisoners. All faith-based bodies in the country (including Catholic archdiocese, the Anglican church and the Jewish community council) have a standing authorization for their ministers to conduct visits.

104. By law all detainees have the right to submit their grievances verbally or in writing to the director of the institution, the head of the General Delegation, the judicial authorities, the provincial prison oversight commission, the House of Representatives, the National Human Rights Council or a non-governmental organization (NGO). They can also do so by anonymous letter or telephone call. These authorities and organizations can visit prisons and other places of detention.³⁵

105. Since 2014, a mailbox system has been made available in the prisons, in visiting rooms and in the central administration. The objective is to make it easier for prisoners and their families to file complaints directly with the head of the General Delegation without going through the prison administration.

106. In 2017, the General Delegation received a total of 1,477 complaints, including those in connection with: ill-treatment (417), health care (304), other detainees (200), conditions

³⁵ In 2016, the judicial authorities conducted 1,755 visits to prisons. Regional committees conducted 66 visits to prisons and 52 visits to psychiatric institutions. Also in 2016, there were 7,500 recorded visits to places of pretrial detention. Some 7,154 visits to police and gendarmerie stations took place in 2017 (data from the Public Prosecution Service).

of detention (117), education and vocational training (61), recovery of money owed or personal items (29) and improper transfers (27).³⁶

107. In 2017, the General Delegation published an updated version of the inmate handbook in five languages (Arabic, Amazigh, French, English and Spanish). The handbook contains chapters on admission to prison, transfers, health and hygiene, complaints, correspondence and communication, visits, food and provisions, conduct and discipline, performance of religious rites, entertainment, work and permission to leave. Similarly, video clips on the fundamental rights of prisoners have been developed with the cooperation of the National Agency to Combat Illiteracy. In line with the policy of using different formats to target different users of the prison system, these educational clips are aimed at illiterate prisoners and their families.

Recommendation contained in paragraph 15 of the concluding observations

108. To strengthen due process and fair trial principles, the draft Code of Criminal Procedure aims to reinforce the presumption of innocence, revise existing provisions on remand in custody and increase trust in the record of the questioning carried out by the criminal investigation police through the introduction of audiovisual recordings. It also provides for the placement of the case file, the record of the questioning and the recordings in a sealed envelope.

109. In accordance with paragraphs 3 and 5 of the Committee's statement on racial discrimination and measures to combat terrorism, adopted at its 1503rd meeting on 8 March 2002, Moroccan criminal law enshrines the principle of equality in regard to the penalties that are imposed on Moroccan and foreign nationals. The seriousness of the offence is the sole criterion for determining the sentence, without discrimination on any grounds.

110. Article 66 (4) of the Code of Criminal Procedure states that "a person who has been arrested or taken into police custody has the right to legal assistance, to contact a family member and to appoint a lawyer or have one appointed in the framework of legal assistance." Article 66 (5) states that "the criminal investigation police shall immediately notify the appointed lawyer and inform the President of the Bar Association. If the person requests the appointment of a lawyer in the framework of legal assistance, the criminal investigation police shall immediately notify the President of the Bar Association, who shall be responsible for choosing the lawyer".

111. The right to equality before the law and the courts, the right to a public hearing, the right to be tried without undue delay and the right of appeal to a higher court are all guaranteed in legislation, further strengthening the rights of accused persons in detention. Moreover, article 67 (1) of the Code of Criminal Procedure stipulates that "the criminal investigation officer must include, in the record of the questioning of any person in police custody, the date and time of their arrest and the date and time of their release or examination before the competent court. These documents should bear the signature or fingerprint of the person concerned, or, if he or she refuses to sign, an explanation stating the reasons for said refusal."

112. In accordance with paragraph 6 of the Committee's statement on racial discrimination and measures to combat terrorism, in order to ensure that persons suspected of involvement in terrorism enjoy the right of equality before the courts, article 711 (1) of the Code of Criminal Procedure stipulates that "notwithstanding any legal provision to the contrary, any Moroccan or foreign national who, outside the territory of the Kingdom, commits or is an accomplice or accessory to a terrorist offence, whether or not intended to cause harm to the Kingdom of Morocco or its interests, shall be prosecuted and tried by the competent Moroccan courts."³⁷

³⁶ See General Delegation for Prison Administration and Reintegration, 2017 activity report, p. 168.

³⁷ In paragraph 3 of its statement on racial discrimination and measures to combat terrorism, the Committee "emphasizes that measures to combat terrorism must be in accordance with the Charter of the United Nations and that they are only legitimate if they respect the fundamental principles and the universally recognized standards of international law, in particular, international human rights law and international humanitarian law".

113. The National Human Rights Council actively engaged in this debate by producing two memorandums on counter-terrorism legislation,³⁸ in which it recalled several recommendations made to Morocco by United Nations human rights mechanisms and invited the legislature to implement them during the debate in Parliament on the provisions of the draft Criminal Code and the draft Code of Criminal Procedure relating to the fight against terrorism and during the revision of the two codes.

114. As part of its rehabilitation mission, in 2016 the General Delegation for Prison Administration and Reintegration, in cooperation with the association Rabita Mohammedia des Oulémas and the National Human Rights Council, developed and implemented the “Mossalaha” (Reconciliation) peer awareness programme for persons convicted of terrorism offences and violent extremism. The first edition was successfully held from 29 May to 25 July 2017 at El Arjat prison No. 1 (Rabat-Salé-Kenitra Region). The programme benefited 25 inmates who had been sentenced to various terms of imprisonment and who expressed a willingness to participate.³⁹

Recommendation contained in paragraph 22 of the concluding observations

115. Morocco has taken into account several provisions of the Durban Declaration and Programme of Action in the context of its legislative reform efforts, with a view to better integrating the provisions of the Convention.

116. Regarding the implementation of the Convention in the domestic legal order, in accordance with the Committee’s general recommendation No. 33, article 431-1 of the Criminal Code defines discrimination as any distinction made between natural persons or legal entities on grounds of origin, sex, family status, state of health, disability, political opinions, trade union activities, or actual or perceived membership or non-membership of a particular ethnic group, nation, race or religion.

117. In keeping with paragraph 93 of the Durban Declaration, in order to give a voice to victims of racism, racial discrimination, xenophobia and related intolerance, the Government has established women’s and children’s support units attached to various courts. These units provide listening, guidance and counselling services for victims and refer them to hospital care units for women and children. If necessary, they accompany them to shelters in cooperation with civil society organizations.

118. Act No. 27-14 on Combating Human Trafficking⁴⁰ incorporates a definition of trafficking in human beings that meets international standards, specifically the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, to which Morocco acceded on 25 April 2011.

119. Furthermore, to ensure a strong supporting framework for the National Immigration and Asylum Strategy, consultations are under way with a view to the adoption of a national action plan for follow-up to the Durban Declaration and Programme of Action.

Political rights

Participation in elections as a voter or candidate

120. The Electoral Code provides for three main measures: the establishment of a quota system, under which 12 per cent of seats are reserved for women; the setting up of advisory committees within each local council, known as equity and equal opportunities committees, that are empowered to make proposals related to equity and equal opportunities and gender

³⁸ These were the memorandum on the preliminary draft Code of Criminal Procedure in Série contribution au débat public (Contribution to Public Debate Series) No. 7 (2014) and the memorandum on bill No. 86-14 amending and supplementing the provisions of the Criminal Code and the Code of Criminal Procedure relating to counter-terrorism (January 2015).

³⁹ See General Delegation for Prison Administration and Reintegration, 2017 activity report, p. 17.

⁴⁰ *Bulletin officiel* No. 6526 of 15 December 2016.

mainstreaming; and the implementation of a communal development plan, based on a participatory approach, that places particular emphasis on the gender perspective.

121. In accordance with Organic Act No. 27-11 on the House of Representatives, deputies are directly elected for a period of five years in ballots based on party lists. A total of 305 deputies are elected in the local electoral districts, while 90 (60 women and 30 young persons) are elected in the national electoral district. The national list, which corresponds to the national electoral district, is the appropriate mechanism established by the legislator for increasing the number of women in the House of Representatives. A total of 60 places on the list are reserved for women (compared to 30 in the 2009 elections), while 30 places are reserved for men and women candidates under 40 years of age.⁴¹

122. Organic Act No. 59-11, which concerns the election of members of local government councils, establishes that 27 per cent of seats at the communal level and 30 per cent of seats at the regional level should be reserved for women. The proportion of women sitting on local councils varies depending on whether the members are elected on an individual basis or on the basis of lists.

123. The establishment of a support fund to promote the representation of women has also had a positive impact. In October 2013, the decrees implementing the support fund were issued and, in November 2014, the commission responsible for implementing the fund was set up. The commission is composed of representatives of five ministerial departments, political parties represented in Parliament and five representatives of civil society.

124. In March 2015, the support fund approved 86 projects, at a total cost of DH 12,463,749, with a view to promoting women's representation in the elections for the local councils. Of these projects, 9 were proposed by political parties, 10 by national associations and 67 by local and regional associations.

125. There can be no doubt that all these measures have had a positive impact. In the elections held on 4 September 2015, women accounted for 21.94 per cent of all candidates for the communal elections and 38.64 per cent of candidates for the regional elections. In other words, there were about 28,725 women candidates for the communal elections and 2,928 for the regional elections. As a result, women's representation in elected councils increased, as they won 6,673 seats in the 2015 local council elections, which was almost twice as many as in 2009.

Equal access to public office

126. The following laws and regulations are intended to promote the principles of gender equity and equality in the civil service and in access to decision-making positions:

- Decree No. 2-11-681 of 25 November 2011 on procedures for appointing heads of divisions and departments in public bodies, in particular article 9, which provides that steering committees must have at least one woman member
- Decree No. 2-15-770 of 9 August 2016 on the conditions and procedures applicable to fixed-term appointments in public bodies; this decree is a new mechanism for promoting the principles of equality, transparency and merit and enabling women to demonstrate that they have the skills required to occupy decision-making positions
- The Minister of the Civil Service's circular No. 1-19 of 5 February 2019 on the conditions for applying for the posts of division head or department head in public bodies

127. Another mechanism for promoting equality of access to decision-making positions is Organic Act No. 02-12, which was enacted by Royal Decree No. 1-12-20 of 17 July 2012 on appointments to senior positions under articles 49 and 92 of the Constitution.⁴²

⁴¹ The legislative elections of 7 October 2016 brought about a significant improvement in the representation of women in the House of Representatives. Following the elections, 81 out of 395 deputies were women, compared to 67 women in 2011, which represents an increase of 20.5 per cent.

⁴² *Bulletin officiel* No. 6070 of 2 August 2012, amended and supplemented on 10 August 2016

128. Article 4 of this Act prohibits all forms of discrimination in the selection of candidates of either gender for senior positions, including on the grounds of political or trade union affiliation, language, religion, sex, disability, or any other ground inconsistent with the principles of human rights, the Constitution or the principle of equality between men and women.

129. Between 2012 and 2016, 687 appointments to senior positions in 31 different departments were made by decree after deliberation by the Council of Ministers in line with article 92 of the Constitution. Of these, 78 positions (11.35 per cent of the total)⁴³ were awarded to women.

130. The position of *adoul* (witness under Islamic law),⁴⁴ which had previously been reserved for men, was recently opened up to women, which represents real progress towards gender equality. In line with His Majesty the King's decision of January 2018, and following consultations with the High Ulema Council, a national competition for persons aspiring to become *adouls* was open to women for the first time in the history of Morocco. Of the 7,642 women who applied, 299 (40 per cent of the successful candidates) obtained the right to exercise the profession of *adoul* alongside 501 male colleagues.

Participation in Government and in the conduct of public affairs at all levels

131. Gender is mainstreamed in public policy thanks to ongoing positive developments such as the establishment, in 2010, of an inter-ministerial consultation committee dedicated to promoting gender equality in the public administration and the Council of Minister's adoption, in June 2013, of the Government Plan for Equality (ICRAM 2012–2015), which is intended to promote parity and has received funding from the European Union. On 3 August 2017, the Council of Ministers adopted a second plan for the period 2017–2021 (ICRAM2), which contains 7 strategic areas and 24 objectives and is driven by a common vision based on a human rights approach to strengthening women's employability and economic empowerment.

132. With regard to the participation of women in the press and journalism, it should be noted that the number of women journalists who hold a press card has increased in recent years. As of 2015, women accounted for 691 of a total of 2,282 journalists holding a press card, which represents an increase of 30.28 per cent.

133. According to data for 2015, however, parity is far from being achieved in the civil service. The percentage of women in decision-making positions (senior positions, heads of departments and divisions) stands at 21.5 per cent. This percentage is much lower in strategic positions. In the civil service, women account for 1,944 heads of department, 299 heads of division, 54 central directors, 4 secretaries general and 4 inspectors general.

134. Although the situation has improved slightly, the proportion of women occupying the posts of *wali* or governor or holding positions within the Government is also low.

135. In view of this situation, the National Human Rights Council has highlighted the need to make use of binding institutional mechanisms and, above all, to review the paradigms and guidelines underpinning all public policies.⁴⁵

Other civil rights

Recommendation contained in paragraph 12 of the concluding observations

136. Circular No. 3220 of the Ministry of the Interior, published on 9 April 2010, has removed all ambiguity over choices of first names, including Amazigh names, by establishing freedom of choice in this regard. The circular makes it clear that the qualifier "Moroccan",

⁴³ Ministry of Economic Affairs and Finance. Report on human resources. Budget bill for 2018.

⁴⁴ *Adouls* exercise a profession within the framework of a national association of *adouls*, which is subdivided into regional councils within the districts of the courts of appeal. *Adouls* are considered to be legal officials.

⁴⁵ *Rapport sur l'État de l'égalité et de la parité au Maroc* (Report on the state of equality and parity in Morocco). Executive summary – July 2015, pp. 12–13.

which appears in article 21 of Act No. 37-99 on Civil Status, refers to all communities in Moroccan society (Arab, Amazigh, Islamic and Jewish). It also sets out simple and flexible procedures for improving interactions with citizens.

137. At a meeting held on 23 January 2014, the High Commission on Civil Status issued a statement to the effect that, under the Act on Civil Status, all citizens are free to choose their children's first names, irrespective of whether the name is Arabic, Amazigh, Hassaniya or Hebrew, provided that the choice does not undermine morality or public order.

138. The High Commission also invited civil registrars to comply strictly with circular No. 3220, to show maximum flexibility in processing the requests submitted to them, and to consult the Secretariat General of the High Commission immediately if they are unable to decide on the meaning of a first name.

139. The High Commission also asked registrars to withdraw the published lists of first names in accordance with Act No. 37-99 on Civil Status, which entered into force on 7 May 2003.

140. As His Majesty the King mentioned in his speech on Throne Day (30 July 2015), Moroccans living abroad have encountered difficulties related to civil status. In order to address that situation, the Ministry of the Interior and the Ministry of Foreign Affairs and International Cooperation issued joint circular No. 71 of 15 August 2015, which sets out strict measures to guarantee the freedom of choice of first names.

141. Act No. 37-99 on Civil Status, promulgated by Royal Decree No. 1-02-239 of 3 October 2002,⁴⁶ is aimed at promoting the principles of freedom and equality between citizens in accordance with the Constitution. In that connection, it prohibits certain distinctive titles, such as "Moulay", "Sidi" and "Lalla",⁴⁷ and provides for the withdrawal from registry offices of the lists of first names published under the previous law.

142. However, despite the stated intentions behind the circular issued in 2010, questions over the term "Moroccan first name",⁴⁸ as defined in the circular, have continued to be raised, whether through error or ignorance. Such questions concern not only Amazigh names but also names of Arabic origin, which are also sometimes refused.⁴⁹

143. In view of these difficulties, amendments to the Act on Civil Status are planned in the near future to remove any ambiguity that might be seen to restrict the freedom to choose a child's first name.

⁴⁶ *Bulletin officiel* No. 5054 of 7 November 2002.

⁴⁷ The first name chosen by a person declaring a birth with a view to registering the birth in the civil register must be Moroccan in nature and may not be a family name, a name composed of more than two first names, the name of a town, village or tribe, or a name liable to offend public morality or order. The declared first name must precede the family name when the person is registered in the civil register and may not include any nickname or title such as "Moulay", "Sidi" or "Lalla" (art. 21).

⁴⁸ The term "Moroccan in nature" relates to the specific characteristics of Moroccan society, from north to south and from east to west, and implies that the name is so common in Morocco that it forms part of the country's customs and traditions and is traditionally bestowed on children. Thus, it fits the national context and has become familiar to the Moroccan ear and to all sectors of Moroccan society. It is a common, easily recognized name. Moroccan first names therefore include: the Arabic first names used in Morocco since antiquity; the names of Allah, preceded by the qualifier "abd"; the Amazigh first names, whose meaning may vary from one region to another; the first names used in Morocco in recent years, pronounced correctly in Arabic or having an Islamic origin; Hebrew first names for Moroccan Jews." (circular D-3220, p. 2).

⁴⁹ By way of example, the Moroccan consulate in Pontoise, France, refused to register a girl with the first name "Rawane" because the name is Persian in origin and its Arabic transcription means "slave". When it was informed of this case, the High Commission on Civil Status eventually authorized the name "Rawane" for Moroccan children. The High Commission's decision was issued on Thursday, 23 January 2014.

Economic, social and cultural rights

Right to work (free choice of employment and just and favourable conditions of work)

144. Equal access to economic rights for women and men remains a key aspect of human rights. Indeed, increasing women's participation in the workforce may offset the decline in the active population and thereby boost growth. In this connection, the programmes established by the Department of Employment – Idmaj and Taehil – have benefited women to an extent deemed to be satisfactory. However, women's access to the services provided under the Mouqawalati programme remains lower than expected and confirms that relatively few women become entrepreneurs.

145. Women's labour force participation rate, while still low, rose from 24.7 per cent in 2012 to 25.3 percent in 2014. The participation rate for women largely explains the gap between the employment rate for men (65.3 per cent) and for women (22.6 per cent) in 2014. The proportion of the employed labour force who are women (i.e. the proportion of posts occupied by women) stood at 27 per cent in 2014, which means that women were 2.7 times less likely than men to be employed. By contrast, the gap in the unemployment rates for women and men fell from 1.2 percentage points in 2012 to 0.7 percentage points in 2014.

146. At the sectoral level, the Department of Agriculture has made rural women's socioeconomic advancement one of the key areas of its development policy. In this connection, it has partnered with several ministerial departments, international organizations and NGOs to launch a project in eight regions and nine pilot provinces that is intended to promote rural women's socioeconomic empowerment in Morocco by ensuring their inclusion in the social economy.⁵⁰ As part of the gender and development unit's action plan, and in partnership with the Millennium Challenge Account Morocco programme, several measures have been taken to promote equality between men and women in the fisheries sector.

147. Efforts have been made by the National Agency for the Promotion of Small and Medium-Sized Enterprises, including through the "Entre Elles en Régions" programme. The National Strategy for the Promotion of Very Small Enterprises also promotes women's entrepreneurship by providing support and coaching to small, formally established businesses. In March 2013, a memorandum of understanding to this effect was signed between the Central Guarantee Fund and the Association of Women Entrepreneurs of Morocco with a view to launching the Ilayki guarantee fund, the purpose of which is to foster and support the development of entrepreneurship among women by granting woman entrepreneurs access to credit for developing their projects.

148. A systemic approach to the issue of women's representation, involving all stakeholders, should include the goal of increasing their representation on the governing boards of public and private companies, where they are currently underrepresented. A working group established by the Ministry of General Affairs and Governance conducted a study of women's representation on the governing bodies of large public and private companies. The results of the study, which were presented in April 2013, show that fewer than half such companies have at least one woman in their governing body.

149. Despite these programmes and initiatives, there are a number of obstacles to address. The first worrying finding identified in the Economic, Social and Environmental Council's report on discrimination against women in economic life⁵¹ is that women's economic participation has regressed in recent years: the labour force participation rate for women fell from 28.1 per cent in 2000 to 25.1 per cent in 2013. At the same time, the number of housewives has grown faster than the population of women of working age. The

⁵⁰ These are Souss-Massa (Tiznit and Zagora), Doukkala-Abda (Safi), Chaouia-Ouardigha (Settat), Oriental (Nador), Taza-Taounate-Al-Hoceima (Taounate), Tadla-Beni-Mellal (Azilal), Guelmim-Smara (Tata) and Marrakech-Tansift-Al Haouz (Essaouira).

⁵¹ *Promotion de l'égalité entre les femmes et les hommes dans la vie économique, sociale, culturelle et politique. Les discriminations à l'égard des femmes dans la vie économique : réalités et recommandations.* (The promotion of gender equality in economic, social, cultural and political life: Discrimination against women in economic life: realities and recommendations.) Ex officio publication No. 18/2014.

recommendations issued by the Economic, Social and Environmental Council with a view to promoting women's labour force participation and access to employment propose to:

- Create incentives and guarantee the right to funding and tax benefits for inclusive private companies that establish gender parity within their various bodies
- Promote vocational training and girls' access to all courses offered in male-dominated training programmes⁵²

150. Promoting equitable access to economic rights for women and men is in line with the principles set out in the Organisation for Economic Co-operation and Development's Declaration on International Investment and Multinational Enterprises, adopted by Morocco. These principles are set out in the chapter on employment and industrial relations, which presents a series of standards to be respected within companies, including respect for the principle of equal opportunity and treatment in the workplace and the abolition of all discriminatory practices.

Equal remuneration for work of equal value (the right to just and favourable remuneration)

151. Article 9 of the Labour Code prohibits all gender-based discrimination in the workplace, while article 12 establishes that the penalty for such discrimination is a fine of between DH 15,000 and 30,000.

152. The binding nature of the minimum wage is a matter of public policy and may not be overruled by any collective agreement or any individual agreement, even with the employee's consent (Labour Code, art. 360). The payment of wages below the minimum threshold is an offence punishable by a fine, which is multiplied by the number of workers that the employer has paid in an unlawful manner.

153. Direct negotiations with the economic and social partners conducted under the auspices of the Government as part of the social dialogue have brought about more frequent increases in the minimum wage and have led to five agreements being signed, on 1 August 1996, 30 April 2001, 30 April 2003, 26 April 2011 and 25 April 2019.

154. The latest social agreement⁵³ provides for a series of important measures whose main purpose is to strengthen social protection, improve trade union freedoms, institutionalize social dialogue and promote the establishment of such dialogue with a view to achieving cohesion and social peace. The agreement is also aimed at improving the purchasing power of the staff of State agencies, local authorities and public administrative bodies by implementing a general increase in their wages.

155. To this end, the Government is increasing the intertrade minimum wage and the minimum wage for agricultural workers by 10 per cent in two stages. The intertrade minimum wage has stood at DH 13.46 per hour (about DH 2,500 per month) since 2015, while the minimum wage for agricultural workers is DH 69.73 per day (around DH 1,800 per month). For the private sector, the agreement provides for a 10 per cent increase in the minimum wage over two years, consisting of a 5 per cent increase in July 2019 and a further 5 per cent increase in July 2020. Furthermore, family allowances will be increased by DH 100 for each child, up to a maximum of three children, from 1 July 2019.

156. The Government is proposing to raise the salaries of civil servants at all pay grades. An additional DH 500 net per month will be paid to staff at grades 6, 7, 8 and 9 and at levels 1 to 5 of grade 10. This increase will consist of an additional DH 200 from 1 May 2019, a further DH 200 from January 2020 and a further DH 100 from January 2021. The agreement also provides for a net increase of DH 400 for civil servants at levels 6 and above of grade 10. This increase will consist of an additional DH 200 from 1 May 2019, a further DH 100 from January 2020 and a further DH 100 from January 2021. Furthermore, family allowances have been increased by DH 100 for each child, up to a maximum of three children, from 1 July 2019.

⁵² Ibid. p. 65.

⁵³ Agreement ratified by the Council of Ministers on Thursday, 2 May 2019.

157. In 2018, labour inspection officers conducted 34,897 inspections and recorded 743,025 observations, of which 31,194 were related to the minimum wage.

Right to form and join trade unions

158. The Labour Code and articles 8 and 29 of the Constitution guarantee the freedom and independence of trade unions, the freedom to form trade unions, their freedom of activity and their freedom to manage their activities and resources independently.

159. Article 403 of the Labour Code endows professional trade unions with legal personality. Employers and employees are free to join the trade union of their choice. Under article 9 of the Labour Code, undermining trade union freedom is an offence punishable by a fine of up to DH 60,000. Moreover, article 36 of the Labour Code establishes that union membership does not constitute a valid reason for disciplinary measures or termination of employment.

160. The Labour Code prohibits any discriminatory selection practices involving a denial of the right to trade union freedom or collective bargaining or any discrimination based on race, skin colour, sex, religion, political opinion, or national or social origin that may undermine the principle of equal opportunity and treatment in employment.

161. On the ground, trade unions and employers' associations are established in all areas of economic activity and play an active part in meetings held by commissions of inquiry and investigation and in the work of the Consultative Council for Monitoring Social Dialogue, the National Human Rights Council and the National Commission for Social Dialogue.

162. In July 2012, a trade union group of immigrant workers of Morocco, affiliated with the Democratic Workers Organization, was established for the purpose of defending and protecting the rights of migrant workers in Morocco.

Right to housing

163. The main advancements in the area of housing are related to the expansion and diversification of supply, including of social housing (costing DH 140,000 and DH 250,000) and housing for the middle class. Other developments include the national Cities without Slums programme and the action taken in connection with derelict housing and urban upgrading programmes.

164. As a result of these policies, and the pooling of the efforts made by the private and public sectors, the housing deficit was reduced by 45 per cent (from 840,000 to 465,000 units) between 2012 and 2017.

165. The following progress was made under the Cities without Slums programme between its launch in 2004 and the end of 2018:

- A total of 59 of the 85 cities targeted by the programme were declared free of slums
- A total of 282,156 households (60 per cent of those targeted) benefited from the programme
- A total of 81,620 households are targeted by new projects:
 - Units have been made available for 39,245 households
 - Work is under way on units for 42,375 households

166. Agreements on 39 programmes related to derelict housing were reached between 2012 and 2018. The programmes benefited 44,815 households at an overall cost of DH 3.62 billion, subsidized in the amount of DH 1 billion.

Right to public health

167. Act No. 34-09 of 2 July 2011 on the health system and health-care services is a further sign of the Government's commitment to the right to health as a fundamental human right.

168. Article 57 of the Ministry of Health's order of July 2010 concerning the internal regulations of hospitals provides that "non-nationals who are sick or injured must be admitted

on the same conditions as nationals regardless of their status. They must also be billed under the same conditions for any services they receive, except when health-care agreements have been signed between Morocco and the patient's own country."

169. These regulations ensure that irregular migrants have access to hospital care without fear of arrest. Under article 91 of the regulations, "hospital staff are required to respect the dignity and privacy of patients attending or staying in hospitals as well as their ethnic, religious, political, union and social affiliations." Article 92 states that "unless otherwise provided for by law, hospital staff are required to observe confidentiality and maintain absolute discretion with regard to all facts and information concerning a hospitalized patient of which they may become aware in the course of, or in connection with, the performance of their duties."

170. Act No. 65-00 established two systems of basic health coverage: (1) basic compulsory health insurance, which covers 34 per cent of the population (active employees and persons who have retired from the formal sector) as well as certain groups of self-employed persons; and (2) the medical assistance scheme for persons on low incomes, with which around 12 million beneficiaries registered in 2018, helping to bring the coverage rate up to 60 per cent.

171. Other coverage schemes are intended for specific sectors of the population: self-employed persons and professionals (who account for 33 per cent of the population) and students enrolled in a public or private higher education establishment. More than 116,000 students in the public and private sectors benefited from compulsory student health insurance in 2019.

172. In connection with the National Immigration and Asylum Strategy, a multi-party agreement between the Ministry of Health, the Ministry of the Interior, the Ministry of Economic Affairs and Finance, and the Ministry for Moroccan Nationals Living Abroad and Migration Affairs was signed on 26 October 2015 to provide basic coverage for regularized migrants and refugees living in Morocco. This coverage will grant these groups access to the same range of services that is available under the medical assistance scheme.

Right to education and training

173. In the area of education, the gender parity index, which is the ratio of girls to boys in education, reached 95 per cent in primary education, 90 per cent in lower secondary education and 105 per cent in higher secondary education for the 2017/18 school year. In comparison with the 2011/12 school year, this index was 4 points higher at the primary level, 12 points higher at the lower secondary level and 13 points higher at the higher secondary level.

174. In rural areas, the index more than doubled at the primary level, rising from 42 per cent in 1991 to 94 per cent in 2018, while in urban areas it increased from 87 to 96 per cent. This shows that the most significant improvements have occurred in rural areas. At the lower secondary level, the index increased from 74 to 96 per cent in urban areas and from 30.8 to 77 per cent in rural areas between 1991 and 2018. At the higher secondary level, the parity index reached 105 per cent in 2017/18, with a significant difference being observed between urban areas (107 per cent) and rural areas (91 per cent).

175. The strategic vision for education and training 2015–2030 provides for the gradual mainstreaming of Amazigh language teaching in primary and secondary education. In 2018, around 500 teachers who specialize in Amazigh language instruction were teaching this language to about 600,000 students.

176. The new primary school textbooks are designed to promote education in diversity, tolerance and living together, and the education of children with disabilities, through their content, activities and focus on real-life situations. The characters in the books have Arabic, Amazigh, Hassaniya and African first names (foreign sub-Saharan first names) and the photos and illustrations show characters of colour and characters with disabilities in order to avoid any sexist or other stereotypes.

177. The Government has increased the budgets allocated to social programmes that promote education, thereby making it possible to:

- Increase the number of student beneficiaries of the Tayssir programme from 706,359 children, living in 434 rural communes, in 2017/18 to 2,087,200 in 2018/19, using a budget of DH 2.17 billion
- Expand the number of school canteens and boarding schools, increase the number of scholarship recipients and develop school transportation in isolated areas, all with a view to preventing children from dropping out of school

178. In line with the National Immigration and Asylum Strategy, the Ministry of Education's circular No. 13-487 of 9 October 2013 made it possible for foreign sub-Saharan students to enrol in public and private education establishments and benefit from non-formal education courses from the start of the 2013/14 school year. In the 2017/18 school year, 7,000 students who had an immigrant background or had been in the asylum system were enrolled in mainstream education, while 460 were participating in non-formal education.

Right to equal participation in cultural activities

179. The Government has taken on the goal of broadening public access to cultural infrastructure in order to promote the individual and collective development of citizens.

180. Mechanisms for disseminating information on cultural heritage to professionals who work in the field and the general public, particularly young people, have been strengthened in order to promote the richness and diversity of the country's tangible and intangible cultural heritage.⁵⁴

181. Measures have been taken to facilitate access to culture for persons with disabilities, including the introduction of a support mechanism for publications and books that requires the websites of cultural magazines to comply with accessibility standards for persons with visual impairments and promotes publications specifically intended for persons with special needs (persons with visual impairments). Furthermore, areas for persons with visual impairments have been set up in libraries, and the National Paralympic Games and a festival for persons with special needs are held every year.

182. The safeguarding, enhancement and transmission of cultural expressions and expertise are increasingly considered to be a national priority. This is reflected in the growing number of festivals and *moussems* (festivals held in honour of saints) held throughout Morocco, which are intended to promote regional characteristics and the country's sociocultural communities. Mention may be made of the Moussems of Tan-Tan, which was proclaimed by UNESCO to be a masterpiece of the oral and intangible heritage of humanity in 2005. The festival celebrates the culture and traditions of the Hassaniya tribes, including their poetry, songs, dances, music, traditional games, culinary arts, local products, places of worship, craftsmanship and natural landscapes. Other noteworthy festivals include the Sea and Desert Festival in Dakhla, the Rawafed Azawan festival in Laayoune and the Almadih festival in Smara-Aousserd. Festivals for the Amazigh and Arab communities include the Marrakech Popular Arts Festival, the Timitar Festival of popular music in Agadir, the Gnaoua and World Music Festival in Essaouira, the Cultural Festival in Asilah, the Marriage Festival in Imilchil, the Ahouach Festival in Ouarzazate and many other festivals in other regions of the country.

⁵⁴ The transmission of both tangible and intangible heritage is currently being hampered by a number of different obstacles. Society's recently acquired awareness of heritage, and the skills that are available today, make it possible to pass such heritage on to future generations. Today, the preservation of national cultural heritage is more than a necessity; it is a matter of urgency. See *Éléments pour une vision « patrimoine 2020 »*. Ministry of Culture, 2014, p. 10.

Article 6

Judicial perspectives on the rule of law

Recommendations contained in paragraphs 16–18 of the concluding observations

183. The question of why the law does not allow foreign spouses of Moroccan women to acquire Moroccan nationality through their wives, even though Moroccan women can pass their nationality on to their children, has been raised repeatedly, particularly by women's civil society organizations. The notable developments of recent years and the human rights gains made under the Constitution have, however, brought about a change in the situation.

184. This is the background for understanding the bill put forward by several parliamentary groups to amend and supplement article 10 of Royal Decree No. 1-58-250 of 6 September 1958, on the Moroccan Nationality Code. The bill was submitted to the House of Representatives on 17 November 2017 and sent to the Committee on Justice, Legislation and Human Rights for a first reading on 4 December 2017.

185. The bill would amend the law so as to allow the foreign spouse of a Moroccan woman to apply to the Ministry of Justice for Moroccan nationality during the course of the marriage and after having resided regularly with his wife for at least five years in Morocco. The bill seeks to address the many problems faced by foreign men married to Moroccan women, particularly those related to establishing residence and entering and leaving the country, in addition to the countless administrative and property-related inconveniences that binational families deal with.⁵⁵

186. The initiative taken by Morocco on 8 April 2011 in withdrawing its reservations to article 9 (2) of the Convention on the Elimination of All Forms of Discrimination against Women, on the equal rights of women and men with regard to the nationality of their children, paved the way for the review of the law on nationality.

187. In 2014, Morocco celebrated the 10-year anniversary of the adoption of the Family Code. The Code, which entered into force on 5 February 2004, promotes equality between spouses in terms of their rights and obligations, the status of women and the protection of the social and financial interests of children. It also gives the justice system a central role in the private sphere of the family.

188. In cooperation with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), manuals have been published on family court procedures and studies have been carried out.⁵⁶ In addition, between 2012 and 2016, capacity-building was conducted for 86 judicial units that are available to assist women and children in all trial and appellate courts.

189. Decree No. 2-18-249, on the implementation of Act No. 41-10, which set out the conditions and procedures for receiving benefits under the Family Solidarity Fund established in 2011, was published in 2018, making wives living in poverty eligible for aid under the Fund. The new decree allowed for an increase in the maximum monthly benefit for members of the same family when the family comprises a wife living in poverty and minor children entitled to child support. The total authorized amount increased from DH 1,050 to DH 1,400 dirhams in accordance with the provisions of the new decree.⁵⁷

⁵⁵ The National Human Rights Council has also recommended “recognizing women’s right to confer their nationality on their foreign husbands under the same conditions that have been set for foreign wives”. *Rapport sur l’état de l’égalité et de la parité au Maroc* (Report on the state of equality and parity in Morocco), executive summary, July 2015, p. 5.

⁵⁶ These include a study entitled “*Protection des droits des femmes à travers la jurisprudence marocaine: étude documentaire et analytique de l’indépendance à 2013*” (Protecting Women’s Rights through Moroccan Jurisprudence: Documentary Study and Analysis from Independence to 2013), Rabat 2014.

⁵⁷ Royal Decree No. 1-18-20 of 22 February 2018 promulgating Act No. 83-17 amending Act No. 41-10 establishing the conditions and procedures for receiving benefits under the Family Solidarity Fund. *Bulletin officiel* No. 6656 of 15 March 2018.

190. Divorced or abandoned women are exempted from the payment of court fees when filing complaints with the relevant courts.

191. As was justly and repeatedly pointed out during the consultations held in connection with the preparation of the present national report, shortcomings with respect to complaints lodged, prosecutions initiated, and convictions and sentences handed down in cases of racial discrimination persist because efforts to promote avenues of redress through legislation and other means remain, modest. Nonetheless, it should be noted that several prosecutions have taken place and judgments have been handed down by the courts of first instance of Fez, Tétouan and Tangier against individuals for incitement to discrimination, hatred and violence during a sporting event, in accordance with articles 308-3, 308-5 and 595 of the Criminal Code.

192. In 2018 and 2019, the National Human Rights Council, in its role as a complaint mechanism, processed 30 complaints of discrimination in the context of inheritance of family lands, 10 complaints of disability-based discrimination in access to education and 4 complaints related to denial of access to employment because of style of dress, and initiated a follow-up procedure for each category. The Council also regularly follows up on complaints from immigrants, including those in an irregular situation, of nationality-based discrimination in access to health care.

Recommendation contained in paragraph 19 of the concluding observations

193. In order to safeguard the rights of non-Arabic speakers appearing in court, article 318 of the Code of Criminal Procedure provides that “the court may appoint an interpreter for the victim or civil law claimant if he or she speaks a language or dialect that is difficult to understand”.

194. In addition, article 120 of the Code of Criminal Procedure provides that “when witnesses speak a language or dialect or use an idiom that the defendants, the parties, the other witnesses or the examining judge find difficult to understand, the examining judge shall, either by his or her own motion or at the request of the defendant, call as an interpreter any person capable of providing a translation who is at least 18 years of age and is not required to provide testimony in the case. The interpreter, if not already sworn, must take an oath to translate faithfully. If a dispute arises as to the accuracy of the translation, the judge shall determine whether another interpreter should be appointed.”⁵⁸

195. Furthermore, article 14 of Act No. 38-15 on the organization of the judiciary states that, in order to give effect to the official status of the Amazigh language under article 5 of the Constitution, “the court, the parties to the dispute and the witnesses have the right during the hearings to have an interpreter appointed by the judge or to have an individual designated to provide a translation after taking an oath”.⁵⁹

196. With regard to the right of Amazigh persons to initiate legal proceedings, under article 30 of Organic Act No. 26-16, “the State guarantees the right of Amazigh litigants to use the Amazigh language, at their request, during investigative proceedings, during hearings or while testimony is being given before the court, and for the various summons and notification procedures. To this end, the State shall provide free translation services to the parties. The parties have the right to hear, upon request, the judgments read in the Amazigh language. Furthermore, the State shall ensure that judges and concerned court officials improve their Amazigh language skills.”

197. Moroccan courts are committed to providing translation into Amazigh for any litigant who requests it, either through Amazigh-speaking judges and lawyers or through private citizens who have taken an oath.

198. Shortcomings due to a scarcity of resources may occasionally be noted, as reported by associations for the protection of the Amazigh language or of migrants, but these will

⁵⁸ Code of Criminal Procedure (Arabic version).

⁵⁹ Act No. 38-15 on the organization of the judiciary, adopted on second reading by majority vote by the Committee on Justice, Legislation and Human Rights of the House of Representatives on 16 October 2018.

certainly be remedied as a result of the support measures under the National Immigration and Asylum Strategy and the gradual implementation of the Organic Act aimed at giving effect to the official status of the Amazigh language.

Article 7

Recommendation contained in paragraph 20 of the concluding observations

199. Morocco has always made human rights training and spreading a shared culture of human rights a priority. Morocco has, for example, been involved in the World Programme for Human Rights Education since its first phase and continues, at the regional level, to support the Arab Plan for Human Rights Education.

200. In 2018, a project was launched in schools to support the promotion of tolerance, civic-mindedness and citizenship and the prevention of high-risk behaviours. The project is run by the Ministry of National Education and Vocational Training in partnership with the United Nations Development Programme and the association Rabita Mohammadia des Oulémas, and its aims include putting in place:

- A platform for research and action on values, civic-mindedness and the community-oriented participation of young people in school life
- A network of school coordinators (200 secondary schools in the pilot phase; all 4,000 secondary schools by 2022) and action plans for lower and upper secondary schools in Morocco

201. Several agencies are involved in efforts to build the capacity of law enforcement officers in the culture of human rights. The Royal Gendarmerie and the Ministry of the Interior, through the security services (the Directorate-General of National Security, the Directorate-General of National Surveillance and the auxiliary forces), continue to help spread a culture of human rights to personnel of all ranks through training modules on the subject that have been introduced as part of basic, in-service and specialized training.

202. The following in-service training activities have been undertaken since 2016:

- Thirty-seven training sessions were held at the headquarters of the Criminal Investigation Directorate in 2016, for staff of the decentralized services, on human rights and respect for freedoms
- Twenty-four training sessions on human rights and police ethics were held for 475 criminal investigation officers assigned to the Fez police headquarters
- Two train-the-trainer sessions were held in February 2017 for 38 designated focal points at 19 command centres so that they could provide in-service training for active police officers
- A training course on peaceful crowd control methods was held for 500 executive staff members at the Royal Police Institute in 2017 in order to firmly establish the rules regarding the proportional use of force and the use of extreme restraint during law enforcement operations
- A study day was held in 2018 at the headquarters of the Directorate of Public Safety for the officials responsible for in-service training for the formed units (mobile law enforcement units, rapid response units, mobile security units and the unit for the protection of the premises of the Directorate-General of National Security)

203. This in-service training is accompanied by ongoing efforts to raise the awareness of the staff of the Directorate-General of National Security through circulars and guidance notes that emphasize the strict application of the law and, more specifically, respect for the rights and dignity of citizens and foreign nationals.

204. With respect to detainees, the General Delegation for Prison Administration and Reintegration provides regular and in-service training programmes on human rights standards, in particular the Standard Minimum Rules for the Treatment of Detainees, the

Basic Principles for the Treatment of Prisoners and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

205. As a culturally and spiritually diverse society, Morocco continues to promote and work towards a culture of human rights, coexistence, peace, tolerance, a moderate form of Islam based on respect, and openness to other cultures and religions.

206. The Hiloula, the great Jewish pilgrimage in Morocco, takes place every December, with pilgrims visiting the tombs of over 650 Moroccan Jewish saints throughout the various regions of the country, from north to south and east to west.

207. The attention that continues to be paid to this issue of long-standing interest can be seen in the Royal Message delivered on 14 February 2013 by the former Prime Minister at the inauguration of the Slat Al-Fassyines synagogue in Fez after its restoration: “It is precisely this Hebraic distinctiveness that today constitutes one of the age-old strands of our national identity, as laid down in the Constitution, and it is for this reason that I call for all Jewish temples in the different cities of the Kingdom to be restored, so that they will no longer only be places of worship but will also become forums for cultural dialogue and for the renewal of the founding values of Moroccan civilization.”⁶⁰

208. Morocco has continued to support the restoration of Jewish museums, synagogues and cemeteries throughout the country. These efforts have been necessary to preserve the country’s religious and cultural heritage and to serve as a symbol of tolerance. Since 2012, some 170 Jewish cemeteries and religious sites in 40 provinces across the country have been restored.⁶¹

209. Morocco continues its tradition of openness towards Christianity. The Catholic Church was officially recognized in Morocco in a letter dated 30 December 1983 from the late King Hassan II to Pope John Paul II, and it can therefore carry out its pastoral activities publicly and freely and can own property for use in its educational and charitable works.

210. With the influx of nationals of sub-Saharan African countries, including students, migrants and professionals, that began in the 1990s, the Evangelical Church of Morocco has undergone a profound demographic change. The officially recognized Protestant church is present in several cities in the country. The members of the Evangelical Church, of whom Africans make up 95 per cent, are culturally and denominationally very diverse.

211. The youth group of the Evangelical Church of Morocco regularly organizes summer camps at the church in Casablanca. The participants, who come from the country’s largest cities, such as Rabat, Fez, Marrakech and Tangier, discuss important issues for young people’s development.⁶²

212. In 2012, Morocco provided support for the organization of the final meeting of experts from the Office of the United Nations High Commissioner for Human Rights, which resulted in the drafting of the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, adopted by the Human Rights Council at its January 2013 session.⁶³

213. In the context of the implementation of the National Immigration and Asylum Strategy and efforts to fight racism and promote coexistence, a legislative initiative was put forward to criminalize acts of racism and racial discrimination against foreign nationals. The initiative aims to reinforce the criminal nature of any form of racism against persons from sub-Saharan African countries living in Morocco and to increase the prison terms and fines provided for

⁶⁰ Attention is drawn to the renovation of the Museum of Moroccan Judaism in Casablanca, which reopened on 11 April 2013, and the launch in 2016, pursuant to royal instructions, of several projects for the restoration of Jewish cemeteries, the renewal of “mellahs” and the refurbishment of Jewish religious sites, including the comprehensive redevelopment programme for Hay El Mellah in Marrakech.

⁶¹ See the section on Morocco in the 2018 report on religious freedom of the United States Department of State, executive summary, p. 11.

⁶² See www.cevaa.org/camp-d2019ete-des-jeunes-du-maroc-une-invitation-a-ne-pas-manquer.

⁶³ A/HRC/22/17/Add.4.

under articles 431-1 to 431-4 of the Criminal Code in cases involving acts of discrimination based on skin colour.⁶⁴

214. In terms of civil society efforts, the association Bladi-Bladek (My Country Is Your Country) launched an awareness-raising campaign in June 2013 to draw attention to forms of discrimination against people from sub-Saharan African countries living in Morocco.⁶⁵ In addition, a national campaign to combat racism against migrants from sub-Saharan African countries was launched on 21 March 2014, on the International Day for the Elimination of Racial Discrimination, with the message “I have a name, and it’s not ‘black person’” (“Massmiytich Aazzi!” in Moroccan). The hard-hitting campaign against the daily acts of racism faced by migrants from sub-Saharan Africa in Morocco was organized by Papiers pour Tous (Documents for Everyone), a coalition founded on 4 January 2014, following the Government’s decision to regularize the stay of persons from sub-Saharan Africa who were in the country on an irregular basis. The coalition chose the word “Aazzi”, which is used pejoratively to describe migrants from sub-Saharan Africa, to make an impact and challenge those Moroccans who still do not admit their discriminatory behaviour.

215. Many communication materials were also developed on migration, hate speech and coexistence in connection with the national campaign “No to Hate Speech in Morocco”, carried out in partnership with the Council of Europe; the campaign against racial discrimination; and the annual weeklong festival Migrant Scene, which has been organized since 2010 by the Groupe Antiraciste d’Accompagnement et de Défense des Étrangers et Migrants (Anti-Racist Group for the Support and Defence of Foreign Nationals and Migrants) and the association DABATEAR, in partnership with the French Comité Inter-Mouvements Après des Évacués (Inter-Movement Committee for Aid of Evacuees).

216. Other associations focus more on advocacy and the defence of the rights of migrants in Morocco, particularly with respect to legal protections, the protection of children and access to health services, and they play an increasingly important role, in line with the objective of the Plateforme Nationale Protection Migrants (National Platform for the Protection of Migrants).⁶⁶

217. As part of an initiative that it launched in December 2016, the Conseil Civil de Lutte contre Toutes les Formes de Discrimination (Civil Society Council to Combat All Forms of Discrimination), an umbrella group of associations, published a report in 2018 on the state of affairs in Morocco with respect to discrimination. The first-hand accounts of discrimination included in that report demonstrate the systemic and cross-cutting nature of the injustices that keep certain groups of people from being able to enjoy their civil, social, economic, cultural and other rights.⁶⁷

218. These many pioneering civil society initiatives deserve to be supported and strengthened.

⁶⁴ There are two bills: one from the parliamentary group of the Parti de l’Authenticité et de la Modernité, which was filed on 15 July 2013, and one from the parliamentary group of Istiqlal, which was filed on 15 May 2014.

⁶⁵ A video was released in 2016 in connection with the Bladi-Bladek campaign, produced by Leila Alaoui, the French-Moroccan photographer who was killed in January of that year in the terrorist attack in Ouagadougou. The video sought to condemn racism against black persons in Morocco by highlighting real-life situations showing how difficult it is for these African immigrants to be accepted.

⁶⁶ The member associations of the Plateforme Nationale Protection Migrants are: Association de Lutte contre le SIDA, Association Meilleur Avenir pour Nos Enfants, Alianza por la Solidaridad, Caritas, Comité Européen pour la Formation et l’Agriculture, Délégations des Migrations Nador, Association Droit et Justice, Diaspora Congolaise au Maroc, Fondation Orient Occident, Médecins du Monde Belgium, Organisation Marocaine des Droits de l’Homme, Clinique Juridique Hijra and Maroc Solidarité Médico-sociale.

⁶⁷ See “*État des lieux de la discrimination au Maroc. Rapport du Conseil civil de lutte contre toutes les formes de discriminations*” (The State of Affairs in Morocco with Respect to Discrimination. Report of the Civil Society Council to Combat All Forms of Discrimination), May 2018, at <http://prometheus.ma/rapport-du-conseil-civil-de-lutte-contre-toutes-les-formes-de-discrimination/>.