

**Shadow Report of the National Federation of Amazigh Associations in Morocco
 Under the Third Cycle of the Universal Periodic Review of Morocco
 27th Session of the Universal Periodic Review Working Group/ May 2017**

Introduction

The National Federation of Amazigh Associations in Morocco (FNAA) is a Rabat-based non-profit non-governmental organization and a coalition of Amazigh associations in Morocco, bringing together 87 local, regional and national member associations.

By virtue of its statute, the FNAA aims to protect and promote the Amazigh culture with all its components, and struggle so that this culture restores its natural and advanced position in public life. It also seeks to bring visions closer together for a constructive and positive communication between Amazigh components, in order to have influential dynamics on decision makers. In addition, it works to strengthen internal democracy within member associations, and encourage and support the youth to reinforce their presence and role in the struggle for democracy in general and for the Amazigh culture in particular. It also seeks to achieve the principle of full and effective equality between men and women in a modernist family law, build the capacities and skills of member associations in the field of media, communication and all areas of associative life, and defend human and peoples' rights issues in line with international human rights standards.

1. Context and background of the report

This report falls within our mission to promote human rights in Morocco as universally recognized. It is the third report that the FNAA submits to the United Nations human rights mechanisms about Morocco's treaty practice. As Morocco's report under the Universal Periodic Review (UPR) will be discussed in the 27th session of the UPR Working Group of the HRC, the FNAA makes this submission based on the following:

- The 13th session of the UPR of the HRC, held in Geneva from 22-25 May 2012;
- The mid-term recommendations of the UPR-Morocco, held in Geneva on 20 June 2014;
- International Covenant on Civil and Political Rights (ICCPR);
- International Covenant on Economic, Social and Cultural Rights (ICESC);
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- Convention on the Rights of the Child (CRC);
- The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted in October 2005;
- Concluding observations of the Committee on the Elimination of All Forms of Racial Discrimination on Morocco's 17th and 18th reports, on 27 August 2010;
- Recommendations contained in the report of Ms. Farida Shaheed, Independent Expert in the field of cultural rights, issued by the Human Rights Council on 02 May 2012;
- Recommendations of the UPR of the HRC, formulated in Geneva from 22-24-25 May 2012.

2. UPR recommendations that enjoy the support of Morocco, made by the HRC from 22-25 May 2012

- (33) Continue on promoting policies aiming at guarantying respect of cultural diversity in its territory;
- (34) Formulate programs for the effective implementation of the National Action Plan for Democracy and Human Rights;

- (35) Continue taking concrete measures to promote civil, political, economic, social, environmental and cultural rights;
- (46) Continue with the reforms to step up protection and promotion of social and cultural rights and also implement programs on gender equality;
- (113) Continue to take measures to promote economic, social and cultural rights.

3. Concluding observations on Morocco's fourth periodic report, submitted to the Committee on Economic, Social and Cultural Rights (E/C.12/Mar/4) at its 64th and 65th sessions, held on 30 September and 1 October 2015

- a. Adopt and apply a comprehensive anti-discrimination law, which should contain a general prohibition of all forms of direct and indirect discrimination, and authorize the use of temporary special measures to benefit disadvantaged and marginalized groups;
- b. Take the necessary measures to remedy the regional disparities that prevent the enjoyment of economic, social and cultural rights on an equal basis by all the population;
- c. Take steps to ensure that Amazighs enjoy fully the rights set out in the Covenant, if necessary by adopting special measures;
- d. Adopt the draft organic law on the recognition of the Amazigh language as one of the official State languages as soon as possible;
- e. Redouble its efforts to provide primary, secondary and university education in Amazigh, increase the use of Amazigh on television;
- f. Lay down definite regulations on the question of Amazigh first name;
- g. Take measures to guarantee Amazighs and Sahraouis full and unrestricted enjoyment of their right to take part in cultural life;
- h. Take additional measures to protect cultural diversity and permit Amazighs and Sahraouis to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

4. Outcome of monitoring the implementation of the abovementioned treaty obligations and recommendations

To date, the Moroccan government has implemented during the last four years (2012-2016) only the following obligations and recommendations:

- a. Regarding the continued prohibition of Amazigh first names, the Ministry of Interior's High Committee for Civil Status released a statement dated 23 January 2014 following an ad hoc meeting held on the sidelines of its periodic meetings. It called on civil status officers to adopt flexibility in processing applications for names submitted to them and to ensure that all facilities are provided to citizens in this field.
- b. The government proposed a new draft penal law criminalizing discrimination on the grounds of language.
- c. Pursuant to Article V of the Constitution, the government, in the person of its chief and at a late stage:
 - proposed on 27 July 2016 and after a delay of four and a half years, a draft organic law to implement the use of Amazigh as an official language, in a unilateral manner and without any consultation with non-governmental organizations and stakeholders. A long procedural process is still ahead, as this draft needs to be referred to both houses of parliament and the Constitutional Court, before being published in the Official Gazette;

- proposed on 1 August 2016, a draft organic law of the national council for languages and Moroccan culture, which still requires a long procedural process, as it needs to be referred to both houses of parliament and the Constitutional Court, before being published in the Official Gazette.

Meanwhile, all treaty bodies' recommendations mentioned above have not been implemented and no relevant measures have been taken thereon.

The discriminatory aspects that have been monitored over the past five years are as follows:

1. Institutional violations enshrining discrimination against Amazigh cultural and linguistic rights:

- The government, in the person of its chief and in a unilateral manner, elaborated a draft organic law to use Amazigh as an official language, without any participatory approach. The draft was rejected by most of the civil society movement in Morocco (see links 1 and 2 below).
- The government proposed a draft organic law on the national council for languages and Moroccan culture enshrining the institutional and linguistic discrimination against the Amazigh culture.
- Amazigh first names continued to be prohibited, as 43 cases of prohibition have been monitored over the last five years in most of the cities of Morocco and Moroccan consulates abroad (see link 3 below and the attached list defining samples of prohibited names).
- The Moroccan government continued to stall for time in implementing the provisions of Article 11 and paragraph 2 of Article 14 of the CERD, which requires countries to establish a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals who claim to be victims of discrimination. This hinders the comprehensive implementation of the CERD and empties several of its requirements from their human rights and institutional content.
- The recommendations of the various treaty bodies have not been implemented, including:
 - o The Committee on Economic, Social and Cultural Rights (E/C.12/MAR/4) at its 64th and 65th sessions, held on 30 September and 1 October 2015;
 - o The Committee on the Rights of the Child in its concluding observations on Morocco's initial report in 1996, paragraph 14, as it was concerned at the lack of measures taken to provide school education in all the existing languages and dialects;
 - o The Committee on the CERD in its concluding observations on Morocco's 17th and 18th reports, published on 27 August 2010, which recommended the State party to:
 - ✓ provide information on the composition of its population and on the use of mother tongues (recommendation 7);
 - ✓ adopt new legislation specifically prohibiting racial discrimination, in order to bring its legal framework into full conformity with article 1 of the Convention (recommendation 9);
 - ✓ incorporate within its Criminal Code provisions that make the dissemination of racist ideology a specific offence (recommendation 10);
 - ✓ provide literacy training for the Amazigh in their own language (recommendation 11);
 - ✓ clarify the meaning and scope of the concept "Moroccan name" as used in its legislation (recommendation 12);

- ✓ seek to raise awareness of legislation on racial discrimination, ensure that the Amazigh are informed of the avenues of legal redress available to them (recommendation 18).

2. Legislative violations with regard to education, public administration and the judiciary:

- The number of students and Amazigh teachers has gradually declined since 2012 from 517,000 to 412 000. Meanwhile, the number of education inspectors dropped from 80 to 15 in 2016 (see a table below showing this trend). The Amazigh teaching programs continued to be weak, and some Amazigh courses were removed and related teachers were designated to teach Arabic in the academic year 2015/2016. These actions were adopted and justified by the government, pending the promulgation of the new organic law on Amazigh and the lack of budgets, which hinders the universal teaching of Amazigh in Moroccan schools. This indicator shows that this teaching does not respond to the required standards, is not commensurate with the cultural and historical content of Amazigh language, and does not ensure equal opportunities and unified gains for all students in all Moroccan schools.
- It has been also noted that Amazigh is not generalized to public administrations and state facilities, such as hospitals, police stations, territorial administration centers and courts. This is attributed to the so-called law relating to Moroccanization, standardization and Arabization, issued on 25 January 1965. Amazigh is also absent in all banners, advertising and the majority of road and street signs, while other foreign languages are used therein.
- In multiple administrative, economic, social, cultural areas, Moroccan legislation still enshrines discrimination against Amazigh people. Laws include explicit and clear discriminatory provisions against Amazigh language and culture¹. Perhaps, the most significant manifestation of this discrimination is that laws prevent a judge from conducting a trial in a language other than Arabic. When an Amazigh person is a litigant, he/she is obliged to draft his/her minutes and all court procedures in Arabic. Discrimination exacerbates, when an Amazigh litigant does not know Arabic. In this case, he/she seeks the assistance of a public scrivener or an amateur interpreter who distorts the content of what the Amazigh person wants to say. Suffering increases, when standing before the judicial police, prosecutors or the judge who is forced sometimes to seek the help of court guards or court officers in providing interpreting into Arabic, which affects the conditions of a fair trial.

¹Dahir (Royal decree) on Moroccanization, standardization and Arabization, dated 25 January 1965, is a law that obliges public administrations, institutions and authorities to use Arabic only.

- Dahir serving as law N° 364.93. Issued on 6 October 1993, establishing the Hassan II Academy for Science and Technology, in particular paragraph 9 of its preamble.
- Dahir serving as law N° 229.77.1 dated 8 October 1977 and relating to the creation of the Academy of the Kingdom of Morocco.
- Law No. 37.99 on the civil status system, in particular Article 21.
- Law No. 28.08 regulating the legal profession, particularly paragraph 2 of Article 18.
- Article 73, paragraph 3, Article 4, paragraph 6, Article 120 and Article 318 of the Criminal Procedure Code.
- Law No. 62.06 on Moroccan nationality (Chapter 11 of Section II).
- Law No. 77.03 on audio-visual media.
- Law No. 227.93.1 issued on 20 September 1993 establishing Al Akhawayn University in Ifrane, (paragraph 3 and 7 of the preamble).
- Law No. 467-147 relating to the statute of the judiciary.
- Law No. 11.81 organizing the plan of justice and reception and drafting of a testimony.
- Law No. 80-41 relating to judicial officers' body.
- Law No. 00-45 relating to private judicial experts.
- Law No. 00-50 relating to translators admitted in courts.
- Decree No. 736.2.85 establishing the judicial officers' body.
- Decree No. 2824.11.2 on the application of the provisions of the law relating to judicial experts.
- Decision by the Minister of Cultural Affairs No. 1910.93 dated 1 October 1993 to determine how to organize the exam for entry to the National Institute of Fine Arts.
- Decision by the Minister of Justice, No. 03. 2185 dated 22 December 2003 on the number of positions for competition in each language: German, Portuguese, Dutch, Russian, Spanish, French and English, but not Amazigh.

- The same approach was adopted by the Minister of Justice in the new draft law on judicial organization (see link 6 below).

Concerning the situation of Amazigh in the public media, it has been monitored that:

- There is no programs withan Amazigh cultural significance, whichenable Moroccans to know their national culture and help them to practice cultural diversity as a new constitutional possibility, and proceed to dubprograms that have been already watched by Moroccans in Arabic or other languages.
- Many concepts and terms,not consistent withMorocco's geographical location, population structure and constitutional choices, are still used, despite the continuedclaims to remove them, such as "Arab Maghreb News Bulletin" and "Arab Maghreb countries".
- Amazigh language is not generalized tostater-owned TV and radio channels based on clear quantity- and quality-basedcommitments, althoughthe Amazigh culture belongs to all Moroccans under the Constitution and has apresence in the dailylife of all citizens.

Concerning the right to organize and join Amazigh organizations, it has been monitored that:

- Some associations were deprived fromreceiving the legal registration receipt, although they have exhaustedthe prescribed legal procedures. This was the case of two associations in2015 and 2016. The first one is Adhar Oubran Association for Culture and Development, based in Temsamane in Driouch province, which held its general assembly to renew its bureau on 14 December 2015. The second one is Izourane Marsad Association for Environment Protection and Public Policy Evaluation, in Ifrane Atlas Saghir, which renewed its bureau on 31March 2016.

Concerning the increasing violence against Amazigh women in Moroccan public policies

Althoughthe CERD, Universal Declaration of the Rights of Indigenous Peoples and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provided for various human rights of women, the status of Amazigh women's rights in Moroccan public policiesremains non-existent. The only exception is what is being promoted in official speechesconcerning the so-called rights of rural women and the circularof the Ministry of Interior dated 30March 2012. This circular outlines thatwomen members of the *Soulaliyate* groups halline vitably benefit from all in-kind and financial allocations and that the trusteeship council shall not decide on the lists of rights-holders, which do not respect this condition.The circular guarantees women's access to usufruct rights to collective land, by benefiting from the new land allocations.

With regard to economic, social and cultural rights

The status of tribal lands in Souss Massa and Marrakech Tensift regions is deteriorating, due to wild boar and overgrazing by camels coming from the desert. The government has failed to perform its duty to protect the property of indigenous peoples and preserve the environment (the regions of Tafraout, Tanalt, Ait BaAmran, Tiznit, Sidi Ifni, Essaouira (Ehahan)).

Economic and social rights continue tobe violated, asthe policy of land expropriation has persisted, the community has not been able to benefit fromnatural resources and their right to development has been compromised. This situation has fueled many conflicts between this communityand authorities (protests in the region of Tafraout, Tanalt, Ait Baamran, Tiznit, Sidi Ifni, Essaouira (Ehahan), Al Hoceima, Merirt, Emidar, etc.).

In this context, it should be noted that the Chief of the Moroccan Government signed several decrees to displace indigenous peoples from their property and places of residence, where they have lived for centuries. The pretext given was that this land is forestland owned by the State. These decrees include:

- Decrees N.2.13.939 and 2.14.769 dated 10 February 2016 to approve the demarcation process of a part of the region of Amlen in Tafraout, in the south of Morocco, published in the Official Gazette, issue 6445, dated 07 March 2016.
- On 20 June 2016, the Chief of the Government signed 15 decrees without being countersigned by any minister, published in the Official Gazette, issue 64814, dated 11 July 2016. Article 2 of these decrees stipulates that the property identified in accordance with an exceptional procedure, imposed by the Military General Resident of France and the Grand Vizier, Mohamed Al Jabbas, by virtue of a Royal Decree (3 January 1916), and implemented by various means of violence and fraud to expropriate land from rightful owners to paralyze their economic and financial abilities, shall be definitively classified as the forest property of the State. (Please refer to the link 4 below).

3. Recommendations

- Remind the Moroccan State of its constitutional and human rights obligations and urge it to review the draft organic laws implementing Amazigh as an official language and relating to the national council for languages and Moroccan culture, in such a way as to rehabilitate Amazigh based on a participatory approach for the first law and to adopt the standard of positive discrimination for Amazigh;
- Call on the Moroccan State to ratify all international human rights instruments, and give them legal and effective supremacy over domestic legislation; submit its late reports to all treaty bodies, while respecting the timing and reporting methodology; and address standing invitations to special rapporteurs and independent experts of the HRC to visit Morocco;
- Remove all forms of hierarchy and confusion in the wording of Article V of the Constitution, by adopting laws and measures to use Amazigh as an official language on equal footing with Arabic;
- Call on the State to implement the provisions of the second paragraph of Article 14 of the CERD; implement the concluding recommendations of the Committee on the Elimination of Racial Discrimination, made following the review of Morocco's national periodic reports on 17-18 August 2010, as well as the recommendations of the Committee on Economic, Social and Cultural Rights of 2006, which highlights the need for the Moroccan State to officially recognize the Amazigh linguistic and cultural rights, through making Amazigh an official language of the Moroccan State and society; enable Moroccans to learn and teach in Amazigh, their mother tongue; approve equality between languages and cultures; remove all forms of discrimination enshrined in national legislation; and bring this legislation into conformity with international human rights instruments, ratified and signed by Morocco;
- Abrogate the law dated 25 January 1965, in such a way as to make Amazigh a language of the judiciary and administration in Morocco; abolish all amendments to the Criminal Procedure Law, which prohibits the use of Amazigh language before courts and use it in training institutes, including the Higher Institute of the Judiciary; call on the Moroccan State to amend laws enshrining discrimination (some of which were mentioned in this report); prevent discrimination in practice; make all official administrative and academic institutions use Amazigh as a

communicative and working language; and publish a significant part of scientific, intellectual and literary productions in Amazigh language, including coins and postage stamps, etc.;

- Integrate Amazigh as a language of teaching in all State's institutions for staff training in all disciplines, particularly justice, health, education and law enforcement, etc.; adopt the Amazigh culture and customs as a source of national legislation, but in accordance with international human rights law;
- Institutionalize Amazigh, under the Paris Principles, through the endorsement of financially and administratively independent public institutions entrusted with broad political and legal powers to support the adoption of the two organic laws outlined in paragraph 4 and last paragraph of the Constitution, as well as other institutions in charge of standardization and unification of Amazigh, and archiving of cultural, legal and artistic national Amazigh heritage, as a first stage aimed at full integration of Amazigh in all areas of daily life;
- Call on the State to review its government plans and policies in such a way as to contribute to rehabilitate Amazigh women in terms of culture, language and civilization;
- Establish an Amazigh media hub within the National Radio and Television Broadcasting Company of Morocco (SNRT) and SOREAD company-Channel 2 (2M), with financial and administrative independence; set up administrative and legal bodies in charge of following up on the Amazigh media within the Ministry of Communication, National Agency for Regulation of Telecommunication and High Authority for Audiovisual Communication;
- Suppress the High Committee for Civil Status, which lacks any legitimate rights and require law enforcement civil status officers to respect the right to legal personality of the Amazigh people; lift all forms of prohibition on Amazigh first names and names of places and rename places after their original Amazigh names;
- Respect the right to real estate property by abrogating decrees adopted on the demarcation of forests and those relating to collective land; recover expropriated land to real owners and ensure that they are compensated for damage; stop the process of land expropriation from real owners under the pretext of implementing the colonial regulations relating to forest demarcation; determine the public and private property of the State; and ensure reparations for victims of land expropriation and forced displacement of communities, taking into account the devastating consequences on the Amazigh identity with all its components.

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1- <http://www.medias24.com/MAROC/NATION/POLITIQUE/165572-Officialisation-langue-amazigh-100-associations-veulent-saisir-le-Roi-Mohammed-VI.html>

2 - <http://www.yabiladi.com/articles/details/46079/maroc-entre-cinq-quinze-pour.html>

3- <http://sport.h24info.ma/maroc/etat-civil-le-prenom-amazigh-illi-desormais-autorise/44392>

4- http://www.sgg.gov.ma/Portals/1/BO/2016/BO_6481_Ar.PDF?ver=2016-07-14-104050-663

5- http://www.huffpostmaghreb.com/2016/05/10/loi-organique-amazigh_n_9883308.html

6- <http://www.justice.gov.ma/lg-1/documents/doccat-4.aspx>

Annexes :

1. Table of some samples of prohibited Amazigh names over the past four years
2. The list of the national member associations of the FNAA.
- 3- Statement of the National Coordinating Body for Implementing the Official Character of Amazigh, signed by about 800 human rights, women's and Amazigh groups in Morocco and abroad
4. Table showing the gradual decline in the number of students and teachers of Amazigh since 2012 from 517,000 to 412,000, and the fall in the number of education inspectors from 80 to 15 in 2016.

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Annexe

Liste de quelques cas des prenom interdit du 2012 au 2016

Le lieu ou l'autorité	Date d'interdiction	Prenom interdit
CASABLANCA MAROC	31/5/2013	SILIN -1
LILE FRANCE	19/5/2013	ANILA -2
VALENCE ESPAGNE	20/4/2013	SIFAW -3
DRIOUCH MAROC	3/2013	ANIR -4
CASABLANCA MAROC	22/9/2013	TILILA -5
INZGGAN MAROC	12/2012	ZIRI -6
WARZAZAT MAROC	2/9/2012	SIMAN -7
BARCALON ESPAGNE	10/8/2012	SIFAX -8
ANFERS BELGE	19/7/2012	MAZILIA -9
HAMBOURG GERMANIE	3/3/2012	AILAN -10

MARRAKECH MAROC	29/2/2012	TIHIA -11
Nederland	2014	YUNA 12 -
Casablanca maroc	2015	AIRI 13-
Outtat lhaj maroc	2015	AYUR - 14
MEKNES MAROC	2016	ILLI 15-

The list of the national member associations of the FNAA

Numero	Ville	Nom da l'association
1	Agadir	Centre Tafoukt
2	Agadir	Takfarinas
3	Aguelmim	Izouran
4	Ait ansar	Ait Ansar
5	Alnif	Tamounte
6	Amzmiz	Izourane
7	Amzmiz	Taskiwine
8	Azilal	Itrane
9	Azilal	Tada
10	Azilal	Titrit
11	Azilal	Réseau TADDA
12	Ben Hsiyya	Anya
13	Ben Tayeb	Bouya
14	Ben Tayeb	Tifawine
15	Ben Tayeb	Twiza
16	Bigra	Asigle
17	Bouizakaren	Alternatif Anwal
18	Bouizakaren	Bouizakaren pour le développement
19	Bouizakaren	Espace Sud
20	Bouizakaren	Forum Iffus
21	Bouizakaren	Tafsoute
22	Bouizakaren	Forum sud pour la démocratie et droits de l'homme
23	Dchaira	Igroumaai
24	Dchaira	Usman
25	Dchaira	Jeunes démocratie
26	Dchaira	Action alternative jeunesse
27	Demenate	Anarouz
28	Drouich	Tawmat
29	Elhajeb	Achabar
30	Errachadia	Talwat
31	Errachidia	Oukit
32	Essaouira	Tigzirt
33	Goulmima	Oasis mélodies
34	Goulmima	Tara pour le tourisme
35	Guelmim	Izouran
36	Hoceima	RIF SIGLO XXI
37	Hoceima	Tamazgha



38	Hoceima	Tamazgha
39	Hessiya	Agrulihssiya
40	Ifrane anti atlas	Inbdaden
41	Ifrane anti atlas	Jeunes pour la communication
42	Ifrane anti atlas	Taghouni
43	Ijoukak	Amud
44	Imiougadir	Touzounin
45	Imiougadir	Tiwizi
46	Imiougadir	Association AFRAK
47	Imijad sidi ifni	Imazzlen
48	Imijadd - Tighirt	Imazzalen
49	Khmisset	Jeunes avocats
50	Khmisset	Mohmed Elkamel
51	Marrakech	IMAL
52	Marrakech	les enseignants de l'Amazigh
53	Marrakech	Tizilat
54	Midelt	Tirssal
55	Mrirt	Ait sidi youssef
56	Nador	Alternatif des jeunnes
57	Nador	Ass.fadae
58	Nador	Ussan
59	Ouarzazate	Tawada
60	Ouarzazate	Tendarte
61	Oujda	Tamout Bani
62	Oujda	Tihiya
63	Oulmes	Itihad boukchmir
64	Rabat	Azetta Amazighe
65	Rabat	Bougafer
66	Rabat	La voix la femme amazighe
67	Rabat	Challa
68	Rabat	Darnegh
69	Tahla	Adrar
70	Tanalt	Tiwizi
71	Tanalt	awsat
72	Taza	Anir
73	Temara	AuzarnImal
74	Temara	Les enseignants de l'Amazigh
75	Tiddas	Reseau Tagourt
76	Tiddas	Tagourt Atlas
77	Tighdouine	Yagour
78	Tighdouine	Imedghas
79	Timoulay	Timoulay Oufella
80	Tiznit	Afouss gh Ofous
81	Tiznit	Ajdig
82	Tiznit	Amoudaglou
83	Tiznit	Tandaft
84	Tiznit	Tiwizi
85	Zghanghan	Ihdjan
86	Demnate	Agwdal pour la culture et le développement
87	Ifrane (anti-Atlas)	Reseau Izelmi Imejjad



بيان تنسيقية المبادرة المدنية لتفعيل الطابع الرسمي للأمازيغية بشأن مسودة مشروع القانون التنظيمي المتعلق بتفعيل الطابع الرسمي للأمازيغية

اطلعت تنسيقية المبادرة المدنية من أجل تفعيل الطابع الرسمي للأمازيغية على نص مسودة مشروع القانون التنظيمي رقم 26.16 المتعلق بتحديد مراحل تفعيل الطابع الرسمي للأمازيغية وكيفية إدراجها في التعليم وفي مجالات الحياة العامة ذات الأولوية، الذي تداولته بعض المنابر الإعلامية،

وبعد تدارسها بشكل أولي لمقتضيات هذه المسودة وفحصها على ضوء مذكرتها الترافعية ومطالبها التي أعلنتها المبادرة منذ شهور، والتي وجهتها لكل الفرق البرلمانية والوزارات والمجالس الاستشارية والأحزاب السياسية، علاوة على ما راكمته الحركة الأمازيغية والحقوقية والنسائية من مطالب، فإن الجمعيات المنضوية في المبادرة تسجل وتعلن ما يلي:

1 أن مسودة المشروع المذكور لا ترقى إلى الحد الأدنى لمطالبنا المعلن عنها، وذلك بسبب افتقارها لتكريس المساواة في لغة قانونية لا تقبل التأويل والتضارب في التفسيرات، واعتمادها للصيغ اللغوية الفضاضة والمغركة في الغموض والعمومية، وكذا لصيغ من قبيل "يمكن" و"يجوز" و"من طلب ذلك"، والتي يمكن تأويلها أو تفسيرها في كل الاتجاهات، مما قد لا يساهم في رفع الميز والتمييز عن الأمازيغية.

2 أن المذكرة التقديمية لمسودة المشروع تشير إلى أن هذا الأخير قد تم إعداده بمقاربة تشاركية مع المجتمع المدني والحقيقة أن رئاسة الحكومة قد استفردت بوضع المشروع، دون أي إشراك فعلي لتلك الجمعيات في صياغة مسودة مشروع القانون التنظيمي. وقد سبق للمبادرة المدنية من أجل تفعيل الطابع الرسمي للأمازيغية أن نددت بالمقاربة الإقصائية التي اتبعت من طرف رئيس الحكومة، كما قاطعتها ولم تتفاعل معها.

3 أن مسودة مشروع القانون لم يوضع انطلاقا من مبدأ المساواة بين اللغتين الرسميتين، حيث جاء خاليا من القرارات الدقيقة والحاسمة التي تسمح بوضوح الرؤية عند التفعيل داخل دواليب الدولة، كما أنه يحيل على مؤسسات أخرى في قضايا تخص التوجهات الكبرى التي من المفروض أن يحددها القانون التنظيمي بوضوح باعتباره المرجع الذي انتظر من طرف الجميع لهذه الغاية كما ينص على ذلك الدستور. وعلى هذا الأساس، فإننا نعتبر أن الإحالة على المجلس الوطني للغات أو المجلس الأعلى للتربية والتكوين في التوجهات الكبرى المتعلقة بسياسة الأمازيغية هو أمر مخالف للدستور، وقد يؤدي إلى عرقلة تفعيل الطابع الرسمي للأمازيغية عوض تسريع وتيرته بتحديد مراحل التفعيل وكيفية وأسس وتوجهاته في هذا القانون. ذلك أن الأولى هو أن يسترشد المجلسان بالتوجهات العامة التي يحددها القانون التنظيمي المتعلق بتفعيل الطابع الرسمي، الذي يرسم آفاق وآليات حماية الأمازيغية والنهوض بها.

4 أن مسودة مشروع القانون اكتفى في الباب الثاني المتعلق بتفعيل الطابع الرسمي للأمازيغية في مجال التعليم بتحديد مراحل إدراج الأمازيغية في هذا القطاع (خمس سنوات في الابتدائي وعشر سنوات في الإعدادي والثانوي) دون تحديد كيفية ذلك، أي عدد ساعات



التدريس وطبيعة اللغة المدرسة تاركا ذلك لوزارة التربية والمجلس الأعلى للتربية والتكوين اللذين عرفا بسوابقهما في تحقير اللغة الأمازيغية والتنكر لطابعها الرسمي، سواء في المخطط الذي وضعته الوزارة إلى سنة 2030، والذي يتجاهل اللغة الأمازيغية بشكل تام، أو في الرؤية الاستراتيجية للمجلس التي أقرت أمورا تتعارض مع المكتسبات المتحققة منذ 2003 وكذا مع الطابع الرسمي للغة الأمازيغية منذ 2011. هذا مع العلم أن مشروع القانون يشير في ذيلاجته إلى ضرورة "ترصيد المكتسبات" المتحققة، وهو ما لم يتم الالتزام به في هذا الباب، مما من شأنه أن يؤدي حتما إلى إجهاض مشروع تفعيل الطابع الرسمي للأمازيغية، حيث يعدّ التعليم الورش الرئيسي المؤطر لجميع الأوراش الأخرى. لذلك وبناءا عليه نعلن :

- استغرابنا لكون مسودة مشروع القانون يشير في المادة 6 من الباب الثاني إلى ضرورة "إحداث مسالك تكوينية" و"وحدات للبحث" في الجامعات في الوقت الذي شرعت فيه الجامعات عمليا في إنشاء شعب مستقلة قائمة الذات بعد سنوات من اشتغال مسالك ووحدات البحث، مما يدل على عدم إلمام واضعي مشروع القانون بما وصل إليه مسلسل مأسسة الأمازيغية منذ 2001 .

- أن ما أشارت إليه مسودة المشروع في الباب الرابع المتعلق بإدماج الأمازيغية في مجال الإعلام والاتصال من "أن تعمل الدولة على الرفع من حصة البرامج الأمازيغية في وسائل الإعلام السمعية والمرئية"، غير مقبول لكونه لم يحدّد نسبة ذلك، وهو ما سيؤدي حتما إلى استمرار التلاعب بزيادات رمزية في نسب البث بالأمازيغية لتظل دون مستوى الطابع الرسمي للأمازيغية، ودون انتظارات المواطنين.

- أن تبني مسودة مشروع القانون لمقاربة تدرجية يجعلنا نتساءل إن كانت الدولة ستوفر الاعتمادات المطلوبة لتنفيذ الجدولة الزمنية التي التزمت بها، خاصة بعد أن فشلت في تعميم الأمازيغية في الابتدائي وحده على مدى 13 سنة المنصرمة. ومن تمّ نرى أنّ تعليق تطبيق أغلب مقتضيات هذا القانون على مدد زمنية مختلفة، هو منحى غير مقبول باعتباره لا يستحضر ما تتطلبه الأمازيغية من ملحاحية تطبيق مبدأ التمييز الإيجابي وجبر الضرر، وسيساهم التأخير المعتمد بنص المسودة في مزيد من التأخير الذي سيتسبب في تدمير مقومات الأمازيغية. كما أن هذه الجدولة الزمنية لا تتضمن التعبئة وتحسيس الوعي الوطني بأهمية تفعيل الطابع الرسمي للأمازيغية، وضرورة مبدأ المساواة في أفق بناء دولة الحق والقانون.

- أن ما يقره المشروع في المادة 34 من الباب التاسع المتعلق بآليات التتبع من إحداث لجنة وزارية لدى رئيس الحكومة لمتابعة مسلسل إجراء وتفعيل الطابع الرسمي للأمازيغية هو أمر مرفوض، حيث لن تكون له أية فعالية مؤسساتية وميدانية، في حين أن المطلوب هو إحداث مؤسسة مستقلة إداريا وماليا لمتابعة هذا الورش الكبير بشكل موضوعي وبمسؤولية .

- أن تعامل المسودة مع الأمازيغ عند تناوله لموقع الأمازيغية بمرفق القضاء يعد استمرارا للميز، سواء عند حصرها في مجال التواصل بدل التعامل معها كلغة رسمية

وكمرجعية قانونية وثقافية تفعل في جميع قطاعات ومرافق العدالة. أو عند فتحه لإمكانية تعيين تراجمة للأمازيغ بشكل يمثل احتقارا لهم، وتعاملا معهم كما لو أنهم لاجئون و أجانب بوطنهم الأصلي.

- أن الإحالة على المجلس الوطني للغات أو المجلس الأعلى للتربية والتكوين في التوجهات الكبرى المتعلقة بسياسة الأمازيغية هو أمر مخالف للدستور، الذي ينص على أن القانون التنظيمي لتفعيل الطابع الرسمي للأمازيغية هو الذي سيحدد ذلك، وقد يؤدي هذا الأمر إلى عرقلة تفعيل الطابع الرسمي للأمازيغية عوض تسريع وتيرته بتحديد مراحل التفعيل وكيفية وأسس وتوجهاته في هذا القانون.

تنسيقية المبادرة المدنية من أجل تفعيل الطابع الرسمي للأمازيغية

التوقيعات

عدد		المنظمات المدنية الحقوقية والنسائية والجمعيات الأمازيغية الوطنية والتنسيقيات الوطنية والجهوية والعالمية	
الجمعيات	الفروع	العضوة	
	65	العصبة المغربية للدفاع عن حقوق الإنسان	الجمعيات الحقوقية
	96	الجمعية المغربية لحقوق الإنسان	
	17	المنظمة المغربية لحقوق الإنسان	
	-	المنتدى المغربي من أجل الحقيقة والإنصاف	
33		المرصد المغربي للحريات العامة	
	27	الهيئة المغربية لحقوق الإنسان	
	-	المرصد الأمازيغي للحقوق والحريات	
34	4	تحالف ربيع الكرامة	الجمعيات النسائية
9		فيدرالية الرابطة الديمقراطية لحقوق المرأة جمعية صوت المرأة الأمازيغية	
105		الفيدرالية الوطنية للجمعيات الأمازيغية بالمغرب	التنسيقيات الوطنية
	29	الجمعية المغربية للبحث والتبادل الثقافي	الجمعيات الوطنية

Table showing the gradual decline in the number of students and teachers of Amazigh since 2012 from 517,000 to 412,000, and the fall in the number of education inspectors from 80 to 15 in 2016.

