

**Joint Submission to the Stakeholder Report for the
Universal Periodic Review (UPR) of Morocco (2012)**

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I. Introduction

1. Human rights and public liberties have suffered a setback in Morocco. In this report, we will only discuss a few of the most flagrant violations of basic human rights, which have increased markedly since the late 1990s and early 2000s.

II. Overview of the state of human rights in Morocco

2. When assessed using structural democratic indicators, Morocco falls short, ranking among authoritarian regimes despite formal channels for communication, dialogue, consultation, and participation, opened by state agencies under the pressure of social movements and winds bearing the ideology of democracy and human rights. The authoritarian structure is deeply rooted in the various components of the political regime and constitutes a substantial obstacle to tangible progress on human rights issues.

3. The political landscape is static and rigid, and increasingly so over the last few years. The monarchy continues to dominate all other constitutional and political institutions. Human rights have clearly deteriorated, and human rights defenders are among those most deeply affected by this.

III. Assessing the Moroccan government's compliance with its human rights obligations

A. The right to life and personal security

4. Morocco continues to witness several cases of infringement on the right to life, and there are several types of violations for which the state is directly or indirectly responsible. Direct responsibility includes deaths in police stations (such as the case of Fadil Aberkane, who died on 18 September, 2010, from internal bleeding as a result of a beating administered by a group of security personnel at the Salé police station) as well as violence inflicted on victims by public forces in public places. The second type, indirect responsibility, includes deaths in health centers as a result of negligence and lack of adequate health care, as well as deaths in prisons.

5. This is in addition to the deaths of 11 police and security forces, as reported by the Moroccan Ministry of Interior, following the violent intervention to remove the Akdim Izik protest camp in Laayoune on 8 November, 2010. Severe violations also occurred against the Sahrawi refugees in the camp, including the killing of a 14-year old Sahrawi boy who was shot dead on 24 October, 2010 by the Gendarmerie

forces. The break-up of the camp itself also resulted in the deaths of two Sahrawis reported to the Joint Fact-Finding Commission of rights organizations. Excessive violence was used in the early morning hours to break up the camp, including the use of rubber bullets and, in six cases, live ammunition, in addition to the use of helicopters to terrorize the population and the sexual harassment of women during the removal of the camp. This attack also led to the arbitrary arrest of around 150 people, many of whom were Sahrawi activists, who were brought before a military court and reported being tortured while in custody.

6. Another blatant example of the disregard of the Moroccan authorities for the right to life and personal security is that of the sit-in at the port of Sidi Ifni in June, 2008, when security forces raided homes of known demonstrators, terrorized their families, and committed a wide array of violations including stealing and destruction of property, beatings, and verbal and sexual harassment of men and women, including forcing people to stand naked. While NGOs put together fact-finding commissions and published a report, the commission formed by the Moroccan Parliament still had not published a report years later, clearly demonstrating the impunity enjoyed by authorities in Morocco and the lack of political will to prevent the recurrence of similar violations.

7. More recently, the protest movement that began in Morocco on 20 February, 2011 in the wake of the popular protest movement which swept the Arab region at the beginning of this year was met with a mix of tolerance and violence. Although this violence did not reach the same extreme levels as was seen in other Arab countries such as Egypt, Tunisia, and Syria, on many occasions – including on 13 March, four days after Constitutional reforms were proposed – Moroccan government forces brutally assaulted protestors in cities across the country, leading to hundreds of injuries and violent arrests, in addition to the deaths of 2 protestors as a result of injuries sustained at the hands of government forces.

8. Following the attacks of 16 May, 2003, thousands of people were arbitrarily arrested, tortured, and imprisoned following unfair trials. Torture is not only widespread, virtually systematically used against persons in provisional detention in order to obtain confessions, but it is also routine in detention centers run by the Directorate of Territorial Surveillance and domestic intelligence agencies. Moreover, Morocco accepted a recommendation during its first UPR calling upon it

to sign the Optional Protocol to the Convention against Torture, which it has failed to do.

9. Violations continue against dozens of people arrested as part of counterterrorism efforts, as the authorities have announced the dismantling of several “terrorist networks.” The most significant of these violations are: incommunicado detention, the lack of investigations in allegations of torture, continued abductions and arbitrary detentions in secret facilities, the submission of pre-prepared police reports in the absence of legal safeguards, arrest of suspects by police in civilian clothing who do not show identification, and the detention of suspects without informing their families and without access to attorneys. Violations continue despite the recommendations of the Equity and Reconciliation Commission.

10. The rights movement, including the movement of families of the disappeared, continues to demand the truth about enforced disappearances, the identification of those responsible, and justice, so that human rights abusers are held accountable and the crimes of the past prevented from recurring, as is currently happening in Morocco. This is particularly important as those responsible for grave human rights violations continue to hold prominent positions in the security and military establishment, and they are promoted despite their crimes.

11. Prison conditions, including both for criminal and political detainees, continue to deteriorate, despite the Moroccan government’s acceptance of a recommendation calling on it to improve prison conditions during its first UPR in 2007. Moroccan prisons have seen several hunger strikes, and deaths are on the rise, from 133 in 2008 to 155 in 2009. The number of provisional detainees has grown from 27,056 in 2008 to 29,360 in 2009. The recidivism rate is nearly 30 percent, or some 18,508 persons, and the number of persons on parole is equivalent to about half of the prison population. This indicates that the current crime policy is not fulfilling its aims.¹

12. Secret detention centers such as the infamous Temara center, as well as in Tazmamart, Akedis, and Makouna, are known as being sites of incommunicado detention and torture, including in cases of rendition of suspected terrorists received from Western governments.

¹Annual report from the Moroccan Prison Observatory, 2008-9.

B. Administration of justice and the rule of law

13. Over the last four years, Morocco has seen several politically motivated trials that have exposed the lack of judicial independence. The judiciary still has not implemented recommendations of the Equity and Reconciliation Commission in this regard. This indicates a lack of genuine political will to make a clean break with a past of grave human rights abuses. These are not limited to infringements by the security authorities, but extend to the judiciary, as it hands down unfair sentences that turn a blind eye to illegal law enforcement practices and ignore the right to a defense and basic due process principles.

14. Several political trials have attracted public attention in this period. The proceedings were covered especially by the independent press and monitored by various arms of civil society. The most significant examples include the case of the lawyers who wrote “the letter to history,” terrorism cases, cases involving rights activists, and press cases.

A prominent example was that of the Belliraj case, in which, in accordance with the 2003 Counterterrorism Law, defendants were dealt severe sentences after a judicial process that lacked the guarantees of a fair trial and included their abduction and arbitrary arrest; the prohibition of their lawyers from attending the preliminary investigations; the refusal of the court to investigate the defendants' allegations of torture; and not allowing the defense to view case files, arrest and search reports, as well as to bring witnesses.

15. In response to the protest movement, King Mohamed VI announced a list of Constitutional amendments which were passed by a national referendum on 1 July and which were supposed to limit the powers of the Monarchy by increasing the independence of the Judiciary, strengthening the Parliament, and delegating more powers to the Prime Minister. The amendments further enshrine international human rights treaties and criminalize a number of human rights violations, including torture, arbitrary detention, and enforced disappearance, and mention guarantees for freedom of expression and media, for fair trials, and even for the marginalized Amazigh population's language to gain official status. However, these amendments have not represented a significant positive step towards reform on-the-ground, as the King still enjoys sweeping political powers, including full authority over the security and military apparatuses and power to dissolve Parliament, as well as a monopoly on religious leadership. Moreover, the political will of the Moroccan

government to implement these amendments is dubious, especially in light of ongoing police attacks on protestors, continued rights violations in Western Sahara, and deterioration in the conditions of prisons and secret detention centers.

16. Despite the recommendations of the Equity and Reconciliation Commission (IER) established by Morocco in 2004, and the recommendation accepted by Morocco in its 2007 UPR to continue to implement the remaining recommendations of this Commission, several of the recommendations of the IER have yet to be effectively put into practice, such as the implementation of a national strategy to fight impunity, separation of powers and security reform. Other recommendations, such as enshrining internationally recognized human rights (right to a fair trial, freedom of association and assembly) in the Moroccan Constitution, outlawing enforced disappearance, arbitrary arrest, and torture, and providing for judicial independence, were incorporated into Moroccan law only this year in the form of the Constitutional amendments, the effective implementation of which is yet to be seen.

C. Freedom of religion, belief, opinion, expression, association, assembly, and public participation

17. Freedom of the press in Morocco has deteriorated markedly. The report issued by Reporters Without Borders ranked Morocco at 135, near the bottom of the list for press freedoms, citing a decline in the level of the media's performance. Signs of this decline include ongoing proceedings against a number of journalists because of their critique of state employees or government institutions; confiscation of several newspapers and magazines; trials of bloggers and rights defenders; systematic harassment of cartoonists; monopolization of the public media and siege of the independent media; and limits on media coverage of social protests.

18. Freedom of belief: the authorities expelled 130 Christians, among them teachers and aid workers, on the grounds that they were encouraging Muslim citizens to convert to Christianity. The authorities orally informed some of them that they had violated laws against proselytization, but they did not charge them before deporting them. In other cases, the authorities said that deportation was "an urgent necessity for national or public security," a legal formulation that permits immediate deportation without charge or consideration for due process standards.

19. Freedom of expression has been subject to severe restriction, and many people have been arrested, convicted, and sentenced for peacefully expressing their

opinions – including attacks on reporters during the protest movement that began in February 2011. It is worth mentioning that activists, bloggers, journalists, and others have been apprehended and tried for crossing the "red lines", including speaking about the monarchy, Islam, and the unity of Morocco (the issue of Western Sahara). Demonstrating the excessiveness of these restrictions is the case of a high school student who was sentenced in 2008 to one year in prison on charges of insulting the King by writing "God, Country, Barsa" (a reference to the Barcelona soccer club) on a school wall, mimicking the country's official motto "God, Country, King." He was released by royal pardon after 33 days in jail.

20. Individuals exercising their right to freedom of assembly and association have also come under attack, most recently in response to the peaceful protest movement that began in February of this year. For example, rights defender Khadija al-Riyadhi and a group of Moroccan activists were attacked by members of the Moroccan police on 21 February, 2011 following their participation in a peaceful protest in Rabat.

21. Human Rights Defenders have come under consistent attack, most notably when 7 Sahrawi activists were referred to a military court in October 2009 (an act which had not occurred since 1996) following their visit to Sahrawi refugee camps in Algeria. Sahrawi activists in general suffer significantly greater repression than HRDs in other parts of the country, ranging from refusal by authorities to officially acknowledge their organizations to physical assaults.

D. Economic, social, and cultural rights

Right to education

22. Although international laws on human rights as well as national laws (the constitution, the National Charter on National Education, regulatory statutes) uphold the right to education, this right is under severe stress on the outskirts of major cities and semi-urban areas because of overcrowded classrooms. In rural areas, girls' school enrollment is still extremely low despite the continued policy of geographic distribution of education. The terrible state of the educational infrastructure has had a negative impact on access to the right to education, and schools continue to suffer from a severe shortage of teachers. Many rural students study in multi-level classrooms, where the teacher is forced to give lessons to two or three different grade levels in one class, which constitutes an obstacle to

learning and teaching. At the same time, the right to education is undergoing a crisis in Moroccan universities. The basic rights and the right to education are denied through the expulsion and suspension of students, the absence of specific academic standards, and tight police control. Students are denied their right to association and university housing, and favoritism influence access to this right to registration for graduate programs.

Right to a dignified life

23. One cannot imagine the right to a dignified life without food or a minimum standard of nutrition. Although Morocco does not provide accurate quantitative data on the geographic or socio-demographic distribution of food, high prices, rampant unemployment, the resulting loss in purchasing power has gradually extended the scope of hunger and associated illnesses, particularly those of small children which are primarily the result of shortages of metals and metallic salts.

24. Regarding the right to health, despite the reforms to modernize the health system, public policies remain unresponsive to the needs of the vulnerable. This is due to: socio-geographic gaps in the distribution of health services, which leads to gaps in access, the state's gradual abandonment of free treatment in the public sector by imposing fees that unduly tax the needy, the lack of health justice in Morocco, and the rising price of pharmaceuticals.

25. The right to housing is a basic right without which human dignity cannot be realized. The reality of this right reveals the following: the persistent shortage in housing (1 million housing units, according to official data), real estate speculation and illegal deals, the absence of programs to address the problems of the homeless, and the erosion of the sewage system in most cities and their total absence in rural areas.

The right to employment

26. Legally, Morocco has not kept pace with the right to employment and the concern with providing adequate conditions for its exercise. Morocco has not ratified the following international legal texts:

- Optional protocol of the International Covenant on Economic, Social, and Cultural Rights

- ILO Convention 87 on the freedom of association and protection of the right to organize
- ILO Convention 141 on rural workers' organizations
- ILO Convention 151 on labor relations (public service)
- ILO Convention 168 on employment protection and protection against unemployment
- ILO Convention 183 on maternity protection
- ILO Convention 47 on the forty-hour week

In addition, section 288 of the Criminal Code on obstructing the right to work has not been repealed, nor has section 5 of the edict of 5 February, 1958 or the provisions of the ordinance of 13 September 1938 on forced labor. The labor law has also not been brought in line with international labor law. On the ground, the right to employment is one of the most significant to be violated, seen in the following: rampant unemployment in cities and villages, especially among those with higher and intermediate qualifications; the spread of temporary, low-wage labor; the closure of companies and arbitrary individual and collective layoffs; violations of labor regulations; eroding purchasing power for most wage workers due to the freeze in the minimum wage and wage freezes in general; the deterioration in social, economic, and cultural rights to civil servants; declining professional health in the private and public sectors; the intensive exploitation of working women; and the serious assault on trade-union freedoms.

Cultural rights

27. Despite the Constitutional amendments, which supposedly aimed at providing equality to the Amazigh people, the cultural rights of the Amazigh continue to be repressed by the Moroccan authorities. This is clearly demonstrated by: discrimination against the Amazigh in existing laws and statutes; the marginalization of the Amazigh language in public, administrative, judicial, and media life; the poor teaching of Amazigh in the educational system, where it is considered a marginal subject; and, the ban on the use of Amazigh names.

Women's rights

28. Morocco has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Nevertheless, despite the recommendation accepted by Morocco in its 2007 UPR calling for the withdrawal of its reservations (art. 9 p. 2, art. 16 p. 1 (h), art. 16 p. 2) and declaration (art. 15, p. 4) to CEDAW, Morocco has refused to do so, and the reservations it has lodged on Articles 2, 9, 15, 16, and 29 not only impede implementation of its provisions, but in some cases wholly override the commitments therein. Moroccan law contains forms of discrimination in civil, economic, social, and cultural rights, and the Moroccan Constitution does not explicitly uphold equality between men and women in these fields.

29. The labor law upholds gender equality in labor and wages. It also contains provisions that protect working pregnant women, working mothers, and nursing women, sets conditions for night work, and regulates violations with monetary fines. Nevertheless, the reality for working women is characterized by: women's concentration in vulnerable sectors; wage discrimination; lack of legal protection; lack of respect for maternity and nursing regulations; and the exclusion of women from high-value professions and their funneling into cheap manual labor. In turn, textiles, canning and food preservation, and agriculture are women's sectors par excellence. This is in addition to violence of various kinds.

Migrant rights

30. African migrants cross thousands of kilometers of desert and face numerous dangers that threaten their lives and psychological safety seeking protection from armed conflicts, war, and famine, or searching for a livelihood to preserve their dignity. They enter Morocco over the Algerian and Mauritanian borders.

These migrants enter Morocco with the goal of crossing to Europe, but they find the border closed in their faces. According to representatives of the UNHCR, only 20-40 percent of refugees are able to enter while the rest must wait years. This makes Morocco not only a country of passage, but also a country hosting migrants.

The conditions for these migrants are very difficult. They are largely homeless and without work or education, bearing their pain and illnesses in silence. They only rarely seek out aid, fearing arrest and deportation. This fear impedes their right to treatment, as guaranteed by Article 28 of the Convention on the Protection of the

Rights of All Migrant Workers and Members of Their Families, which Morocco ratified in 1993.

The repressive security policies pursued by the Moroccan authorities for many years in the framework of cooperation with the EU continued in 2010, which exacerbated the violations of all the basic rights of migrants, especially those in the country unofficially:

- Continued violation of the economic, social, and cultural rights of African migrants, who are unable to obtain employment or housing because of Law 03/02 and whose children are denied schooling.
- The state authorities continue to pursue and apprehend Africans, arresting many of them and prosecuting them in trials lacking a minimum of due process.
- The degrading, inhumane deportation and collective expulsion of hundreds of migrants, among them women, children, and asylum seekers, without consideration for their conditions. They are left exposed to the elements without water or food. Even students and asylum seekers have not been spared this degrading treatment.
- The exploitation, harassment, and rape of female migrants, which exacerbates their vulnerable status and increases their physical and psychological suffering.

IV. Conclusion

The Moroccan government has ratified many international human rights conventions and amended some legislation to be compatible with these conventions. It has also introduced some constitutional amendments to guarantee many rights and liberties and elevate some national institutions. Nevertheless, these reforms are purely cosmetic given the lack of genuine political will to guarantee the dignity of all citizens, make citizens equal before the law, and uphold the autonomy of the judiciary.