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Réseau Amazigh pour la Citoyenneté
الشبكة الأمازيغية من أجل المواطنة
Amazigh Network for Citizenship



Rabat le 09 Juin 2014

Parallel Report of Amazigh Network for Citizenship “AZETTA AMAZIGHE” on the Amazigh Language and Cultural Rights in Morocco

In the context of the Government Semi-Periodic Report for the Universal Periodic Review

1. Framework

- 13th session of the UPR mechanism in Human Rights Council in Geneva on May 22-24-25, 2012;
- International Covenant on Civil and Political Rights - International Covenant on Economic, social and cultural rights - Convention on the Elimination of All Forms of Racial Discrimination - Convention on the Rights of the Child;
- Recommendations of the final report of the The Committee on the Elimination of Racial Discrimination on Morocco's 17th and 18th reports on August, 27th, 2010;

2. Relevant recommendations emanating from the UPR mechanism in Human Rights Council in Geneva on May 22-24-25, 2012

- 33 - Continue strengthening policies to ensure respect for cultural diversity on its territory
- 34 - Put programs to effectively implement National Work Plan in the democracy and human rights field
- 35 - Continue adopting concrete measures to strengthen civil, political, economic, social, environmental and cultural rights
- 46 - Continue the Reforms to intensify the protection and promotion of Social and cultural rights and implementation of gender equality programs.
- 113 – Continue adopting Necessary Measures to strengthen social and cultural rights

3. Morocco and the implementation of the Universal Periodic Review (UPR) mechanism 13th session recommendations in the Human Rights Council, Geneva, on 22-24-25 May, 2012:

Morocco had been reviewed in the 13th session of the UPR mechanism on 22-24-25 May 2012 in Human Rights Council, Geneva. The session works concluded in a set of recommendations, including those in the abovementioned second paragraph .

Despite the positive interaction of the civil society organizations, in general, and associations working in the field of Amazigh cultural and language rights, in particular, with different decisions, recommendations and

conclusions of the contractual or conventional mechanisms to induce the Moroccan state to implement its obligations, change its policies in the human rights field bring its laws in line with international charters and treaties, Moroccan state did not respond, during the last two years, for any recommendation, except only what is included in the communication of the Supreme Committee for Civil Status of the Moroccan Ministry of the Interior following the special meeting, held on January 23th, 2014, in conjunction with the periodic meetings that it holds. "it required from the Civil Status officers to adopt flexibility in processing applications at hand, take care to provide all facilities to the population in this area, comply with the requirements of the Circular of the Minister of the Interior under No. D 3220 issued on April 9th, 2010, relating to the selection of personal names, with the withdrawal of the personal names lists, issued under the former civil status law, from all civil status offices for voidness under the new Civil Status Law No. 99-37."

However, all the conclusions of the 13th session are still pending and no concrete measure was taken to eliminate discrimination against the Amazigh people and Amazigh language in Morocco. The demonstrations of such discrimination can be summarized as follows:

4. The institutional and legal manifestations for the non-respect of Amazigh cultural and language rights:

The constitutionalisation of the Amazigh language, as an official language, is considered as an essential step to ensure the maintenance and promotion of the Amazigh cultural rights in Morocco, however, there is an urgent, immediate, practical and concrete need to remove all forms of discrimination through the horizontal and vertical integration of the Amazigh language in all walks of public life, and include it within the institutional and legal systems. In this regard, we note the existence of many obstacles which still restrain this integration, and in particular:

- Procrastination and delay in the adoption of a regulatory law to activate the official nature of the Amazigh language pursuant to the provisions of Chapter V of the Constitution of July 2011, despite the fact that more than two and a half years have passed since its adoption, and despite the fact that our association "Amazigh Network for Citizenship "AZETTA AMAZIGHE", through a participatory approach with more than 7000 Moroccan citizens, including the nation's parliamentary and territorial departments representatives, and representatives of political parties and associations, worked throughout 2012 to prepare a draft regulatory law to give effect to the official nature of the Amazigh language. The draft law was circulated to all the governmental, parliamentary, party and associative international institutions.
- The Non-respect and non-implementation of the recommendations issued by various international human rights mechanisms, including:
 - The Committee on Economic, Social and Cultural Rights, notes in paragraph "13 / A" of its final report for the year 2006 the absence of Amazigh related statistics.
 - the Committee on the Rights of the Child in its concluding observations on the initial report of Morocco in 1996, paragraph 14, expresses its concerns on the lack of commitment, by the Moroccan state, to article 30 of the Convention on the Rights of the Child to provide education in all the languages spoken in the country.
 - the Committee on the Elimination of Racial Discrimination in its concluding observations on Morocco's 17th and 18th reports on August 27th, 2010, recommended the following:
 - ✓ Recommendation 7: the State party should provide statistics about the composition of the population and the use of mother tongues.
 - ✓ Recommendation 8: The State party should incorporate in its Constitution provisions on the primacy of international treaties over domestic law.
 - ✓ Recommendation 9: The state party should adopt a legislation specifically prohibiting racial discrimination in full conformity with article 1 of the convention.
 - ✓ Recommendation 10: The State party should explicitly incorporate within its Criminal Code provisions to make racial discrimination a specific offence.

- ✓ Recommendation 11: The State party should establish literacy programs in Amazight.
- ✓ Recommendation 12: The State Party shall clarify the meaning of "Moroccan character name is" referred to in Civil Status Law.
- ✓ Recommendation 18: The State Party should raise awareness and instruct the Amazigh of the legislation and available remedies.

Amazigh Names continue to be banned despite the communiqué released by the Supreme Committee for Civil Status of the Ministry of Interior. Our association still receives complaints from people prevented from giving Amazigh names to their sons and daughters. The last case was that of Mr. **Abdelilah Saidi**, whom the Civil Status Affairs, affiliate to the **Consulate of Morocco in the Belgian City of Anvers**, refuse giving and registering his daughter under an Amazigh name of "Yona". This is considered as a serious breach of the right of the Moroccan people to choose an Amazigh name for their children, and as a form of racial discrimination, since the Civil Status Law stipulates that the first name should be a " Moroccan name", the fact which is usually explained by local Civil Status officials as "Arab-Islamic" names. Moroccan administration, and within only two months and a half in 2009, prevented six cases from giving Amazigh names; they are "Taziri" (which means the moonlight) in the city of Tahla, "Sifaou" (which means the illuminated) in the city of Meknes, "Siman" (which means the two spirits) in the city of Boufekrane, "Titrit" (which means the Star) by the consular authorities in the city of Creteil, France, "Gaya" (which is the name of one of the Amazigh kings) in the city of Ait Ourir, near Marrakech. The sixth case was registered by the authorities of the city of Beni Mellal which prevented Oulamda family to name their son "Ayyour" (which means moon). All of which were based on a Circular of the Minister of Interior on June 26th, 2005, under No. 160. Despite the issuance of another Ministerial Circular by the Minister of Interior under number D3220, on April 9th, 2010, personal names are still refused by the Supreme Committee for Civil Status, of which the Ministry of Interior is a member. We would mention some other cases as the Rifai family, who were refused to give the name "Sifaou" to their newborn on December, 2010 by the Moroccan Consular authorities in Washington. The family received an explicit refusal after referring the case to the Supreme Committee for Civil Status on February 24th, 2011. There is also the case of "Ikram Tamazight" for which the Supreme Committee in its resolution of the July 5th, 2006, suggested to her family to be limited to the name of "Ikram" only. Other cases were registered where the Amazigh were subject to harassment and interdiction by the Civil Status authorities in Morocco or by Consular authorities abroad.

- The still weak Tamazight teaching programs and its involvement in non-scientific approaches strengthens selectivity and is based on the non generalization of its teaching in the Moroccan school. This is considered as an indicator of insincerity of the Amazigh's both institutional holders, the Moroccan government and its partner the Royal Institute of the Amazigh Culture. All this prevents teaching from complying with the necessary criteria, fitting cultural and historical content of the Tamazigh language, guaranteeing equal opportunities and unifying the gains for all students in all Moroccan schools. Moreover, it is based on the application of the "Charter for Education and Training", which synchronizes with the fact that many of adopted educational programs in Morocco still carries texts and data which strengthen discrimination, marginalization and inferiority towards the Amazigh history, civilization and culture. This establishes, in the public spaces, official discourse and within public institutions, the circulation of exclusionary and unconstitutional terms as (Arab Maghreb) as well as the use of derogatory terms (such as the Berbers, the Berber Dahir ...) in some of the school programs and the official media platforms. On the other hand, and despite the fact that more than half the time, consecrated to what was called the decimal education and training through the application of the contents of the "Charter for Education and Training", has already passed, the adopted educational programs still carry texts and data strengthening discrimination, marginalization and inferiority towards the Amazigh history, civilization and culture. This is materialized through the continuation of the Ministry of National Education to work in application of the Ministerial Circular adopted by the former minister and addressed to the Academies Directors on the educational institutions' names, which excluded, in its guidelines, the use of Amazigh historical and cultural figures and symbols. Getting primary schools, by the Ministry of National Education, involved, to what was called "the celebration of 1200th anniversary for the foundation of the Moroccan state", is a form of a serious distortion of the history of Morocco and a racist invitation for an extermination of the Amazigh

history in North Africa before that date, which went through many important experiences of institutional aspects of the state, like the eras of the king Masinissa, Jugurtha, Dihya... etc. We note that there is a disproportional interest by the Moroccan Ministry of Culture on the Moroccan cultural heritage and product; as an evidence the establishment of the ministry affiliates study centers on the Malhoun in 1995, the Hassani culture in 1996, the Andalusian Studies in 2006, Allaouite studies in 2006, and the Portuguese Heritage in 2006, and the organization of a special spring for Arab Theater, as opposed to a complete lack of interest on studies and researches on the field of Amazigh culture.

- It also notes the non-generalization of Amazigh language in public administrations and state facilities such as hospitals, police stations, territorial administrations centers and courts in application of the Dahir known as the Dahir of Moroccanization, Unification and Arabization of 1965¹; as well as the Moroccan government's delay in implementing the provisions of Article 11 and the second paragraph of Article 14 of the Convention on the Elimination of all Forms of Racial Discrimination, to allow the establishment, within the national legal system, of an organism competent to receive and consider petitions of individuals, and groups, victims of discrimination and segregation. This would hinder the inclusive application of the convention and render some of its provisions devoid of their legal and institutional content. It also notes the absence of Amazigh language, written and spoken, in all official websites of the government (Official Website www.maroc.ma, websites of ministries and public institutions, the government spokesman ...). Amazigh is absent, as well, in all signboards, communicative flyers and signaling signs on roads and streets when other foreign languages are then used. Moroccan legislation still strengthen discrimination in several administrative, economic, social, and cultural areas, against Amazigh, relying on the laws which carry explicit discrimination against Amazigh language and culture. Probably, the most striking manifestations of this discrimination lays on the fact that the laws oblige the judge to complete trails only in Arabic, and when an Amazigh is a party of the conflict, he would be obliged to edit his memoirs and all court proceedings in Arabic. The suffering would be greater if the Amazigh citizen (Party of the conflict) does not know Arabic, he would be then obliged to get use of a public letter writer who may distort the content of what he wants to say. The suffering would, as well, be increased when he stands before the judicial police officers, Prosecution, and the judge, who, sometimes, seek the help of the courts guards and legal officers to translate into Arabic, which affects the conditions of a fair trial.
- Restricting the right to organize and belong to an Amazigh organization and deprive some of them from getting the legal deposit receipt authorized by the law, despite deploying all legal proceedings. The Prime ministry still refuses to release applications of Amazigh associations aiming to benefit from the public interest after exhausting all required proceedings.

¹ Moroccanization, Unification and Arabization Dahir of January 25th 1965, which obliged the Public Administration

- Dahir providing Law No. 364.93.1 issued on October 6th, 1993 on the establishment of Hassan II Academy of Science and technology, particularly paragraph 9 of the preamble.
- Dahir providing Law No. 229.77.1 issued on October 8th, 1977, concerning the establishment of the Academy of the Kingdom of Morocco,
- Law No. 37.99 on the Civil Status System, especially Article 21
- Law No 28.08 law regulating the legal profession: specially second paragraph of 4h clause, 18th Article
- Article 73, paragraph 3, Article 4, Paragraph 6, Article 120 and Article 318 of the Criminal Procedure Code
- The law No. on Moroccan nationality (Chapter 11 of Section II)
- Law No. 77.03 on audiovisual media
- Law No. 227.93.1 issued on September 20th, 1993 on the establishment of Alakhawayne University of Ifrane (the third and seventh paragraphs of the preamble)
- Law No. 467-147 providing a statute for the judiciary members
- Law No. 11.81 on the organization of justice plan and receive testimony and edit it.
- Law No. 80-41 on the establishment of the auxiliary judicial officers.
- Law No. 00-45 on judicial experts
- Law No. 00-50 on court's certified interpreters
- Decree No. 736. 2.85 on on the establishment of the auxiliary judicial officers
- Decree No. 2824. 11.2 on the application of the provisions of the law relating to judicial experts.
- Decision of the Minister of Cultural Affairs No. 1910.93 issued on October 1st, 1993 on the rules governing the organization of the entry exam of the National Institute of Fine Arts.
- Decision of the Minister of Justice, No. 03. 2185 on December 22nd, 2003, on the number of seats by competitor for each language, and within German, Portuguese, Dutch, Russian, Spanish, French and English languages without mentioning Tamazight.

- Many Amazigh cultural movement's political prisoners, and conscience prisoners in the university of Rachidiya and Meknes are still in detention in the prison of Ait Said, Meknes, and the local prison of Rachidiya, and Ourzazat. Some of them are sentenced to 10 years under unfair trials. Human rights reports on their first instance and appeal trials have already been published. Several protest movements had been subject to prevention and sometimes to suppression, arrest and unfair trials, in Al Hoceima, Nador, Rabat, Marrakech, Tiznit, Khneifra ... etc.
- Morocco still continues in its experience which lacks the institutionalization of Amazigh through the Royal Institute of Amazigh Culture; the advisory body which is not subject to recognized international standards in the field of national institutions for protection and promotion of human rights according to the standards of the Paris Declaration 1993. the Royal Institute of Amazigh Culture, established on October 17th , 2001 as an advisory body to the King is not subject to the standards of the Declaration of Paris on the basis of the following examples:
 - It is just an advisory institution to the king and lacks the principles and standards of the Paris Declaration as a decision-making and controlling authority, by virtue of the lack of financial and administrative autonomy.
 - It lacks any authority which entitles it to directly and automatically contribute in making media, educational, administrative and judicial policies for the benefit of the Amazigh and Amazigh language, except of what could result from some of the conventions that may be adopted in partnership with the ministerial sectors of government, and only to the will of this latter.
 - It is an institution which lacks any practical effect in terms of its regulatory, scientific and academic extensions in relation to the other official sectors, contrary to what is authorized for other similar institutions as is the case, for example, of Mohammed VI Academy of the Arabic language and constitutional institutions as the National Human Rights Council.
 - It lacks public transparency in its finances, which led to the fact that a large part of the finances is irrationally affected in formal, mysterious and unproductive partnerships with private bodies.
- The continuing violations of economic and social rights through the ongoing policy of expropriation, deprivation of the people of their natural resources and the hampering of their right to development helped fueling many conflicts between these populations and the authorities (events of Sidi Ifni, Mrirt, Imiter, Bensmim ...). It is known that the ownership of land, forests and minerals, within the Amazigh population, is governed by Amazigh customary laws for hundreds of years. These customs consider that the land, its subsoil, metals or waters, and what grows above, forests and plants is a common property of one or more tribes, and sometimes an individual property within the common area. However, the legal Amazigh customary structure decreased dramatically facing the legal arsenal inherited from the French colonial power in the early years of the last century and still in progress to date. For example, it was noted that the High Commission for Water, Forests and Desertification Control adopts and implements dangerous policies against indigenous peoples through establishing protected areas in fertile lands belonging to different Amazigh ethnic groups. It should be recalled that the South of Morocco, especially the Chtouka Ait Baha territory, abounds in many reservations, fenced by the High Commission for Water, Forests and Desertification Control, following their expropriation from their original owners, when agricultural areas were submerged with wild boar (with penalties and fines against anyone who dares to oppose this animal), which resulted in the destruction of the environment and the unwillingness of people to plow and plant their land, for fear their land would be destroyed by wild boars. This is a policy which aims, according to the affected communities, to move people from their lands and properties in order to transfer them to foreigners.

5. Recommendations:

- Remind Morocco of its constitutional and human rights obligations and urge it to accelerate its adoption of regulatory law to activate the official nature of the Amazigh in application of the provisions of Chapter V of the Constitution;
- Call Morocco to ratify all international conventions and instruments on human rights and allow them legally and effectively to take precedence over national law, submit its overdue reports to

- all relevant committees, with respect to the timing and reporting method, and open access to Human Right's Council special rapporteurs and independent experts to visit Morocco.
- Eliminate all forms of hierarchy and confusion contained in the adopted formulation of Chapter V of the Constitution and adopt measures and laws to make Amazigh an official language on equal terms with Arabic.
 - Require the implementation, by the State, of the provisions of the second paragraph of Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, and the final recommendations of the Committee on the Elimination of Racial Discrimination, concerning periodic reports of the Moroccan Government submitted on August 17th and 18th, 2010, as well as the recommendations of the Committee on Economic, Social and Cultural Rights in 2006, which stipulates on the need for an official recognition, by Morocco, of the Amazigh language and cultural rights through the proclamation of the Amazigh as an official language of the Moroccan State and society, allow Moroccan people to access teaching and learning in their native Amazigh language, establish equality between languages and cultures, put an end to all forms of discrimination enshrined by national legislation, and harmonize these legislations with international treaties on human rights ratified by Morocco.
 - Amend the Dahir issued on January 25th, 1965 in order to make the Amazigh language a language of judicial and administration in Morocco and abolish all amendments to the Code of Criminal Procedure which hinder the use of Amazigh language in courts and its integration in training institutions, including the Higher Judiciary Institute. In addition, the Moroccan government is called to amend the laws enshrining discrimination (some texts have been cited in this report), fight de facto discrimination, and ensure that all official, administrative and scientific institutions use Amazigh language as a communication and work language. And affect a significant portion of their scientific, intellectual and literary production to Amazigh language, including money, postage .. etc.
 - Embed the Amazigh language in all state staff and officials training institutions, in all disciplines, particularly in the field of justice, health, education, law enforcement agents .. etc., with the adoption of the Amazigh culture and customs as a source of national legislation, to the extent compatible with the international human rights legislations.
 - Institutionalize the Amazigh language as part of the Paris Declaration through the establishment of financially and administratively independent public institutions, with extended political and legal powers, responsible for standardizing and unifying the Amazigh language and archiving the national Amazigh cultural, legal and artistic heritage, as an initial step to the integration of the Amazigh language in all daily life areas.
 - Release of the detainees for their affiliation and struggle for Amazigh in Morocco and Amazigh detainees pursued for organizing protests for work and to defend their right over the land.
 - Abolish the Supreme Committee for Civil Status which lacks the legal legitimacy, and make it mandatory for registrars to respect the right to legal personality for Amazigh and remove all forms of prohibition of Amazigh personal and place names and recover Amazigh public place names.

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