



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

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION**

**Sixteenth periodic reports of States parties due in 2002**

**Addendum**

**MOROCCO\***

[31 January 2002]

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\* This document contains the fourteenth, fifteenth and sixteenth periodic reports of Morocco, submitted in one consolidated document, and due on 17 January 1998, 2000 and 2002 respectively. For the twelfth and thirteenth periodic reports of Morocco, submitted in one consolidated document, and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/298/Add.4 and CERD/C/SR.1282-1283.

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## Information relating to the substantive provisions of articles 2 to 7

### Article 2

1. Morocco, whose history makes it a land where peoples meet and mingle, cannot but condemn racial discrimination in all its forms. This position is reflected in article 5 of the Constitution which states that “all Moroccans are equal before the law”.
2. The Constitution, in Chapter 1, further guarantees that all citizens can exercise and enjoy their rights and public freedoms under the same conditions, and take part in their country’s political, social, cultural and economic life without distinction of any kind.
3. It should be recalled that Morocco was a land of refuge for the oppressed during the Second World War, and they experienced neither segregation nor discrimination there. Morocco is, moreover, reputed for its openness and spirit of tolerance and the freedom of religion laid down in the Constitution, which is reflected in its recognition of freedom of worship for other religions. For example, the members of the Jewish community are considered to be full Moroccan citizens; they have equal access to public service and to employment in general, and enjoy civil, political, economic, social and cultural rights. Morocco is furthermore determined to take steps to combat all the forms of racial discrimination to which many of its nationals living abroad are subjected, and to promote understanding among all races.
4. This determination has been stressed on various occasions in the statements of His Majesty King Mohammed VI. In his royal message on the fifty-first anniversary of the Universal Declaration of Human Rights His Majesty urged his people to bear in mind and act in accordance with the eternal values advocated by our holy religion which places importance on respect for others, tolerance, constructive dialogue and peace. Similarly, in the royal message to participants in the Fifth International Workshop for National Institutions for the Promotion and Protection of Human Rights, held in Rabat from 13 to 15 April 2000, His Majesty drew attention in particular to the resurgence of certain forms of racism and xenophobia in the societies of the industrialized world, and expressed Morocco’s concerns about current violations of the human rights of immigrant workers everywhere in the world, using the occasion to urge all States and Governments of the world to accede as rapidly as possible to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
5. Moreover, although racial discrimination does not exist in Morocco, the Moroccan Government has been supervising, and will continue to supervise, the incorporation of specific legal provisions prohibiting and punishing racial discrimination in all reforms of its domestic legislation. Such provisions are contained in the new prison legislation (Act No. 23/98 on the organization of prison establishments, promulgated by *dahir* No. 200-99-1 of 25 August 1999) and are to be included in the draft revised Code of Public Freedoms and the Labour Code. They will also be incorporated in the Penal Code as soon as the draft revision has been prepared.
6. In a spirit of increased awareness of the importance of respecting human rights, Morocco has engaged in a policy to incorporate human rights into general education and the training of certain officials working in the executive and judicial branches. Human rights principles are thus

taught in the following institutions and establishments: Royal Police College, Royal Gendarmerie Colleges Command, Royal Gendarmerie Officer Training School and Royal Military Academy.

### Article 3

7. As already mentioned in the thirteenth periodic report (CERD/C/298/Add.4), the Kingdom of Morocco has no policy of racial segregation and has always condemned apartheid. It acceded to the following conventions:

- International Convention against Apartheid in Sports, in 1986;
- ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;
- Convention on the Elimination of All Forms of Discrimination against Women;
- UNESCO Convention against Discrimination in Education;
- ILO Convention No.111 concerning Discrimination in Respect of Employment and Occupation.

### Article 4

8. In accordance with the Committee's recommendations and although the problem of racial discrimination does not arise in Morocco, it is planned to include specific provisions relating to article 4 (a) and (b) in the draft revised Code of Public Freedoms (*dahir* of 15 November 1958) so that any acts of racial discrimination can be punished.

9. The dissemination of ideas based on racial superiority and hatred and incitement to acts of racist violence are punishable under article 39 bis of the draft Press Code, which provides that "those who, by one of the means referred to in article 38, have directly incited to racial discrimination, hatred or violence against any person or persons, on account of their origin, colour or membership of an ethnic or religious group, shall be punished by a prison term of one month to one year and a fine of 3,000 to 30,000 dirhams, or shall incur one of these two penalties". The punishment may be more severe if such incitement has had repercussions, in accordance with article 38 of the Press Code, which stipulates that "persons who, by means of the spoken word (uttering cries or threats in public places), in writing (printed material sold, distributed, offered for sale or displayed in public places or meetings) or by means of placards or posters displayed publicly, have directly incited the principal(s) to commit the said act shall, if such incitement has had repercussions, be punished as accessories to an act classified as a crime or offence".

10. An accessory to a crime or offence incurs the same penalty under the Moroccan Penal Code as to the person committing the crime or offence. Acts of violence or incitement to

violence is punishable under the criminal law depending on their gravity and whatever the reasons for which they were committed, as explained in the previous periodic report of Morocco (CERD/C/298/Add.4, para. 60).

11. The draft revised Code of Public Freedoms provides for the amendment of a number of articles regulating the right of association, so that any association constituted for the purpose of racist propaganda or whose objective is based on ideas or theories of racial superiority is expressly declared illegal and prohibited. In this regard, article 3 of the *dahir* of 15 November 1958 on the right of association was amended as follows: “Any association based on an unlawful cause or formed for an unlawful purpose, contrary to the laws, to morality [...] or which incites to racial discrimination in any form, is considered to be null and void.”

12. The means of dissolving an association found to be null and void in accordance with the foregoing article remain unchanged. It may be recalled that dissolution is decided by the court of first instance, on application by any person concerned or by the public prosecutor. Political parties or associations of a political nature must also be based on a cause or formed for a purpose that is legal and in conformity with the law. The *dahir* of 15 November 1958 expressly states that they must be formed by nationals only, “without any discrimination on the basis of race, religion or region of origin”.

## Article 5

### (a) Right to equal treatment before the tribunals

13. The right of persons to have access to the tribunals and courts of law and to receive equal treatment has always been ensured by the Moroccan Constitution and derives essentially from article 5 of the Constitution, which states that “all Moroccans are equal before the law”, and more particularly from article 10, which stipulates that “no one shall be arrested, detained or punished except in the cases and forms for which the law provides”.

14. The only exception to this principle provided by law concerns subjects who are legally incapacitated, either because they are minors, or because they are mentally disturbed or are spendthrifts. Such persons must be assisted by their legal representative for their protection.

15. The rules of procedure, both in the Code of Civil Procedure and in the Code of Criminal Procedure, are the same for everyone. Furthermore, to avoid all discrimination article 313 of the Code of Criminal Procedure expressly provides that in all courts, if the defendant or accused speaks a language or dialect that is difficult to comprehend or if it is necessary to translate an argument advanced in court, the presiding officer must officially appoint an interpreter, failing which the proceedings will be rendered null and void.

### (b) Right to security of person

16. Morocco’s criminal legislation provides the same protection for everyone against abuse or ill-treatment, either from government employees (arts. 224 to 232 of the Penal Code) or from private individuals (arts. 400 et seq. of the Penal Code). The criminal law is particularly severe

as regards government employees who abuse their authority vis-à-vis individuals because of their situation. For example, the numbers of government employees punished for abuse of authority in 1998 were as follows:

- 20 police officers, including one chief superintendent and two inspectors;
- 12 law-enforcement agents and their auxiliaries;
- 3 gendarmerie chiefs;
- 1 prison guard;
- 1 security agent.

17. When a person becomes subject to judicial proceedings, his safety is ensured in the various stages of the proceedings and no form of discrimination is practised during the investigation, pre-trial hearing, trial or execution of the penalty. In the event of a prison sentence, Act No. 23/98 concerning the organization and administration of prisons, promulgated by *dahir* No. 200-99-1 of 25 August 1999, expressly provides for non-discrimination among prisoners. This new Act gives prisoners greater protection by bringing Moroccan prison legislation into line with the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in resolution 663C (XXIV) of 31 July 1957. The new Act stipulates in article 51 “that any discrimination in the treatment of prisoners on grounds of race, colour, sex, nationality, language, religion, opinion or social standing is prohibited”. It further provides, in article 59, that during the disciplinary procedure an interpreter shall be appointed to assist a prisoner who does not understand Arabic or is unable to express himself in that language to ensure his defence.

**(c) Political rights**

18. The Constitution guarantees the participation of all adult Moroccan citizens without discrimination in the conduct of public affairs, either directly or through their representatives. Article 8 of the Constitution provides that “all adult citizens of both sexes in possession of their civil and political rights may vote”. The Electoral Code (Act No. 9-97 promulgated on 2 April 1997) includes this provision (art. 3) and lists in article 5 the grounds for ineligibility to vote, which derive essentially from being sentenced as a criminal and in no way involve racial discrimination.

19. The Constitution also guarantees the right of access to public office under conditions of equality in article 12, which stipulates that “all citizens have access, under the same conditions, to public office and public functions”. The *dahir* of 24 February 1958 containing the Public Service Statute, which includes this provision in article 1, allows no restrictions of a racial nature to be placed on access to public service (art. 21).

**(d) Other civil rights**

20. The Moroccan Constitution, in article 9, guarantees all citizens “the right to freedom of movement and residence anywhere in the Kingdom”. This right is extended to aliens who are legally present in the national territory without discrimination of any kind. Moroccan nationals who wish to travel abroad are free to leave the national territory and to return to it. To do so they must have a valid passport and complete the customary formalities, which are the same for everyone.

21. Moroccan nationality is governed by *dahir* No. 1-58-250 of 6 September 1958 containing the Nationality Code and is attributed:

- Either by affiliation, *juris sanguinis*, to all children born to a Moroccan father, or a Moroccan mother and an unknown father;
- Or by birth on Moroccan soil, *juris solis*, to children of a Moroccan mother and a stateless father, or born to unknown parents.

This Code allows for no racial discrimination in its provisions, whether they relate to acquisition, loss or deprivation of nationality.

22. The Personal Status Code ensures the right to marry and to choose one’s spouse. Article 8 of the Code permits men to marry after their eighteenth birthday and women after their fifteenth. A marriage may not be concluded without the express consent of both spouses (art. 4).

23. The Constitution guarantees the right of everyone to own property and stipulates in article 15 that “the right to own property and the right to free enterprise are guaranteed”.

24. Freedom of thought, freedom of conscience and freedom of religion are also guaranteed. Article 6 of the Constitution stipulates that “Islam is the State religion and freedom of religion is guaranteed to all”. This includes recognition of freedom of worship for the monotheistic religions. There are no regulations in Morocco requiring an individual to declare his religion when applying for a post or participating in any public activity.

25. The Constitution guarantees all citizens, without discrimination, freedom of opinion, freedom of expression in all its forms and freedom of assembly (art. 9). These freedoms are regulated by the Code of Public Freedoms of 15 November 1958, which is currently being revised to create broader freedoms and expressly incorporates provisions prohibiting all forms of racial discrimination.

**(e) Economic, social and cultural rights**

26. Economic, social and cultural rights are guaranteed without discrimination to everyone, including both Moroccan citizens and non-nationals, pursuant to the legislation in force.

27. The Constitution guarantees the right to work in article 13, which stipulates that “all citizens have an equal right to education and employment”. The reform of labour legislation is intended to confirm this equality and to combat all forms of discrimination. Article 9 of the draft Labour Code clearly illustrates this intention when it states that “it is prohibited to practise any form of discrimination against employees on the basis of race, colour, sex, disability, marital status, religion, political opinion, trade union membership, national or social origin, which may have the effect of destroying or impairing equality of opportunity or treatment in employment or professional matters, in respect of recruitment, the distribution of work, vocational training, wages and salaries, promotion and social benefits, disciplinary measures and dismissal”. Violation of this prohibition is punishable by a fine of 25,000 to 30,000 dirhams, which is doubled in the event of recidivism. Article 36 of the draft code lists the grounds which cannot be invoked to justify disciplinary sanctions or dismissal and includes among them all forms of racial discrimination.

28. It should be noted that Morocco has ratified several international conventions to strengthen the rights of workers, including ILO Conventions Nos. 100 and 111. As a party to ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, Morocco has submitted several reports to ILO describing progress in the protection of trade union rights. The *dahir* of 6 July 1957 concerning trade unions ensures trade union freedom for everyone. The only exception relates to government employees responsible for the safety of the State and public order (armed forces, police) and has no connotations of racial discrimination.

29. One of the main priorities of the Government of Morocco is the exercise of the right to housing and the promotion of low-cost housing, particularly as some social indicators are still low compared with other countries with a similar level of development. Implementation of the policy regarding housing and environmental improvement, as an essential component of social progress, has made it possible to obtain encouraging results through:

(a) The intensification of the battle against insalubrious housing, which has led to the expansion of activities to restructure districts not conforming to the regulations and the initiation of operations to rehabilitate older infrastructure;

(b) The promotion of low-cost housing under a programme for building 200,000 residential units for the most disadvantaged segments of society;

(c) The development of the rural environment;

(d) The promotion of private real estate;

(e) The strengthening of the role of local communities.

These measures benefit everyone without distinction.



30. The exercise of the right to health, medical care, social security and social services, the right to education and vocational training and the right to take part in cultural activities on a basis of equality, is not subject to racial discrimination of any kind. The Moroccan Government's only concern in this regard is to put an end to the disparities between town and country so that enjoyment of these rights can be ensured for everyone.

**(f) Right of access to any place or service intended for use by the general public**

31. There are no restrictions of any kind on access to public places.

**Article 6**

32. Morocco's Constitution and laws offer remedies to anyone who considers that his fundamental rights have been violated by an act of discrimination. Access to the Kingdom's courts is open to all Moroccans and aliens under the same conditions (see the chapter in the core document HRI/CORE/1/Add.23/Rev.1 concerning the legal framework within which human rights are protected). The following remedies are available in the event of the violation of fundamental rights by private individuals:

- (a) Complaint or accusation submitted to the Crown Prosecutor;
- (b) Court proceedings.

33. In the event of the violation of rights by the administrative authorities, the following remedies are available:

- (a) An application for a discretionary remedy to the body which took the decision in question;
- (b) An application for a hierarchical remedy to the respective higher administrative authority;
- (c) An application for annulment of decisions taken by the administrative authorities on the ground that they have exceeded their powers.

34. Article 360 of the Code of Civil Procedure provides that "subject to the provisions of the next paragraph of this article, applications for annulment of decisions taken by the administrative authorities on the ground that they have exceeded their powers shall be lodged within 60 days of publication or notification of the decision challenged. The persons concerned may, however, before the expiry of the period allowed for a contentious remedy, apply for a discretionary remedy to the body which took the decision or for a hierarchical remedy to the respective higher administrative authority. In this case, an application to the Supreme Court may be duly lodged within 60 days of notification of the decision expressly rejecting in whole or in part the prior application for an administrative remedy."

35. It may be noted that, as from January 1995, when the Administrative Tribunals Act came into force, applications for the annulment of decisions taken by administrative authorities on the grounds that they have exceeded their powers are lodged with the administrative tribunals. It should also be noted that, where domestic rules are not compatible with international rules, the Supreme Court has decided that the international rule should take precedence over the domestic rule. The inclusion in 1992 in the preamble to the Constitution of Morocco's statement of adherence to the principles, rights and obligations deriving from the charters of the international organizations cannot but strengthen this position.

## **Article 7**

### **(a) Education**

36. In recent years there have been major achievements under the national human rights education programme implemented by the Kingdom of Morocco with the cooperation of the Office of the United Nations High Commissioner for Human Rights. It will be recalled that the aim of this programme is to incorporate and strengthen the principles and basic tenets of human rights in school curricula and basic and secondary education over a period extending from 1995 to 2004. It provides for a preparatory phase, an experimental phase and a general application phase also devoted to the monitoring and evaluation of the project.

37. The preparatory phase, which has now been completed, involved the implementation of the following measures:

(a) Preparation and publication of a collection of international human rights conventions ratified by Morocco, including the International Convention on the Elimination of All Forms of Racial Discrimination;

(b) Preparation of a human rights reference guide;

(c) Scrutiny of school textbooks and analysis of their content from the standpoint of their conformity to human rights culture, particularly regarding respect for others, tolerance, the right to be different, etc.;

(d) Drafting of a human rights curriculum;

(e) Organization of approximately 100 training sessions for teacher-trainers and persons responsible for drawing up school curricula and syllabuses;

(f) Establishment of a central committee, assisted by a subcommittee, to monitor and evaluate the experimental phase.

The experimental phase covered the school year 1999/2000 and took schools from five regions of Morocco as a sample, making sure that they were representative of urban and rural environments and different education levels. The transition to the general application phase took place at the start of the school year 2000/2001.

38. Mention should also be made of the agreement concluded between UNESCO and the Ministry of Higher Education for establishing:

(a) A Human Rights Chair at Mohammed V University. The Chair's plan of action contains two sections, one on human rights teaching and the other on human rights training, in which it is proposed to organize seminars for people whose work brings them into contact with particular aspects of human rights (doctors, lawyers, security forces, etc.) and those who have a role to play in the protection and promotion of human rights (judges, NGOs, trade unions, educators, etc.);

(b) A Peace Chair in 1999 at Mohamed I University, Oujda, as well as research and training units in various law faculties (e.g. in Rabat and Casablanca).

Mention may furthermore be made of the establishment of a centre for human rights documentation, information and training in cooperation with the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme. The aim of the centre is to promote human rights through the training of the various parties involved in human rights, and through the collection, production and distribution of pertinent documents. One of the centre's first production and distribution efforts will be the preparation of a pamphlet intended to popularize the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

**(b) Culture**

39. The Constitution provides that, all citizens have an equal right to education, and the promotion of culture continues to be one of the Government's major concerns. Achievements in the cultural sphere have involved the theatre, plastic arts, music, etc. In 1995 10 regional councils for culture were established as branches of the Supreme Council for Culture. Berber culture occupies an important position in Morocco since the Berbers were historically the first inhabitants of North Africa. There is a move to recognize the specific Berber cultural identity in terms of both the language and the culture itself in the anthropological sense. A lively and dynamic Berber culture exists at present, and is an integral part of national cultural activities (distribution of music, publication of novels, 11 newspapers, short stories, poetry and magazines in Berber, transcribed in Arabic characters).

40. The National Education and Training Charter of October 1999 further provides for the establishment in some universities of Amazigh linguistic and cultural research and development structures and structures for training teachers and developing school curricula and syllabuses. The regional education authorities may, in the part of the curriculum left to their discretion, opt for the use of the Amazigh language or any other local dialect to facilitate the learning of the official language at the pre-school level and in the first cycle of primary schooling. The national education and training authorities will progressively make available to the regions the necessary support for this purpose in the form of educators, teachers and educational materials. The establishment by His Majesty King Mohammed VI of the Royal Institute of Amazigh Culture (IRCAM) on 17 October 2001 reinforces the notion of respect for all cultures. In his speech when affixing his seal to the *dahir* setting up and organizing the Institute, the King reaffirmed his desire to promote and ensure respect for Berber culture: "Morocco is making each of its regions

into a centre of creativity where all kinds of potential can be expressed, find fulfilment, develop and prosper within the democracy practised by its citizens [...]. We are paying very particular attention to promoting [the Amazigh language] as part of the implementation of our project for a democratic and modernized society, based on the consolidation and enhancement of the Moroccan persona and its linguistic, cultural and civilizational symbols [...]. We also affirm that Amazigh, with its roots at the core of the history of the Moroccan people, belongs to all Moroccans without exception and cannot be used for political designs of any kind. Through the ages Morocco has stood out because of the cohesion of its inhabitants, whatever their origins and dialects. They have always shown a steadfast attachment to their sacred values and have resisted all foreign invasions or attempts to divide them.”

41. Article 3 of this *dahir* outlines the eight objectives to be achieved with the establishment of the Institute. The most important are:

- (a) Collection and transcription of all expressions of Amazigh culture;
- (b) Drafting of action plans for teaching in general education and in the part of the curricula relating to local affairs and regional life, in keeping with general State policy for national education;
- (c) Assistance to the universities in organizing research and development centres for Amazigh language and culture and training of educators;
- (d) Establishment of cooperative relations with domestic and foreign cultural and scientific institutions and establishments with similar goals.

42. There are 18 associations in Morocco for the protection and promotion of Berber language and culture and it is towards this goal that they are working. The most representative is the Moroccan Association for Cultural Research and Exchange (AMREC). These associations have been regrouped into a national coordination structure since 1992 and in this framework take common positions relating to their purpose. They are basically concerned with:

- (a) Collecting and preserving the Berber cultural heritage;
- (b) Supporting Berber cultural activities (publications, music, architecture, journalism, etc.);
- (c) Taking a stand on the issue of recognition of the Berber culture as an integral part of the national culture.

**(c) Information**

43. The reader is requested to refer to the chapter on information and publicity in the core document HRI/CORE/1/Add.23/Rev.1.