

MAROCCO (33)

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Morocco

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The Constitution of Morocco provides for a monarchy with a Parliament and an independent judiciary. However, ultimate authority rests with the King, who retains the discretion to terminate the tenure of any minister, dissolve the Parliament, and rule by decree. The present Parliament was created in 1993 through a two-stage process: the election of 222 deputies by direct universal suffrage and selection of the remaining 111 deputies by labor organizations and other constituency groups. As in 1994, King Hassan again attempted to incorporate the legal opposition into the Government; once again, the major political parties declined to participate without far-reaching political reforms. Ultimately, the King formed a government comprised largely of technocrats who, with some changes, remained in office throughout 1995.

The security apparatus comprises several overlapping police and paramilitary organizations. The border police, the national security police, and the judicial police are departments of the Ministry of Interior, while the Royal Gendarmerie reports directly to the palace. Security force abuses continued, especially in cases involving perceived threats to state security, albeit less frequently than in previous years.

Morocco has a mixed economy based largely on agriculture, fishing, light industry, phosphate mining, tourism, and remittances from Moroccans working abroad. Illegal cannabis production is also a significant economic factor. Morocco's record of generally strong economic growth, accompanied by low inflation and low fiscal and external deficits, has been challenged in recent years by a series of debilitating droughts and a slowdown in reform. Because of a severe drought--the third in 4 years--analysts believe that the economy may contract in 1995.

The Government made substantial progress on several human rights fronts during the year, including fewer egregious abuses. A number of dissidents living in self-imposed exile took advantage of an amnesty program to return home. Although no details have yet been made public, the King launched an initiative to increase effectiveness and reduce corruption in the judicial system.

However, there were several problem areas. The Government at times acted to suspend its citizens' rights of due process, speech, and association; credible reports persisted of disappearances and of occasional physical abuse of detainees and prisoners by the security forces; and state agents responsible for past and present human rights abuses have not been held accountable by the weak and malleable judiciary. Prison conditions remain harsh. The Government has not acted to end the plight of young girls who work in exploitative domestic servitude. It also failed to make promised changes in the manipulation-prone electoral system. Discrimination and domestic violence against women are common.

Virtually all allegations of governmental human rights abuse involve the Ministry of Interior. The Ministry is responsible for the direction of most security forces; the conduct of elections, including cooperation with the United Nations in a referendum on the Western Sahara; the appointment and training of many local officials; the allocation of local and regional budgets; the oversight of university campuses; and the licensing of associations

and political parties. Less formally, the Ministry exerts substantial pressure on the judicial system.

Respect for Human Rights

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Although no deaths of persons in police custody could be conclusively attributed to security force brutality, at least two deaths under questionable circumstances remain unresolved. On January 23, Hamza Daghdough died while in custody at police headquarters in Tangiers. According to police officials, Daghdough committed suicide, a claim which his family rejected. Daghdough had no known political affiliations.

In March Mustapha Benderweesh died while a prisoner at Sale Civil Prison. His family alleged that the death was a result of torture and demanded an investigation, which according to independent reports has not been carried out.

During the year, human rights groups speculated that a legal action brought by the family of Mustapha Hamzaoui, who died in jail in 1993 under suspicious circumstances, would unlikely proceed to trial.

The nonpartisan Moroccan Organization for Human Rights (OMDH) published a report in January that alleged that 17 deaths took place during the period 1989 through 1993 under circumstances strongly suggestive of torture. No public inquest has been conducted into any of these cases.

b. Disappearance

The practice of the forced disappearance of persons opposed the Government and its policies dates back several decades. Many were members of the military who were implicated in attempts to overthrow the Government in 1971 and 1972. Others were Sahrawis, the natives of the Western Sahara, or Moroccans who challenged the Government's claim to the Western Sahara. To this day, hundreds of Saharan and Moroccan families still do not have any information about their missing relatives, many of whom have not been heard from for over two decades.

The Government denies that it has knowledge about most of those still missing. However, in recent years it has quietly released over 200 of the disappeared. Local human rights monitors have concluded that many others died while imprisoned at the notorious Tazmamaart Prison (see Section 1.d.). The Government has acknowledged 34 of those deaths and has provided death certificates to the families of all but one.

There were reports of over 20 disappearances in 1995. Most were Sahrawis who disappeared in May following demonstrations in Laayoune advocating independence for the Western Sahara. The disappeared were presumably arrested after the protests, but the Government has not released any information about their location or status.

Moreover, local human rights monitors reported that four Islamists, Abdelkader Jouti, Abdelhamid Sadik, Mohammed Yachouti, and Abderrahim Bouabid, disappeared between August 30 and September 18. Jouti reportedly had been sentenced to life in 1985, had fled the country, and returned to Morocco from exile after the amnesty (see Section 1.d.). The Government has denied having any information about these men, who have had no contact with their families.

The Ministry of Human Rights, a government body, has sought to make an accounting of many of the disappeared. It published a list of over 140 disappearances. Ministry officials report that approximately 38 percent of these cases have been resolved, and remaining cases are still being investigated.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Morocco ratified the U.N. Convention Against Torture in 1993. The Government claims that the use of torture has been discontinued, but newspapers and other sources report that security forces occasionally torture detainees. The fact that detainees are not allowed to have contact with family or lawyers during the first 48 hours of detention (see Section 1.d.), increases the likelihood of torture and other abuse.

According to local human rights advocates, one of the problems in documenting torture and other abuses is the fact that autopsies are not routine, but are only carried out on the request of the state prosecutor and on the order of a judge. The lack of autopsies indicates that there is inadequate followup investigations into deaths in custody and of allegations of torture and abuse.

Amnesty International (AI) reports that police abused Khadija Benameur, a trade unionist arrested in March while participating in a peaceful sit-in. Her requests for a medical examination were also denied, despite reports that she appeared at her trial with bruises on her face and hands. Three Sahrawi youths claimed they were tortured during pretrial detention (see Section 1.e.).

In nonstate security cases, witnesses report that some police officers abuse detainees with impunity. Harsh treatment continues after conviction, with state-security prisoners more likely to be victimized. According to reliable reports, prison guards have suspended prisoners from a wall for several days as punishment for disciplinary transgressions.

There were no deaths attributable to harsh prison conditions, due in part to improvements undertaken over the last few years at the suggestion of the Royal Consultative Council on Human Rights. Despite these improvements, however, prison conditions remain harsh. In January there was a violent uprising at Khenifra Civil Prison by prisoners protesting inhumane conditions at the facility. The uprising was quickly put down by security forces, and several prisoners were hospitalized. At the hospital, they began a hunger strike to continue their protest against prison conditions. At least one prisoner died, although press reports did not specify the cause of death. The leaders of the uprising were sentenced to an additional 4 to 5 years in prison.

d. Arbitrary Arrest, Detention, or Exile

Legal provisions for due process have been revised extensively in recent years, but the authorities frequently ignore them. Although police usually make arrests in public, they sometimes refuse to identify themselves and do not always obtain warrants. The law requires that detainees be brought before a judge within 48 hours--extendable to 96 hours upon approval of the prosecutor--and informed of the pending charges. Incommunicado (garde-a-vue) detention is limited to 48 hours, with a one-time 24-hour extension at the prosecutor's discretion.

Although the accused should be brought to trial within 2 months of arrest, prosecutors may order five additional extensions of pretrial detention of 2 months each. Detainees are denied counsel during the initial period of detention when abuse is most likely to take place. Counsel is allowed only after cross-examination, but many cases are resolved before reaching that stage.

Some members of the security forces, long accustomed to indefinite precharge access to detainees, continue to resist the new rules. Lawyers are not always informed of the date of detention and thus are unable to monitor

compliance with the garde-a-vue detention limits.

The law provides for a limited system of bail, but it is rarely used. Nevertheless, the courts sometimes release defendants on their own recognizance. The law does not provide for habeas corpus or its equivalent. Under a separate code of military justice, military authorities may detain members of the military without warrants or public trial.

The Government continued to pay a small monthly stipend to the 28 former prisoners who survived 18 to 20 years in solitary confinement at Tazmamaart prison--without health care or sanitary facilities. The 28 are former military men who had been arrested in connection with the failed coup attempts in 1971 and 1972. After their release, the Government prohibited them from speaking out publicly about their detention. In exchange, the Government gave the 28 assurances that it would help them find jobs and reintegrate them into society.

Despite government warnings and harassment, some of the former inmates have spoken openly about their experiences. Ahmed Marzouki, the unofficial leader of the group, has demanded that the Government increase their stipend. Security officers arrested him in August and detained him for 2 days. Ostensibly, Marzouki was picked up for having collaborated with French journalists, but no formal charges were filed against him. His arrest is seen by other former "disappeareds" as a warning against agitating too publicly for official recognition and recompense.

For weeks following the May demonstrations in Laayoune, Western Sahara, the Government denied that the security forces had arrested any Sahrawis. However, the police had detained scores of Sahrawi youths and eight of them were ultimately brought to trial (see Section 1.e.).

After nearly 6 years of house arrest, Abdessalem Yassine, leader of the banned Islamist movement Justice and Charity, was released in December. No charges were ever filed against Yassine. Although nominally free, Yassine still lives under certain restrictions. He is not allowed to make "political speeches" in a mosque, nor may he speak in the name of his still illegal organization, or use his home as its headquarters. To protest these restrictions, Yassine has refused to leave his house.

There are no known instances of enforced exile, but many dissidents live abroad in self-imposed exile. In 1994 the Government, as part of a broad-based amnesty, decreed that any such citizens would be welcome to return after taking an oath acknowledging the legitimacy of the monarchy and the nation's claim to the Western Sahara. In 1995 the Government discontinued use of the oath. Several prominent dissidents took advantage of the amnesty to return home.

In 1991 Abraham Serfaty, a member of the Moroccan Communist Party and a supporter of Saharan independence, was released after 17 years in prison. Upon his release, the Government declared that Serfaty was a Brazilian rather than a Moroccan citizen and expelled him from the country. The decision, which is based on the fact that Serfaty's father was a naturalized Brazilian citizen, has been widely criticized by human rights groups, who consider Serfaty a Moroccan exile.

e. Denial of Fair Public Trial

In theory there is a single court system for all nonmilitary matters, but family matters such as marriage, divorce, child support and custody, and inheritance are adjudicated by judges trained in Islamic law or Shari'a. Judges considering criminal cases or cases in non-family areas of civil law are generally trained in the French legal tradition. All judges trained in recent years are graduates of the National Institute for Judicial Studies (INEJ) where they undergo 2 years of study heavily focused on human rights and the rule of law. Virtually none are lawyers.

In general, detainees are arraigned before a court of first instance. If the infraction is minor and not contested, the judge may order the defendant released or impose a light sentence. If an investigation is required, the judge may release defendants on their own recognizance. Cases are often adjudicated on the basis of confessions, some of which, according to reliable sources, are obtained under duress.

All courts are subject to extrajudicial pressures. Salaries for both judges and their staffs are extremely modest; as a result, petty bribery has become a routine cost of court business. In many courts, especially in minor criminal cases, defendants or their families pay bribes to court officers and judges to secure a favorable disposition.

A more subtle but pervasive corruption derives from the judiciary's relationship with the Ministry of Interior. Judges work closely with the Ministry's network of local officials, or *caids*, who serve as members of the judicial police and often assume personal responsibility for the questioning of criminal detainees. They also frequently prepare the written summary of an arrest and subsequent interrogation. The summary is admissible in court and may be the only evidence introduced at trial, effectively rendering it an instruction passed from the *caid's* office to the court. Credible sources report that judges who expect enhanced remuneration and career progression do not stray far from the *caid's* guidance. Attorneys report that newly appointed judges, despite their training, are even more willing to profit from this arrangement than their predecessors.

The law does not distinguish political and security cases from common criminal cases. In serious state security cases, communications between the Ministry of Interior and the court are more direct. At the Government's discretion, such cases may be brought before a specially constituted military tribunal. This court is subservient to other branches of the Government, notably the military and the Ministry of Interior.

Aside from external pressures, the court system is also subject to resource constraints. Consequently, criminal defendants charged with less serious offenses often receive only cursory hearings, with judges relying on police reports to render decisions. Although the Government provides an attorney at public expense for serious crimes (i.e., when the offense carries a maximum sentence of over 5 years), appointed attorneys often provide inadequate representation.

Responding in part to international criticism, the Government has undertaken judicial and legal reforms in recent years. In the spring, the King launched an initiative to enhance the independence and integrity of the judiciary. Although the Minister of Justice presented the King with the recommended changes in August, no details of the proposed reform had been made public by year's end.

June eight Sahrawi youths were put on trial for participating in a demonstration in Laayoune, Western Sahara, calling for Western Saharan independence. Although the eight were civilians, they were tried in a military court in a closed trial that reportedly lasted 3 hours over a 3-day period. The court found the eight guilty of "threatening the security of the state" and sentenced them up to 20 years in prison. The sentences were later commuted to 1 year by the King. At the trial, the defendants claimed that they had been tortured during pretrial detention and demanded medical examinations. According to witnesses, three of the defendants removed their shirts during a court recess, revealing long cuts across their backs. Another was unable to walk and said police had pummeled his right foot during questioning. The court denied their request for medical examinations.

The Minister of Human Rights has acknowledged that there are "about a hundred" political prisoners. This total coincides with figures published by the Moroccan Organization of Human Rights, which estimates that some 110 non-Sahrawi political prisoners remain in prison. Of these, some 60 are Islamists. Estimates of the number of persons in prison for advocating independence for the Western Sahara vary from none to 700.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution states that the home is inviolable and that no search or investigation may take place without a

search warrant issued in compliance with the law. The law stipulates that a search warrant may be issued by a prosecutor on good cause. This stipulation is not always observed, however, and there continue to be reports of illegal searches of the homes and offices of suspected political activists.

Government security services monitor certain persons and organizations, both foreign and Moroccan, including their telephones and mail. Government informers also monitor activities on university campuses

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of expression, press freedom is significantly restricted, though the limits are not clearly defined.

The Government owns the official press agency, Maghreb Arab Press, and the Arabic daily, Al Anbaa." A 1958 decree grants the Government the authority to register and license domestic newspapers and journals. In practice, authorities use the licensing process to prevent the publication of materials that they believe cross the threshold of tolerable dissent. Offending publications may be declared a danger to state security, may be seized, and the publisher's license may be suspended and equipment destroyed.

Article 55 of the Press Code empowers the Government to censor newspapers directly by ordering them not to report on specific items or events. In most instances, government control of the media generally is exercised through directives and "guidance" from the Ministry of the Interior. Nonetheless, the Government generally tolerates satirical and often stinging editorials in the opposition parties' dailies. Both law and tradition prohibit criticism on three topics: the monarchy; Morocco's claim to the Western Sahara; and the sanctity of Islam.

Ministry of Interior agents review both domestic and foreign publications before they are distributed. To avoid the Government's attention and possible sanctions, the media regularly engage in self-censorship.

There were encouraging signs during the year that the Government would loosen press restrictions. A June issue of Le Monde Diplomatique contained a controversial article written by a royal family member and printed without permission from the royal palace. In a departure from past practice, the Government did not obstruct the publication and distribution of the issue. Also in June, the Government did not impede the distribution of an issue of the French weekly magazine Jeune Afrique that contained a cover story critical of the King and Morocco's domestic "crisis."

However, there were some notable instances of censorship. In January an issue of the French weekly Maroc Hebdo was seized by Ministry of Interior officials. The weekly apparently did not obtain permission from the palace before publishing a speech made by a royal family member at Princeton University. In November authorities banned distribution of an issue of Jeune Afrique that contained an article describing the King's illness and its effect on the Moroccan political scene. Distribution of the magazine was suspended indefinitely.

A broadcaster for the independent television station 2M was reprimanded and threatened with legal action by the Ministry of Interior after he aired views questioning the credibility of casualty figures provided by the Government following August floods in the south of Morocco.

Humorist Ahmed Snoussi ("Bziz"), Morocco's best-known political satirist, has been banned from performing in several cities, including Marrakesh and Larache. The Minister of Human Rights has been quoted as saying that "politics is fine, and humor is fine, but an amalgam of the two is not permissible." Bziz continues to perform at private gatherings, and audio cassettes of his performances are widely sold.

The Government owns the only television station receivable nationwide without decoder or satellite dish antennas. Dish antennas are available on the market and permit free access to a wide variety of foreign broadcasts.

Morocco's sole private station can be received in most urban areas with the rental of an inexpensive decoder. Residents in the north can receive Spanish broadcasts with standard antennas. The Government does not impede the reception of foreign broadcasts.

The universities enjoy relative academic freedom in most areas. The Ministry of Interior controls the curriculum in the faculty of Law and the hiring of instructors, as well as the physical plant, including residences, in all faculties.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly and association, these rights are significantly limited by three decrees-- dating from 1935, 1939, and 1958--that permit the Government to suppress even peaceful demonstrations and mass gatherings. Most conferences and demonstrations require the prior authorization of the Ministry of Interior, ostensibly for security reasons.

In May a peaceful demonstration calling for independence for the Western Sahara territory was broken up by security forces. Scores of protesters were arrested, and 8 were tried and sentenced to 20 years in prison for threatening state security (see Section 1.d.).

In September members of the Association of Unemployed University Graduates, an unofficial organization not sanctioned by the Government, demonstrated in El Jadida against high unemployment and alleged government inaction. Police broke up the demonstration, reportedly causing numerous injuries. Twenty-six of the demonstrators were originally sentenced to 6 months in prison, which was later overturned upon appeal. After an 11-day sit-in in Rabat, the organization received promises of meetings with government officials to find ways to solve their unemployment problem, but no promises of jobs.

The right to form organizations is limited. Under a 1958 decree, persons wishing to create an organization must obtain the approval of the Ministry of the Interior before holding meetings. In practice, the Ministry uses this requirement to prevent persons suspected of advocating causes opposed by the Government from forming legal organizations. Islamist and leftist groups have the greatest difficulty in obtaining official approval, although there are 29 active Islamist groups. The Government has prohibited membership in two of these groups, Justice and Charity and Jama'a Islamia, due to their perceived anti-monarchy rhetoric. Political parties must also be approved by the Ministry of the Interior which uses this power to control participation in the political process.

c. Freedom of Religion

Islam is the official religion. Ninety-nine percent of Moroccans are Sunni Muslims, and the King bears the title "Commander of the Faithful." The Jewish community of approximately 6,000 is permitted to practice its faith, as is the somewhat larger foreign Christian community.

The Ministry of Islamic Affairs monitors Friday mosque sermons and the Koranic schools to ensure the teaching of approved doctrine. The authorities sometimes suppress the activities of Islamic fundamentalists, but generally tolerate activities limited to the propagation of Islam, education, and charity. Security forces commonly close mosques to the public shortly after Friday services to prevent use of the premises for unauthorized political activity.

Although the Constitution provides for freedom of worship, only Islam, Christianity, and Judaism are tolerated in practice. The King has pronounced all other religions to be heresies. The Baha'i community of 150-200 people has been forbidden to meet or hold communal activities since 1983. Islamic law and tradition call for strict punishment of any Muslim who converts to another faith. Any attempt to induce a Muslim to convert is similarly illegal. Foreign missionaries either limit their proselytizing to non-Muslims or conduct their work quietly.

On January 9, the Government released Gilberto Orellan, a Salvadoran citizen, from prison, deported him, and banned him from reentering Morocco. Orellan was arrested in December 1994 and sentenced along with two Moroccan citizens for "preaching Christianity among Muslims." During their search of Orellan's residence, the police reportedly confiscated Bibles and Christian magazines.

On September 15, a court sentenced Jama Ait Bakrim to 1 year in for disturbing the Islamic religion and breaking the fast during the Islamic holy month of Ramadan. However, some observers alleged that Bakrim's actual offense is that he repeatedly spoke about Christianity in public.

On August 5, Mehdi Ksara, who was 88 years old at that time, was arrested and imprisoned along with three other Moroccan men on charges related to their practice of Christianity. All four were released on August 17. Ksara was formerly a Muslim and reportedly converted to Christianity more than 60 years ago. The three other men are Fouad Jaafar, 27, Muhsin Ibrahim Bel Haj, 20, and Samir Ben Ali, 24. One of the three was a Muslim who was reportedly arrested after the authorities discovered a Bible in his possession.

In another case, an American family was detained by police for carrying banners with evangelical Christian slogans through the streets of Casablanca. On searching their residence, the police seized the evangelical materials. The family was quickly released and deported.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although freedom of movement is provided in the Constitution, in practice security forces set up roadblocks throughout the country and stop traffic at will. In some regions the roadblocks have been maintained in the same places for years, creating what some characterize as internal frontiers. There were widespread complaints of police harassment and demands for monetary payments. Algerian nationals are routinely stopped for questioning at each roadblock.

In the Morocco-administered portion of the Western Sahara, movement is restricted in areas regarded as militarily sensitive.

The Ministry of Interior restricts freedom to travel outside Morocco in certain circumstances. OMDH, a human rights group, released a list of 42 people who have reportedly been denied passports. In response the Minister of Interior reportedly indicated that the Government has the right to deny a passport to whomever it wants. Some former political prisoners, after being issued passports, were denied exit at border points on the ostensible basis that government computers had not been changed to reflect their eligibility to leave. All civil servants must obtain written permission from their ministries to leave the country.

In 1995 the Government acknowledged for the first time the right of women to obtain a passport and travel abroad independently. Previously, women were required to obtain the consent of husbands or fathers before applying for a passport.

Moroccans may not renounce their citizenship, but the King retains the power--rarely used--to revoke it. Tens of thousands of Moroccans hold more than one citizenship and travel on passports from two or more countries. While in Morocco they are regarded as Moroccan citizens. As a result, the Government has sometimes refused to recognize the right of foreign embassies to act on behalf of dual nationals or even to receive information

concerning their arrest and imprisonment. Dual nationals also complain of harassment by immigration inspectors.

The law encourages voluntary repatriation of Jews who have emigrated. Moroccan Jewish emigres, including those with Israeli citizenship, freely visit Morocco. The law also encourages the return of Sahrawis who have departed Morocco due to the conflict in the Western Sahara-- provided they recognize the Government's claim to the region. The Government does not permit Saharan nationalists who have been released from prison to live in the disputed territory. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. There were no reports of forced expulsion of those having a valid claim to refugee status.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Practically speaking, citizens do not have the right to change their national government by democratic means. The King, as Head of State, appoints the Prime Minister, who is the titular head of government. The Parliament has the theoretical authority to effect change in the system of government, but has never exercised it. Moreover, the Constitution may not be changed without the King's approval. The Ministry of Interior appoints provincial governors and local caids. Municipal councils are elected.

Constitutional changes in 1992 authorized the Prime Minister to nominate all government ministers, but the King has the power to replace any minister at will. Any significant surrender of power from the Crown to the Prime Minister's office was further diluted when the King transferred to the secretaries general, who serve at the King's pleasure, many of the powers previously vested in the ministers.

Allegations of fraud and manipulation in the 1993 parliamentary election are still pending before the Constitutional Council, the designated body adjudicating the disputes. Challenges have been filed for more than 100 of the 333 seats in Parliament. Although approximately 20 reelections have been ordered and carried out--often with new credible allegations of irregularity--human rights groups do not expect the Council to adjudicate the remaining cases.

Eleven parties have members in Parliament. As in 1994, a coalition of major parties again declined the King's invitation to accept ministerial posts--absent significant political and electoral reform. As a consequence, most present ministers are technocrats named by the King as caretakers pending the formation of a longer-term government.

There are no women ministers, and there are only two women in parliament, both elected in 1993.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are three officially recognized nongovernmental human rights groups: the Moroccan Human Rights Organization, the Moroccan League for the Defense of Human Rights (LMDH), and the Moroccan Human Rights Association (AMDH). A fourth group, the Committee for the Defense of Human Rights (CDDH), was formed in 1992 by former AMDH members. LMDH, associated with the Istiqlal Party, and AMDH, associated with the Party of the Socialist Avant Garde, have formed a coordinating committee and generally issue joint communiques. The LMDH and the OMDH have participated in some activities of the Royal Consultative Council on Human Rights. However, the OMDH refuses to have any business dealings with current Minister of Human Rights.

The Royal Consultative Council on Human Rights (CCDH), an advisory body to the King, exists in sometimes

uneasy coordination with the Ministry of Human Rights, which was established by Parliament. While their common mission has in the past provoked an adversarial relationship, a clearer division of labor emerged last year, with CCDH issuing advice on matters such as prison reform, and the Ministry of Human Rights, exercising a principally executive role. CCDH was largely inactive throughout 1995.

Amnesty International (AI) has local chapters in Casablanca, Rabat, and Marrakech. These chapters participated in AI international letter campaigns outside Morocco.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Although Article 5 of the Constitution states that all citizens are equal, non-Muslims and women face discrimination in the law and in traditional practices.

Women

The law and social practice concerning violence against women reflects the importance society places on the honor of the family. The Criminal Code includes severe punishment for men convicted of rape or violating a woman or a girl. The defendants in such cases bear the burden of proving their innocence. However, sexual assaults often go unreported because of the stigma attached to the loss of virginity. A rapist may be offered the opportunity to marry his victim in order to preserve the honor of the victim's family. The law is more lenient toward men with respect to crimes committed against their wives; for example, a light sentence or reprimand may be accorded a man who has murdered his wife after catching her in the act of adultery.

The civil law status of women is governed by the Moudouwana, or Code of Personal Status, which is based on Islamic law.

Spousal violence is common. Although a battered wife has the right to complain to the police, as a practical matter she would do so only if prepared to bring criminal charges. Physical abuse is not a legal basis for divorce. Hence few victims report abuse to the authorities.

Women suffer various forms of legal and cultural discrimination. Under the Criminal Code, women are generally accorded the same treatment as men, but this is not the case for family and estate law, which is based on the Malikite School of Islamic Law. Under this law, husbands may more easily divorce their wives than vice versa. Women inherit only half as much as male heirs. Moreover, even where the law guarantees equal status, cultural norms often prevent a woman from exercising those rights. When a woman inherits property, for example, male relatives may pressure her to relinquish her interest.

In cases where a husband files for divorce without legal justification, the wife is entitled to unspecified allowance rights based on the husband's income. The law states that a woman must be informed of her husband's intention to divorce her or to marry another woman. However, the cases where women have the right to ask for a divorce are limited. Sometimes, in asking for a divorce, women take the risk of losing the economic benefits included in the marriage contract. Due to these economic reasons, as well as to social stigma, women rarely request a divorce.

While many well-educated women pursue careers in law, medicine, education, and government service, few make it to the top echelons of their professions. Women comprise approximately 35 percent of the work force with the majority of them in the industrial, service, and teaching sectors. The illiteracy rate for women is 78 percent, compared to 51 percent for men.

Women in rural areas suffer most from inequality. Rural women perform most hard physical labor; the rate of

literacy, particularly in the countryside, is significantly lower for women than for men. Girls are much less likely to be sent to school than are boys. Women who do earn secondary school diplomas, however, have equal access to university training.

Children

The Government continued a campaign to vaccinate children against preventable disease. However, the Government has taken little action to end child labor (see Section 6.d.). Young girls in particular are exploited as domestic servants. Orphanages are often party to the practice of adoptive servitude, in which families adopt young girls who perform the duties of domestic servants in their new families. Credible reports of physical abuse are widespread. The practice is often rationalized as a "better alternative" to keeping the girls in orphanages. It is ingrained in society, attracts little criticism, even from human rights groups, and is unregulated by the Government.

Another problem facing orphans of both sexes is lack of civil status. Normally, men are registered at local government offices; their wives and unmarried children are included in this registration, which confers civil status. Civil status is necessary to obtain a birth certificate, passport, or marriage license. If a father does not register his child, the child is without civil status and the benefits of citizenship. It is possible for an individual to self-register, but the process is long and cumbersome.

Religious Minorities

Although there is no institutional discrimination against the country's small Jewish and Christian communities, Christians face legal prosecution if they engage in proselytizing (see Section 2.c.).

People With Disabilities

A high incidence of disabling disease, especially polio, has produced a large population of disabled persons. While the Ministry of Social Affairs contends that the Government endeavors to integrate the disabled into society, in practice this is left largely to private charities. However, charitable special education programs are priced beyond the reach of most families. Most typically, disabled persons survive by begging. The Government continued a pilot training program for the blind sponsored in part by a member of the royal family. There are no laws mandating physical changes to buildings to facilitate access by the disabled.

National/Racial/Ethnic Minorities

The Constitution affirms, and the Government respects, the legal equality of all citizens. The official language is Arabic. The languages of instruction and the news media are both Arabic and French. Science and technical curriculums are taught in French, thereby eliminating the large monolingual Arabic-speaking population from these programs. Educational reforms in the past decade have stressed the use of Arabic in secondary schools. Failure to similarly transform the university system has functionally disqualified many students, especially those from poorer homes where French training is not practicable, from higher education in lucrative fields.

Some 60 percent of the population claim Berber heritage. Berber cultural groups contend that the three remaining Berber languages and Berber traditions are rapidly being lost. Their repeated requests to the Palace to permit the teaching of Berber languages in the schools have finally produced a royal decree to effect the necessary curriculum changes.

Section 6 Worker Rights

a. The Right of Association

Although workers are free to establish and join trade unions, the unions themselves are not completely free from government interference. Perhaps half a million of Morocco's 9 million workers are unionized in 17 trade union federations. Three federations dominate the labor scene: the Union Marocain de Travail (UMT), the Confederation Democratique de Travail (CDT), and the Union Generale des Travailleurs Marocains (UGTM). The UMT has no political affiliation, but the CDT is linked to the Socialist Union of Popular Forces, and the UGTM to the Istiqlal Party.

In practice, the internal intelligence services of the Ministry of Interior are believed to have informants within the unions who monitor union activities and the election of officers. Sometimes union officers are subject to government pressure. Union leadership does not always uphold the rights of members to select their own leaders. There has been no case of the rank and file voting out its current leadership and replacing it with another.

Workers have the right to strike and do so. Work stoppages are normally intended to advertise grievances and last 24 hours or less. The spring saw a wave of limited duration strikes in schools, flour mills, banks, and the port of Casablanca.

A strike by UMT unionists at a food processing plant in Sidi Slimane in March led to police intervention and the arrest of six unionists. Although three were quickly released, the other three, including Khadija Benameur, the woman who heads UMT Chapter Three, were sentenced to prison terms ranging from 1 month to a year. Benameur was found guilty of "violating the sacred institutions of the State" and "interfering with the right to work," an article of the penal code frequently invoked against strikers (see Section 1.c.).

In May a dispute over a holiday bonus for the 14,700 workers of the National Railroad turned into a 2-month work stoppage which severely disrupted train traffic in the country. It was the first time in at least 3 years that a major Moroccan industry was affected by a strike featuring near-universal worker participation.

Unions belong to regional labor organizations and maintain ties with international trade secretariats.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is implied in the constitutional provisions on the right to strike and the right to join organizations. Trade union federations compete among themselves to organize workers. Any group of eight workers may organize a union and a worker may change union affiliation easily. A work site may contain several independent locals or locals affiliated with more than one labor federation.

In general the Government ensures the observance of labor laws in larger companies and in the public sector. In the informal economy, and in the textile and handicrafts industries, both the Government and management routinely ignore labor laws and regulations. As a practical matter, unions have no judicial recourse to oblige the Government to enforce labor laws and regulations.

The laws governing collective bargaining are inadequate. Collective bargaining has been a long standing tradition in some parts of the economy, but the practice is not spreading. The wages and conditions of employment of unionized workers are generally set in discussions between employer and worker representatives. However, wages for the vast majority of workers are unilaterally set by employers.

Employers wishing to dismiss workers are required by law to notify the provincial governor through the labor inspector's office. In cases where employers plan to replace dismissed workers, a government labor inspector provides replacements and mediates the cases of workers who protest their dismissal. Any worker dismissed for committing a serious infraction of work rules is entitled by law to a court hearing.

There is no law specifically prohibiting anti-union discrimination. Employers commonly dismiss workers for union activities regarded as threatening to employer interests. The courts have the authority to reinstate such workers, but are unable to ensure that employers pay damages and back pay.

Ministry of Labor inspectors serve as investigators and conciliators in labor disputes, but they are few in number and do not have the resources to investigate all cases. Unions have increasingly resorted to litigation to resolve labor disputes.

The labor law applies equally to the small Tangier export zone. The proportion of unionized workers in the export zone is about the same as in the rest of the economy.

Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by the International Labor Organization's (ILO) Convention 29, which was adopted by royal decree.

d. Minimum Age for Employment of Children

Abuse of the child labor laws is common. The law prohibits the employment or apprenticeship of any child under 12 years of age. Education is compulsory for children between the ages of 7 and 13. Special regulations cover the employment of children between the ages of 12 and 16. In practice, children are often apprenticed before age 12, particularly in the handicraft industry. The use of minors is common in the rug-making industry and also exists to some extent in the textile and leather goods industries. Children are also employed informally as domestics and usually receive little or no wages. Safety and health conditions as well as salaries in enterprises employing children are often substandard.

Ministry of Labor inspectors are responsible for enforcing child labor regulations which are generally well observed in the industrialized, unionized sector of the economy. However, the inspectors are not authorized to monitor the conditions of domestic servants.

e. Acceptable Conditions of Work

The minimum wage is approximately \$177 (1510 dirhams) per month in the industrialized sector and approximately \$8.65 (73.60 dirhams) per day for agricultural workers. Neither provides a decent standard of living for a worker and his family--even with government subsidies for food, diesel fuel, and public transportation. In many cases, several family members combine their income to support the family. Labor unions advocate an increase in the minimum wage to about \$220 per month. Most workers in the industrial sector earn more than the minimum wage. They are generally paid between 13 and 16 months' salary, including bonuses, each year.

The minimum wage is not enforced effectively in the informal and handicraft sectors, and even the Government pays less than the minimum wage to workers at the lowest civil service grades. To increase employment opportunities for recent graduates, the Government allows firms to hire them for a limited period at less than the minimum wage.

The law provides for a 48-hour maximum workweek with not more than 10 hours any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including the prohibition on night work for women and minors. As with other regulations and laws, these are not universally observed in the informal sector.

Occupational health and safety standards are rudimentary, except for a prohibition on the employment of women in certain dangerous occupations. Labor inspectors endeavor to monitor working conditions and accidents, but lack sufficient resources.