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2008 Country Reports on Human Rights Practices - Morocco

Bureau of Democracy, Human Rights, and Labor
February 25, 2009

Morocco is a monarchy with a constitution, an elected parliament, and a population of approximately 34 million. According to the constitution, ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers and appoints or approves members of the government. The king may dismiss ministers, dissolve the parliament, call for new elections, and rule by decree. In the bicameral legislature, the lower house may dissolve the government through a vote of no confidence. The September 2007 parliamentary elections for the lower house went smoothly and were marked by transparency and professionalism, according to international observers, and the elections were judged relatively free from irregularities. The civilian authorities generally maintained effective control of the security forces.

Citizens did not have the right to change the constitutional provisions establishing their monarchical form of government or the establishment of the practice of Islam. Reports of torture and other abuses by various branches of the security forces persisted, and prison conditions remained below international standards. Reports of arbitrary arrests, incommunicado detentions, and police and security force impunity continued. Politics, as well as corruption and inefficiency, influenced the judiciary, which was not fully independent. The government restricted freedoms of speech, religion, and the press. Corruption was a serious problem in all branches of government. Trafficking in persons continued, and child labor, particularly in the unregulated informal sector, remained a problem.

RESPECT FOR HUMAN RIGHTS

1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

On April 28, a set of human remains were discovered at the Civil Protection (Fire Department) barracks in Nador. The local prosecutor, forensic units, and the Consultative Council on Human Rights (known by its French acronym CCDH) linked the remains to security force abuses in 1984. On May 13, human remains were discovered in El Jadida, and an initial investigation dated them to 40 years ago. At year's end, authorities continued to investigate the new sites, process DNA evidence, and inform relatives.

As in previous years, there were reports of deaths of Sub-Saharan migrants trying illegally to enter the Spanish enclave of Melilla. Arrests and beatings continue on the borders, principally on the Spanish side.

A person was killed on December 31 when 80 illegal migrants attempted to force their way into Melilla by overwhelming the Moroccan guards manning the border fence. Moroccan police fired warning shots, one of which fatally injured one of the people climbing the barrier. Another individual was injured.

b. Disappearance

There were no reports of politically motivated disappearances.

In 2006 the Justice and Reconciliation Authority (known by its French initials, IER), formed to investigate forced, long term disappearances of opponents of the government between independence in 1956 and 1999, issued a final report. The report stated that 742 disappearances had been resolved, but that 66 remained for investigation by a successor organization, the CCDH. Human rights groups and families continued to claim that the IER did not acknowledge all cases of disappearances, many from the Western Sahara.

In November 2007 the CCDH stated that it had completed the compensation and identification process for Morocco and Western Sahara (approximately 2,000 cases), with the exception of 24 cases, including that of missing independence activist Mehdi Ben Barka, who disappeared in France in 1965. The government announced it had issued benefits to 12,000 families and individuals and extended coverage to a total of 45,000 individuals through joint and extended family coverage health care cards to individuals with approved cases.

The government further reported that the CCDH launched three initiatives in 2007 and 2008 totaling approximately 57 million dirhams (\$6.9 million), as part of its regional reparation program to address lingering issues in areas affected by adverse governmental policies between the 1970s and 1990s. Implementation of projects and disbursements under this initiative continued during the year.

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

The law prohibits such practices, and the government denied the use of torture. According to domestic and international human rights organizations, prisoners, and detainees, however, members of the security forces tortured and abused individuals in their custody. The penal code stipulates sentences of up to life imprisonment for public servants who use or allow the use of violence against others in the exercise of their official duties.

While there has been a marked diminution of allegations of abuse by Moroccan security officials in Western Sahara (see separate report), there have been multiple allegations of abuse and torture levied against a police official in southern Morocco. The officer, who previously served in Western Sahara, was the subject of multiple abuse complaints in both locations. The government reported that it had investigated the allegations against the officer in both locations and determined that they were politically motivated and took no action.

In May during violent student demonstrations to protest 22 cases of food poisoning at Alqadi Ayad University in Marrakech, Qadimi El Ouali fell from a fourth floor window and was paralyzed. Activists charged that security officers threw him from the building.

According to the ministry of justice (MOJ), the government prosecuted six members of the gendarmerie for cases related to abuse of citizens. Another case resulted in a not guilty verdict, and cases against four individuals were pending at year's end. The national police (DGSN) did not bring any abuse cases against its members. In February

authorities released two officers convicted and sentenced to 10 years' imprisonment in 2007 for the 2005 beating death of Western Saharan activist Hamdi Lembarki. Their sentences were reduced to time served following the death of another policeman during disorders in Tan Tan. Verdicts remained unknown in most of the 17 cases prosecuted in 2007.

In May authorities released union activists Abd el Rehim Qarad and Mahdy El Barboushy, whom police arrested during a demonstration in May 2007 for insulting the monarchy. The two men claimed police extracted their signed confessions through torture.

In July 2007 the government opened the trial of 52 individuals arrested in 2006 as part of the so-called Ansar El Mehdi case on charges of conspiring to overthrow the monarchy through terrorism. Many of the defendants claimed to the media, nongovernmental organizations (NGOs), and in court that they had been tortured and mistreated. They were denied permission to call witnesses, and in February the defendants were sentenced to 25 years in prison.

In 2006 the government enacted an anti-torture law requiring judges to refer a detainee to a forensic medicine expert if asked to do so or if judges notice suspicious physical marks on a detainee. During the year, according to the government, at least 15 cases were referred to doctors. In one of those cases, the doctors found sufficient evidence of injury to warrant further investigation. Results of that investigation and the three cases that warranted further investigation in 2007 were not available at year's end.

Prison and Detention Center Conditions

Prison conditions remained poor and generally did not meet international standards. Extreme overcrowding, malnutrition, and lack of hygiene characterized the poor conditions inside prisons. In a November 2007 report, the NGO Moroccan Observatory of Prisons (OMP), a government-subsidized human rights organization, stated that the prison system was overcrowded and failed to meet local and international standards. It also stated that current prison capacity was sufficient for only half of the prison population. Approximately 60,000 detainees lived in less than 16 square feet per person. Pretrial detainees were not held separately from convicts.

In April, after nine prisoners escaped from Kenitra prison in central Morocco via a tunnel they had dug over the course of a year, the king transferred responsibility for prison management from the MOJ to a newly created Directorate-General for Prison Administration.

Juveniles are sometimes held together with adults, particularly in pretrial detention and in police stations. Political prisoners are held in the same facilities and manner as ordinary criminals.

Human rights activists continued to dispute the circumstances of Dada Ould Hamma Ould Nafaa's July 2007 death in Agadir, which was blamed on poor or inadequate medical care while he was incarcerated.

During the year NGOs continued to call for an investigation into prison deaths and violations of prisoners' rights that allegedly led to a mass hunger strike at Sale prison in September and October 2007. Police violently broke up a sit-in in June organized by al-Nassir, a local NGO support group for Islamist prisoners, after a photo showing an officer striking one of the prisoners' wives sparked public protest and condemnation on a Web site affiliated with Al-Qa'ida in the Lands of the Islamic Maghreb (AQIM). The government responded by detaining the photographer for several hours.

The government permitted visits during the year by independent human rights observers, including local and international human rights groups and the media. The government permitted the OMP and other NGOs, such as Relais Prison, to visit prisons and detention centers unhindered to observe conditions, hear complaints, and conduct

programs. However, visits by international donors ceased. During the year the International Committee of the Red Cross did not visit any prisons.

d. Arbitrary Arrest or Detention

The law does not prohibit arbitrary arrest or detention, and police used both practices. Police did not always observe due process. In practice, according to local NGOs and associations, they did not always identify themselves when arresting suspects or always obtain warrants. Police reportedly held some detainees without charging them.

Role of the Police and Security Apparatus

The security apparatus includes several police and paramilitary organizations with overlapping authorities. The National Police (DGSN) manages the border and immigration services, as well as internal law enforcement, and reports to the Ministry of Interior (MOI). The General Directorate of Territorial Security (known by its French acronym, DGST) and the auxiliary forces are separate entities with security responsibilities that also report to the MOI. The Royal Gendarmerie reports to the Ministry of Defense and is responsible for law enforcement in rural regions and on national highways. The judicial police – the main federal investigative body – is a hybrid DGSN/MOJ entity. It investigates violations of the penal law, terrorism, organized crime, and white-collar crime under MOJ prosecutors. The Department of Royal Security reports to the palace.

Corruption and impunity remained problems and impacted police effectiveness. The MOI increased investigations of police abuse and corruption, but the investigations rarely resulted in reported disciplinary action or judicial proceedings. Cases usually languished in the investigatory or trial phases without reaching resolution.

In February six prison guards were sentenced to between two months suspended and four years' imprisonment on charges of forgery, corruption, and aiding a prisoner in escaping from custody. On December 30, two gendarmes were arrested after they were caught receiving bribes. One was sentenced to five years in prison, and the other awaited trial at year's end. Authorities arrested 30 noncommissioned officers in the gendarmerie on corruption charges. Of those, 16 were sentenced to between two months and six years' imprisonment, and 14 remained in custody awaiting trial.

In August 2007 the police chief in Rabat was charged with participation in a drug smuggling and prostitution ring. His case was pending at year's end.

In December 2007 three gendarmes in Inezgane were convicted and sentenced to one year in prison and fired from the gendarmerie for accepting a bribe to help convince a woman to withdraw her charges of rape. The MOJ prosecuted six members of the gendarmerie for cases related to abuse of citizens. Another case resulted in a not guilty verdict and cases against four individuals are pending. The DGSN did not bring any abuse cases against its members.

In 2007 six security agents, three members of auxiliary forces, three civil servants from the MOI, and 11 others were sentenced to between three and five years in prison for acquiring forged documents to receive government benefits fraudulently.

Arrest and Detention

Police may make an arrest following a general prosecutor's issuance of an oral or written warrant. In practice warrants were sometimes issued after the fact. Authorities denied defendants' access to counsel or family members during the initial 96 hours of detention, during which police interrogated detainees and abuse or torture was most likely to occur.

Under the antiterrorism law, after the first 96 hours two additional 96-hour extensions are allowed at the prosecutor's discretion. Under the law a person may be detained

without trial for up to one full year while an investigating magistrate completes his work.

At year's end as many as half the inmates of prisons were awaiting trial. The law provides for a limited system of bail, but bail was rarely granted. The law does not require a written authorization for a person to be released from detention. In some instances judges released defendants on their own recognizance. The antiterrorism law does not include a system of bail. Under a separate military code, military authorities may detain members of the military without a warrant or public trial.

According to the law, all defendants have the right to be represented by attorneys and, if a defendant cannot afford private counsel, a court-appointed attorney must be provided when the criminal penalty exceeds five years in prison. In practice, effective counsel was not always provided. The police were required to notify a person's next-of-kin of an arrest as soon as possible after the initial 48-hour, incommunicado detention in nonterrorism cases, unless arresting authorities applied for, and received an extension from a magistrate, but this provision was not always respected. Because of delays in notifying family, lawyers sometimes were not informed promptly of the date of arrest and were not able to monitor compliance with administrative detention limits, which authorities exceeded when individuals were suspected of links to terrorism. Several defendants in the Ansar El Mehdi case waited as long as eight months before being allowed to consult a lawyer, forcing delays in the mass trial.

The Association El Nassir, an NGO that advocates on behalf of jailed Islamists, estimated that 200 individuals remained in custody without charge at the end of 2007 as a result of terror-related dragnets.

As in recent years, law enforcement efforts continued to focus arrests more narrowly than the previous broad dragnets used following the 2003 Casablanca attacks. Police disrupted six suspected terrorist cells during the year and arrested more than 100 individuals.

Amnesty

Royal pardons were used as the principal judicial mechanism for early release and functioned instead of a parole system. During the year, 3,787 prisoners received royal pardons.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but in practice the courts were not always independent. According to observers, corruption remained prevalent. Judges also did not consistently base rulings on new laws and at times referred to outdated laws in their decisions, resulting in inefficiency as well as miscarriages of justice.

There are four levels in the common law court system: communal and district courts, courts of first instance (regional courts), the appeals court, and the Supreme Court. All decisions made in criminal and civil matters in which the penalty exceeds 330 dirhams (\$40) may be appealed to the courts of first instance. The regional courts are subdivided into civil, commercial, administrative, penal, and rabbinical sections. Cases may be appealed from the regional courts to the appeals court. There were no restrictions on appeals at this level.

At the government's discretion, serious state security charges, such as those relating to the monarchy, Islam, or territorial integrity (in practice, advocating independence for the Western Sahara) may be brought against civilians before a tribunal convened by the MOI.

Trial Procedures

The law provides for the right to a fair public trial for all citizens. However, according

to NGOs, a fair public trial did not always occur in practice, especially for those protesting the incorporation of Western Sahara into Morocco. Juries are not used, following principles of the Napoleonic legal system.

Although accused persons generally are brought to trial within the initial period of two months, prosecutors may request up to five additional two-month extensions of pretrial detention. An accused person therefore may be kept in detention for up to one year prior to trial. Defendants are presumed innocent.

According to the law, all defendants have the right to be represented by attorneys. If a defendant cannot afford private counsel, a court appointed attorney is provided when the offense carries a maximum sentence of more than five years. However, attorneys were not appointed consistently, or if provided, were poorly paid, often resulting in inadequate representation. Judges sometimes denied defense requests to question witnesses and present mitigating witnesses or evidence. Defendants are given the right to be present at their trial and to timely consultation with an attorney, although these rights were not always applied in practice. Defendants generally have access to government evidence, but are sometimes prevented or hindered from calling mitigating witnesses.

Individuals are arraigned before a court of first instance. If the judge determines that a confession was obtained under duress, the law requires that it be excluded from evidence. Human rights NGOs, however, charged that judges decided cases often on the basis of forced confessions, especially in cases of Islamists accused of terrorism or in the cases of some Sahrawis. Police statements about detainees were sometimes used in place of defendants' confessions.

The Supreme Court may overturn an appellate court's ruling on procedural grounds only. As a result, appeals to the Supreme Court were infrequent. An investigation by an examining magistrate was mandatory only when life imprisonment or the death penalty was a possible penalty.

Family courts generally adjudicated divorce and child custody cases according to the family law. These courts addressed family issues for Muslim citizens, and judges were trained in Shari'a (Islamic law) as applied in the country and in the requirements of the 2004 family law. Family matters for Jewish citizens were handled by the parallel legal system available to them.

Political Prisoners and Detainees

The law does not distinguish political and security cases from common criminal cases. The government did not consider any of its prisoners to be political prisoners. The government stated that it detained individuals under criminal law only. Several NGOs, including the Moroccan Association for Human Rights (AMDH), Sahrawi organizations, and Berber activist groups, however, charged the government with detaining persons for political activities or beliefs under cover of criminal charges, such as AMDH members arrested for shouting antimonarchy slogans.

On April 13, police arrested Sahrawi activist Enaama Asfari in Marrakech after a night-time traffic altercation. He said that three plainclothes policemen slapped, punched, stripped, and kicked him, including in the stomach and on the soles of his feet, and burned him with cigarettes. They subsequently took him to a hospital for treatment, but when he requested a medical certificate of injury, he was whisked away. According to Asfari, he was later forced to sign a statement he had not written or read, admitting to drunk driving, and did so to stop the beatings. He was denied the opportunity to contact his family. During the trial the judge refused to allow a medical examination. Authorities expelled Asfari's wife and two other trial observers from Tan Tan and then the country for incitement. He was sentenced to two months in prison and fined 3,000 dirhams (\$420) and was freed on June 13.

On October 27, according to Amnesty International (AI) and Sahrawi activists, Mustafa

Abdel Dayem, a member of both the AMDH and the Sahrawi Journalists' and Writers' Union, was arrested in Assa following antigovernment protests by Sahrawis. While Abdel Dayem claimed not to have participated in the protests, he admitted to having lowered the national flag from the secondary school where he worked as a security guard. He explained that his action was intended to show his support and solidarity with the demonstrators and his opposition to the intervention of law enforcement officers to break up the protests.

On November 4, the Court of First Instance of Guelmim sentenced Mustapha Abdel Dayem to a three-year prison term and a fine of 50,000 dirhams (\$6,220) and forbade him from working in the educational sector for 10 years.

Civil Judicial Procedures and Remedies

The judiciary, often inefficient and believed to be swayed by corruption, was not fully independent and was subject to influence, particularly in sensitive cases such as those dealing with the monarchy, religion, and Western Sahara. There are administrative as well as judicial remedies for alleged wrongs.

A national ombudsman resolves civil matters when the judiciary is unable to do so and has gradually expanded the scope of its activities. The number of complaints it received rose from 4,500 in 2006 to 7,000 during the year. Additionally, the percentage of actionable complaints rose from 29 percent in 2004 to 91 percent during the year. Despite the significant increase in numbers of complaints the ombudsman received, most citizens still looked to the CCDH for redress of human rights complaints. The CCDH serves as a conduit through which citizens offer complaints about government malfeasance or human rights violations. It also supervised the international observation of the parliamentary elections in September 2007.

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

The constitution states that an individual's home is inviolable and that a search may take place only with a search warrant, but authorities sometimes ignored these provisions in practice. The law stipulates that a prosecutor may issue a search warrant on good cause, particularly in cases of suspected terrorism. Plainclothes security officers who did not identify themselves or present search warrants conducted home searches.

As in the last few years, authorities reportedly searched and closed the homes of members of the Justice and Good Works Organization (known also as the Justice and Charity Organization, or JCO), an Islamist opposition sociopolitical group that chooses not to participate in electoral politics. Members allegedly used these homes as "open houses" where they held politically oriented meetings.

In May during significant and sometimes violent unrest sparked by complaints over economic inequalities in the region around the coastal town of Sidi Ifni, residents charged that security forces illegally and unnecessarily entered private homes unrelated to the demonstrations and searched, destroyed, or stole private property and raped several women. The Moroccan Center for Human Rights (CMDH) initially passed on reports that up to 12 people had been killed in the unrest. Two photo journalists who covered the event were detained for two hours without charge and then released, but their film was seized by security officers.

Parliament formed an independent commission of inquiry, as did a consortium of NGOs. Both were allowed unrestricted access to the town and witnesses. The NGO consortium charged that police did use excessive force but found no conclusive evidence of rapes or killings. Other activists insisted, however, that some rapes did occur, but the victims did not feel comfortable testifying before officials. The parliamentary commission submitted its report to the legislature's leadership, and it was released to the public on December 18. The regional police commander in charge of operations in Sidi Ifni was relieved of duty.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law generally provides for freedom of speech and of the press, although criticism of Islam, the monarchy, and territorial integrity (including the issue of Western Sahara) was not permitted. While the government generally respected these rights in practice, during the year freedom of the press remained restricted. The press reported on previously restricted subjects, including military, security, palace affairs, activities of human rights organizations, and even on the Western Sahara.

There were several arrests for public or Internet expression. However, following conviction and pressure from local and international activists, the individuals were released. On February 22, engineering student Fouad Murtada was convicted by the Casablanca Court and sentenced to three years in prison on charges of identity theft. He created a page on the social networking site Facebook purporting to be that of Prince Moulay Rachid, brother of King Mohammed VI. Murtada stated that he created the page as a joke. After widespread protests in Morocco, the king pardoned him on March 19.

On September 4, blogger Mohammed Erraji was arrested on charges of insulting the king under article 41 of the press code for posting a blog entry entitled "King encourages dependency on handouts." He was sentenced to two years in prison by the Agadir court and fined 5,000 dirhams (\$538) on September 8. On September 18, an appeals court overturned his case on procedural grounds and released him.

On October 21, high school student Yassin Belaasal was sentenced to one and one-half years in prison on charges of insulting the king. He had rewritten the country's motto on a blackboard to read "God, Country, Barca" (for the popular Spanish football club FC Barcelona), instead of "God, Country, King." He was released on his own recognizance pending his appeal. The court upheld the conviction on November 12 but reduced the sentence to one year and suspended it. Activists criticized the government for violating Belaasal's right of free expression, while the government stated that he had written other, even more insulting, comments about the king's father on the blackboard.

In 2007 one case of withholding sources of information in a sensitive national security matter resulted in a prison sentence, at least three in suspended sentences, and five in fines. The rest were pending at year's end. None led to an acquittal.

The government often penalized publications and reporters that tested the boundaries of the law. In August the international NGO Reporters Without Borders (RSF) reported that since the beginning of King Mohammed VI's reign in 1999, at least 34 media institutions had been censored and at least 20 journalists had been prosecuted under press, penal, or antiterror laws. RSF's annual report stated that press freedom deteriorated during the year.

The antiterror law and the press code impose financial penalties on journalists and publishers who violate the restrictions related to defamation, libel, and insults including critical discussion of the monarchy, state institutions, territorial integrity, and Islam. Prison sentences can be imposed on those convicted of libel. The press code lists threats to public order as one of the criteria for censorship. The government has the ability to revoke licenses and to suspend and confiscate publications. Within these very broadly construed limits, politically diverse newspapers and weeklies published news and commentary often critical of nonsensitive policies and personalities.

The Ministry of Communication (MOC) issued directives and guidance, and subsidized publications including those critical of the government. The placement of government-directed advertising also influenced revenue of print media outlets. Direct government subsidies varied according to the percentage of the population reading the publication. The government temporarily suspended publications it judged offensive. After some delay, it allowed suspended publications to continue operation. Newspapers reported exercising self-censorship as a result of these restrictions.

The government registered and licensed domestic newspapers and journals.

On October 31, the MOC banned distribution of the international edition of the French weekly L'Express which carried a cover story entitled, "The shock: Jesus-Mohammed: Their journey, their message, their vision of the world."

The government owned la Societe Nationale de la Radiodiffusion et de la Television, formerly Moroccan Radio Television, which owned and operated several local television and radio stations. It also partially owned the 2M television and radio network. The French-backed Medi-Sat television and Medi 1 radio were nominally private and independent. A government appointed committee monitored broadcasts. The government owned or partially owned the only television stations whose broadcasts could be received in most parts of the country without decoders or satellite dishes. Since 2006 the government has licensed the operations of several independent radio stations that offer news and information. Satellite dishes were widely used. The government did not impede the reception of foreign broadcasts.

The MOC accredited 115 foreign correspondents, including 17 international press agencies, 29 television correspondents, six radio reporters, and 24 daily and weekly journalists.

Authorities subjected journalists to harassment and intimidation during the year. In April police beat three journalists for covering a protest against rising food prices outside of parliament.

On May 6, the government suspended Al-Jazeera's broadcasting license, forcing it to cease broadcasting its nightly Maghreb news bulletin from Rabat. Al-Jazeera was permitted to retain its office in Rabat.

On July 11, a court fined Al-Jazeera Rabat bureau chief Hassan al-Rachidi 49,000 dirhams (\$6,000) and suspended his press accreditation for "publishing false information" after the channel quoted human rights activist Brahim Sab Alail as alleging that security forces killed protesters during protests in the town of Sidi Ifni. At one point, Rachidi's attorneys withdrew from his case in protest, claiming that the court refused to allow them to call defense witnesses. Al-Rachidi appealed, claiming that the court did not follow correct procedures for the suspension of his press accreditation. On December 3, the Rabat appeals court postponed hearing the case until January 7.

On May 21, Rafael Marchante, a Spanish photographer employed by Reuters, claimed he was attacked by police while covering a demonstration by unemployed university graduates in Rabat.

In August 2007 a Casablanca court sentenced Abderrahim Ariri, publisher of Al Watan, to a six-month suspended prison sentence while Mustapha Hormatallah, a journalist for the paper, was sentenced to eight months in prison. Both journalists were also fined 1,000 dirhams (\$130). The men were arrested and detained on July 17 for publishing an article containing a confidential military document warning of an Al-Qa'ida attack. Both men were held incommunicado for several days after their original arrest, and Ariri claimed he was "roughed up" and denied access to his attorney. Hormatallah was freed on bail during his appeal, but returned to prison to serve his sentence after losing his appeal. He was released on July 13. During the year there was no change in the status of Nadia Yassine, who authorities summoned to court in 2005 for publicly stating her belief that the country would be healthier as a republic than as a monarchy. Her trial remained in abeyance.

In August 2007 authorities seized editions of TelQuel and its Arabic-language sister publication Nichane. Their director, Ahmed Reda Benchemsi, was charged with "lack of respect for the king's person and for public morality." The seized issues published an editorial on the king's July 30 Throne Day speech, in which the king stated that the upcoming parliamentary elections would strengthen the country's democracy and also an article entitled "Sex in Islamic Culture." Nichane was withdrawn from newsstands, but

TelQuel was seized before publication. The case against Benchemsi was postponed repeatedly and remains pending.

Internet Freedom

There is no specific law and no judicial decision concerning Internet content or access. On occasion the government, through Maroc Telecom, temporarily blocked access to specific Web sites. Authorities blocked the JCO Web site sporadically.

On February 5, police arrested engineering student Fouad Murtada and charged him with criminal impersonation and identity theft for creating a page on the Facebook social networking site purporting to be that of King Mohammed VI's younger brother, Prince Moulay Rachid. Murtada said he had set up the page "as a joke" and to "attract women," while the government stated that he had engaged in "criminal impersonation and identity theft." On February 22, the Casablanca court convicted Murtada and sentenced him to three years in prison. After widespread protests, the king pardoned him on March 19.

On September 4, blogger Mohammed Erraji was arrested on charges of insulting the king under article 41 of the press code for posting a blog entry entitled "King encourages dependency on handouts." He was sentenced to two years in prison by the Agadir Court and fined 5,000 dirhams (\$538) on September 8. On September 18, an appeals court overturned his case on procedural grounds and released him.

In May 2007 authorities blocked access to YouTube.com for six days after it aired videos considered insulting to the king and for four days due to concerns about a video implicating police in corruption. Since 2006 the government blocked the sites "Google Earth," "Google Maps," and LiveJournal.com on various occasions. Internet access is widely available in urban areas and to a lesser extent in rural sectors. Internet cafes are numerous and can be found in even the most remote parts of the country. According to 2007 International Telecommunication Union data, there were approximately 483,400 subscribers and 6.6 million users in the country.

Academic Freedom and Cultural Events

By law and in practice, the government restricted presentations or discussions critical of the monarchy, Islam, or the status of Western Sahara. Islamist groups controlled many student unions and sometimes acted to constrain academic freedom. The MOI approved the appointments of university rectors.

The government banned Islamist literature it termed extremist at the 2008 Casablanca Book Fair.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association within the limits provided by law. In practice the government suppressed demonstrations or prohibited associations that went beyond the limits set by the law for freedom of speech and press.

Freedom of Assembly

The MOI required permission for public assemblies. During the year the police forcibly prevented and disrupted some peaceful demonstrations and mass gatherings. Violent police actions were fewer than in previous years.

In February all AMDH members that authorities arrested and imprisoned for allegedly chanting antimonarchical slogans at a May 2007 protest had their sentences commuted and were released.

On April 13, security forces violently disrupted a daily, unauthorized demonstration by the Union of Unemployed College Graduates in front of parliament.

On June 7, police forcefully dispersed a week-long blockade of the port in Sidi Ifni by protestors demanding economic reforms. According to government reports, 48 members of the security forces and 23 protestors were injured. Protestors and civil society organizations stated that police officers broke into homes of innocent residents, ransacked them and stole private property. There were no fatalities, although accusations of rape remained unresolved. Police arrested Sab Alail, a member of the CMDH, after he provided subsequently disproven information on fatalities to local and international media organizations. A court sentenced Alail to six months in prison and fined him 58,000 dirhams (\$7,000) for incitement. On December 3, the Rabat court postponed an appeal hearing to January 7, 2009.

Freedom of Association

The constitution provides for freedom of association as provided by law. The government reported that more than 2,500 NGOs and associations were registered in the country. New organizations are required to register with the MOI. A proposed organization must submit its bylaws to the ministry. If the bylaws support the monarchy, Islam, and territorial integrity, the ministry issues a receipt to the organization, which signifies formal approval. The organization may apply for tax exemption and government funding. If the organization does not receive a receipt within one week, it is not formally registered. Many organizations functioned without the receipts.

Organizations supporting self-determination for Western Sahara were not permitted to register, including the Association of Victims of Grave Human Rights Abuses (ASVDH) and the Sahrawi Collective of Human Rights Defenders (CODESA). Unregistered organizations cannot access government funds or legally accept contributions. ASVDH remained unregistered despite a 2005 Agadir administrative court decision requiring authorities to do so.

During the year authorities continued to monitor JCO activities. In February 2007 authorities raided the home of JCO member Hussein Marjane, disrupted an "open house" organizational meeting and detained all attendees. Police later evicted Marjane's wife and children from the house.

However, struggles between the government and the JCO continued during the year. For example, on February 23, the media reported the arrest of 53 members of the JCO in Essaouira for holding an unauthorized meeting at the house of a regional leader. The meeting was attended by the movement's regional leaders from Marrakech, Casablanca, Mohammedia, and Essaouira.

c. Freedom of Religion

The constitution provides for freedom of religion and stipulates that Islam is the official state religion. According to the constitution, the king is the "Commander of the Faithful and the Supreme Representative of the Muslim community." Non Muslim communities openly practiced their faiths with varying degrees of official restrictions. The law proscribes efforts to proselytize Muslims. However, voluntary conversion is not prohibited by civil law.

The government supported and facilitated religious activities of the Jewish community.

The government prohibited the distribution of Christian religious materials for the purpose of proselytism, but tolerated several small religious minorities.

The government did not license or approve religions or religious organizations. The government provided tax benefits, land, building grants, subsidies, and customs exemptions for imports necessary for the observance of the major religions.

The Ministry of Endowments and Islamic Affairs (MEIA) continued to monitor Friday mosque sermons and Koranic schools to ensure the teaching of approved doctrine. During the year the ministry broadcasted approved programs to 38,000 mosques via government-provided television sets and satellite dishes. It placed restrictions on individual Muslims and Islamic organizations whose activities were deemed to exceed the bounds of religious practice or to be political in nature. The government strictly controlled the construction of new mosques and required a permit for construction. Authorities instituted these measures to avoid exploitation of mosques for political propaganda, such as distributing pamphlets, raising funds, or disseminating extremist ideas.

On October 27, the MEIA suspended six imams in the southern town of Taroudant for teaching an unapproved and extreme form of Islam and, among other acts, for allowing the marriage of young girls. The religious schools at which they taught were subsequently closed. This followed closure of dozens of madrasas (religious schools) affiliated with an imam who sparked controversy with a fatwa which was interpreted to permit the marriage of girls as young as nine years old, on the grounds that the decision encouraged pedophilia. On November 10, the MEIA informed parliament that he had signed an agreement with the MOI to "protect mosques as secure places for worship."

The government generally limited mosque activities to the propagation of Islam, education, and charity. The government did not close any mosques during the year.

The small foreign Christian community operated churches, orphanages, hospitals, and schools without restrictions or licensing requirements. Missionaries who conducted themselves in accordance with cultural norms largely worked unhindered, but those who proselytized publicly faced expulsion. In March the media reported the arrest in Zagora of two foreign tourists who were in possession of Bibles and compact discs on suspicion of proselytizing. Later, they were allowed to leave the country. The number of local Christians, apart from foreign spouses of citizens, was estimated to be between 5,000 and 25,000 persons.

Any attempt to induce a Muslim to convert is illegal, but this prohibition was not invoked in practice.

Societal Abuses and Discrimination

There were no reports of anti-Semitic acts, publications, or incitements to violence.

Representatives of the Jewish minority, estimated by community leaders to number 4,000 members, generally lived in safety throughout the country, and the government provided appropriate security. The Jewish community operated schools and hospitals whose services were available to all citizens. The government provided funds for religious instruction to the parallel system of Jewish public schools. Jews continued to hold services in synagogues throughout the country.

There are two sets of laws and courts – one for Muslims and one for Jews – pertaining to marriage, inheritance, and family matters. Under the family code, which applies to Muslims, the government began retraining judges and recruiting new civil judges, while rabbinical authorities continued to administer family courts for Jews. There are no separate family courts for other religious groups, which rely upon the civil system. The government continued to encourage tolerance and respect among religions.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation. In practice the government severely restricted movement

in areas regarded as militarily sensitive, including Western Sahara.

The MOI restricted the freedom to travel outside the country for all civil servants, including teachers and military personnel. Civil servants must obtain written permission from their ministries to leave the country.

The law provides for forced exile. There were no known instances of its use during the year.

The government welcomed voluntary repatriation of Jews who had emigrated. Jewish emigrants, including those with Israeli citizenship, freely visited the country. The government also encouraged the return of Sahrawis if they acknowledged the government's claim to the Western Sahara territory. The government eliminated previous informal restrictions on the travel of Sahrawis and made travel documents fully available.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol. It provides for the rights of asylum seekers and the temporary residency of persons who do not qualify for refugee status or asylum. However, the government has not yet established a national asylum procedure and instead defers to the UN High Commissioner for Refugees (UNHCR) as the sole agency in the country entitled to grant refugee status and verify asylum cases. In July 2007 the government signed an agreement with UNHCR to strengthen cooperation in the face of rising rates of migrants attempting to reach Europe. The agreement raised the UNHCR office in the country to full representation and provided UNHCR staff with greater access to relevant departments in the government. Before signing the agreement, UNHCR provided training to government officials on the appropriate treatment of refugees.

In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Although refugees recognized by UNHCR are no longer returned under such circumstances, their asylum claims are not processed or recognized by the government of Morocco. This means that they are unable to obtain residence permits that would allow them access to the national health care system and the legal right to work. At year's end the UNHCR reported 877 refugees and 369 asylum seekers in the country.

On April 28, media organizations reported that between 15 and 40 irregular migrants died when a Moroccan sailor deliberately punctured their inflatable boat in the waters between Morocco and Spain. The government stated that the boat had been damaged accidentally during an attempt to turn the migrants around and that a subsequent rescue operation saved more than 100 lives. The Navy launched an inquiry that exonerated the sailors.

Spain continued to return to the country illegal immigrants taken into custody at sea. The government and the International Organization for Migration (IOM) reported 210 cases of voluntary return by migrants. The government also reported that 8,735 migrants who failed to make the crossing to Spain were taken into custody by Moroccan authorities. Spanish authorities reported a substantial drop in illegal migration from Morocco. Although the government denies the practice, credible reports from NGOs and international organizations stated that illegal migrants are regularly driven into the desert at the border of Algeria where they are left without food or water and instructed to walk in the direction of Algeria.

3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides for regular, free elections on the basis of universal suffrage, including elections to parliament. Citizens vote for the legislature from which the government is

drawn; therefore, they had an indirect say in choosing a major part of the executive branches of the government. However, this did not apply to the monarchy, and citizens did not have the right to fully change their government.

The king as head of state appoints the prime minister, who is the titular head of government. The constitution authorizes the prime minister to nominate all government ministers, although the king also may nominate ministers and has the power to replace any minister. The government consists of 34 cabinet level posts, including the prime minister and five sovereign ministerial posts that traditionally report directly to the king (i.e., interior, foreign affairs, justice, endowments and Islamic affairs, and defense). The MOI nominates provincial governors (walis) and local district administrative officials (caids) to the king, who appoints them. The king also appoints the constitutional council that determines whether laws passed are constitutional.

The constitution may not be changed without the king's approval. The constitution provides that neither the monarchical system nor the measures related to the religion of Islam are subject to revision. Only the king has the power to put constitutional amendment proposals to a national referendum. Amendments can be proposed directly by the king or parliament and must pass both houses with a two-thirds majority. Once a royal decree has been issued, the amendment can be sent to a national referendum; however, the king has the authority to bypass any national referendum. Citizens elect municipal councils directly; citizens elect regional councils through representatives.

Elections and Political Participation

Electoral law and regulation give the MOI authority over the general operation of elections – from drawing the electoral districts to counting the votes. In March 2007 MOI redrew electoral districts to give more seats to less populated areas and dilute urban votes. The number of voters represented by each member of parliament varied significantly due to the manner in which the electoral districts were drawn. Redistricting took place before the 2009 local government elections.

In the September 2007 legislative elections, the king mandated the royally chartered and appointed CCDH to supervise and facilitate the work of domestic and international observers, leading to the most transparent election in the country's history. The final counting was accepted by all political parties as accurate and certified by the MOI as legitimate.

Observers praised the government, including the MOI, for the professional administration of the September 2007 balloting. They attributed the low voter participation rate and high protest vote to weak parties and a parliament that has little vested power. Observers criticized preelection vote buying by parties and some instances of official misconduct at the district level. Domestic observers did not receive accreditation to observe the process until the eve of the election. All reports recommended the creation of an independent electoral commission.

Between March and September 2007 a combined MOJ/MOI commission received 1,260 allegations of preelectoral malfeasance. The majority of complaints related to "premature" campaigning and, to a lesser extent, the inappropriate use of money, unlawful attempts to influence voting by government agents, and election or campaign violence. Seven cases related to registration fraud. Of the allegations received, the commission referred 53 cases for trial or judicial action. Most of the defendants were released on bail and were still awaiting court dates.

On November 11, a court in the town of Beni Mellal, south of Rabat, sentenced the chairman of the city council to six months in jail for electoral fraud committed during the September 2007 legislative elections. The court also fined a member of the Liberal Party 80,000 dirhams (\$9,000) for election tampering and banned him from voting or running for office for two years. They were both accused of using government resources to influence voting.

Political parties faced some government-imposed restrictions. The MOI must approve political parties. Legislation places conditions on the establishment and functioning of political parties. The law requires parties to hold frequent national congresses and to include women and youth in the leadership structures. Public funding is based on a party's total representation in parliament and the total number of votes received nationally. Only registered members of a particular party may make private contributions. A party can be disbanded if it does not conform to the provisions stated in the law. To create a new party, organizers must submit to the MOI a declaration signed by at least 300 cofounding members from one-half of the 16 regions of the country.

The September 2007 parliamentary elections resulted in the selection of 34 women out of 325 total parliamentary seats – a decline of one seat from the previous term. Thirty of the 34 new female representatives were elected from a national list reserved for female candidates. In contrast, Prime Minister Abbas El Fassi's new 33-member government included five women ministers and two women secretaries of state, compared with two in the previous government. Women occupy other key leadership slots, such as mayor of Essaouira and governor of a district in Casablanca. There were no female members of the Supreme Court.

Women's representation in political parties' decision making structures remained low. A revision of the electoral code lowered the voting age from 23 to 21 and instituted a quota for women's membership on local councils of 12 percent, well above the barely half of 1 percent previously on the councils.

In December 2007 the government declared the Amazigh Democratic Party illegal on the grounds that it violated a constitutional ban against ethnic political parties. On January 13, the ban was upheld on appeal. Although there is significant participation by centrist parties such as the Popular Movement (MP) that identify themselves as representing Amazigh interests, many segments of the Berber political movement felt that their requests for greater cultural, political and economic autonomy were not given a fair or influential hearing.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Corruption was a serious problem in the executive, legislative, and judicial branches of government. In May 2007 the minister of justice stated that corruption and economic crimes accounted for 10 percent of all cases in the court system. During the year the MOJ adjudicated more than 6,000 corruption cases, although the outcomes of most were undetermined at year's end.

The judiciary's lack of independence and susceptibility to influence were widely acknowledged, including by the king. In April 2007 parliament adopted a law requiring judges to disclose property and financial assets, and in March a similar law passed pertaining to members of parliament and ministers.

In response to his July 2007 Throne Day Speech, the king charged the government with forming the high-level Central Commission for the Prevention of Corruption, composed of ministerial representatives and members of civil society, to investigate corruption allegations and report them to the prime minister. Eighteen months later, on December 2, the prime minister announced the 42 members of the body, the president of which is a civil society anticorruption activist and former political prisoner. In addition to the commission, the MOJ and the Government Accountability Court (Cour de Comptes) also had jurisdiction over corruption issues.

During the year the accountability court conducted 245 audits of national governmental offices and services and 198 of local authorities. The court's report was generally critical of the level of accountability and corruption in government services. The report levied specific criticism against the Health Ministry, National Investment and Development Fund, and several local mayors for rampant corruption. There were no prosecutions by

year's end.

There is no freedom of information law. In practice the government did not grant access to official information to citizens and noncitizens, including foreign media.

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

The government's attitude toward international human rights organizations varied, depending on the sensitivity of the issues addressed. Domestic and international human rights groups generally operated without government restriction (apart from those which favor independence for Western Sahara and some Berber organizations), and they investigated and published findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Domestic and independent human rights NGOs recognized by the government included the Moroccan Organization of Human Rights (OMDH) and the Moroccan League for the Defense of Human Rights (LMDDH). Since 2000 the government has subsidized these two NGOs. The AMDH did not cooperate officially with the government but usually shared information. The OMP, a human rights organization recognized and partially funded by the government, was granted access to prisons and prisoners. The government sometimes met with and responded to inquiries and recommendations of these groups.

According to 2007 government estimates, there were more than 2,500 registered NGOs in the country. International NGOs such as Human Rights Watch, Reporters Without Borders, and Amnesty International cooperated with the government on several human rights projects and generally reported unrestricted operation. The ICRC/Red Crescent conducted international humanitarian law training with the military and at Al-Qarawiyyin University in Agadir.

The CCDH, appointed by the king, advised him on human rights issues. A nonjudicial ombudsman considered allegations of governmental injustices, but in practice the CCDH filled many of the roles of national social ombudsman. The CCDH enjoyed broad trust and was generally viewed by the public as the only governmental body legitimately working in the field of human rights.

5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, sex, disability, language, or social status. In practice discrimination against women continued to be a problem, particularly in rural areas.

Women

The law severely punishes men convicted of rape or sexual assault. Spousal rape, however, is not a crime. Defendants in rape prosecutions bear the burden of proving their innocence. Sexual assaults often were unreported. While not provided for by law, victim's families may offer marriage as an alternative to rapists to preserve family honor.

Reports by women's shelters provided a limited picture of the scale of violence against women and also noted the government's failure to implement existing legislation. According to women's rights organizations, a government campaign to prevent violence against women launched in 2006 has had little follow-through, and major legal reforms are still needed, although the campaign has continued.

During the year the Ministry of Social Development, Family and Social Security recorded 14,617 cases of violence against women, including rape. Two organizations operated counseling centers for legal and social services. The Anaruz network (31 centers) reported 16,527 complaints of physical and sexual violence in 2007. The Democratic League for the Rights of Women (LDDF), with 12 centers, reported 3,569 cases of

violence in the same year. These counseling centers exist exclusively in urban areas and services for victims of violence in rural areas are limited to the local police.

The law is lenient toward husbands who commit crimes against their wives. Police rarely involved themselves in domestic disputes. Regarding the issue of rape, women's rights organizations pointed to numerous articles of the law they believe perpetuate unequal treatment for women and insufficient protection. The prosecution of the statutory rapist of underage girls can be cancelled if the rapist agrees to marry his victim.

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. Physical abuse was legal grounds for divorce, although few women reported abuse to authorities. Toll-free telephone numbers for victims of domestic violence existed in 20 centers nationwide.

Honor crimes, or assaults against women with the intent to kill, were a problem. Instead of strengthening the law after a campaign to end "honor killings," the government extended the same protection to wives who kill their husbands.

Prostitution is illegal. Closely linked to tourism and urban migration, it is a growing, but not a pervasive problem. Authorities did not effectively enforce the law.

Sexual harassment in the workplace is a criminal offense, but only when committed by one's superior and is defined as an abuse of authority. Authorities did not effectively enforce the law. According to the government, although the law allows victims to sue employers, few did out of a fear over losing their job or difficulty in proving a case.

Women's inheritances, which are determined by Shari'a, vary depending on the presence of children and other wives.

In 2007 Muslim women gained the right to pass nationality to their children. Previously, nationality was passed only through the father. The change allows children of citizen mothers and noncitizen fathers who are both Muslims to access the educational and social benefits available to all citizens. It also has implications for international custodial disputes involving binational couples. Citizenship can still be transferred to a child only if both parents are Muslim and if their marriage is recognized by the law.

The 2004 family law changed the marriage age for women from 15 to 18 years, placed the family under the joint responsibility of both spouses, and rescinded the wife's duty of obedience to her husband. A marital tutor is no longer a requirement for women as a condition of marriage, divorce is available by mutual consent, and limitations are imposed on the practice of polygamy.

Implementation of the family law remained a concern because it largely depends on the judiciary's ability and willingness to put it into practice. Due to its controversial nature, the law was written in such a way as to provide broad interpretive latitude to individual judges, not all of whom agreed with its intent. Corruption among working-level clerks in the courts and a lack of knowledge about its provisions among many lawyers also constituted obstacles.

On February 11, the MOJ released statistics that pointed to the positive effects of the 2004 family law. Divorce by mutual consent, a new right in the law, made up nearly 30 percent of cases in 2007. The code also allows women to initiate divorce proceedings. There were 26,547 applications for divorce by women in 2007, compared with 14,181 lodged by men. The code also allows women to marry without permission from a guardian. In 2007, 62,162 women arranged their own marriages, which was 3.4 percent more than in 2006.

Many NGOs worked to advance women's rights and promote women's issues. Among these were the Democratic Association of Moroccan Women, the Union for Women's Action, the Democratic League for the Rights of Women, and the Moroccan Association for

Women's Rights. All advocated enhanced political and civil rights. There were numerous NGOs that provided shelters for battered women; promoted literacy; and taught women basic hygiene, family planning, and childcare.

Children

The government was generally committed to the protection of children's welfare. The constitution provides for compulsory, free, and universal education for children between the ages of six and 15.

According to national statistics, approximately 250,000 children drop out of primary school each year and another 130,000 students leave middle and high school. A 2006 UN Children's Fund (UNICEF) study reported that 87 percent of all children stated that they were subject to some kind of violence at school.

During the school year 2007-08, according to the Ministry of National Education, 91,802 students graduated from high school. The number of students enrolled in university came to 396,849.

According to statistics released by the MOJ on February 12, ten percent of all marriages were with girls under the age of 18. The legal marrying age of women is 18 years, but parents may secure a waiver from a judge.

Children were exploited through prostitution within the country and increasingly were victims of sex tourism.

The government maintained accords with Spain and Italy to repatriate unaccompanied minors. Repatriation remained slow due to the lack of agreement by local families to allow the minors to return home as well as the small number of spaces in reception centers for minors with no place to return.

Trafficking in Persons

The law prohibits trafficking in persons. However, there were reports that persons were trafficked to, from, and within the country. The country was a source for men, women, and children trafficked to Europe and the Middle East for forced labor and sexual exploitation. Internal trafficking remained a problem. The two most commonly trafficked groups were girls sent involuntarily to serve as child maids and women forced to perform sexual services. According to UNICEF and national NGOs, recruiters habitually visited isolated rural villages in the Atlas Mountains, where they persuaded parents that their daughters would be better off as child maids. Women were trafficked to Saudi Arabia, Syria, and the United Arab Emirates and forced into prostitution after being promised jobs as domestics.

The country was a transit point for trafficked persons. Men and women from Nigeria, India, Bangladesh, Sri Lanka, and Pakistan were trafficked to Europe or other Near Eastern countries. Sub-Saharan Africans transiting the country to Europe were also victims of traffickers. Women were often pressured into commercial sexual exploitation and involuntary servitude in exchange for food and shelter.

Organized criminal gangs coordinated some of the clandestine migration to Europe, particularly by sub-Saharans transiting the country. Some of this activity may include trafficking. Police in the north, who reportedly ignored trafficking for financial gain, were arrested and convicted of a variety of crimes. Most trafficking rings were small criminal groups. Unofficial reports stated that hotel personnel arranged to transport girls and young women from rural areas to cities to be used in commercial sexual exploitation.

In 2007 the government charged two police officers in Casablanca with organizing a criminal gang to facilitate the illegal entry of foreigners and to assist in their exit from

the country. These officers were convicted and sentenced to two years in prison.

In 2006 officials dismantled a large international network that was trafficking and smuggling migrants from India and arrested 70 suspects, including a police officer. At year's end they were convicted and sentenced to two years in prison.

The government made efforts to prosecute traffickers and trafficking-complicit officials during the year. Penalties prescribed by the law for sex trafficking offenses are stringent and commensurate with those prescribed for other grave crimes, such as rape. In 2007 authorities prosecuted 150 cases of inciting minors into prostitution and convicted 129 individuals for this trafficking crime. The government did not provide any sentencing data to demonstrate that these convicted traffickers were punished. Security officers were convicted of trafficking offenses in Tangier, Tetouan, and Nador. Their sentences ranged from two months' suspended sentences with a fine to four years' imprisonment. During the year authorities reported dismantling 220 "trafficking rings." Since the government continued to make no distinction between migrant smuggling and trafficking, it is not clear how many, if any, actually were trafficking rings. In July 2007 the government investigated incidents of alleged sexual exploitation of women and girls in Cote d'Ivoire by Moroccan peacekeepers. The government dropped charges when alleged victims failed to testify and claimed that they had been coerced into making the accusations.

Protection of trafficking victims was a problem. Foreign trafficking victims were not properly identified, and often were arrested and subject to detention and automatic deportation along with other illegal migrants. There were reports that authorities routinely rounded up illegal sub-Saharan migrants, including victims of trafficking, and left them at the Algerian border, often without food or water. As the government has not provided data regarding these expulsions, the extent of this problem is not known.

NGO reports indicated that police physically abused trafficking victims. The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they might face hardship or retribution. Very few victims were repatriated. The government provided in-kind support to NGOs assisting victims.

UNHCR protection was available to trafficked individuals in theory, but the government has no procedures in place to refer trafficked individuals to UNHCR. The government continued to repatriate trafficking victims. IOM assisted in the voluntary repatriation of 1,437 people during the year. The government of Morocco reported that it expelled 8,735 illegal migrants during the year.

The National Observatory of Migration formulated antitrafficking policy, which was implemented primarily by the MOI. Clandestine migration was the purview of immigration officials; prostitution was a police issue; and child bride cases were reviewed by local authorities, who ultimately report to MOI. Law enforcement officers often participated in training and seminars relating to trafficking and human rights in general.

In March the government committed approximately 26 million dirhams (\$3 million) to develop the income-generating capacity of families at risk of sending their children for domestic work. The government also signed agreements with Catalonia, Spain and Italy to prevent illegal migration of Moroccan children, who are at extremely high risk of being trafficked. The government did not, however, show significant efforts to raise public awareness of the commercial sexual exploitation of children and women in major cities, especially tourist areas, and did not take any reported measures to reduce the demand for commercial sex acts.

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

The government did not effectively implement laws and programs to ensure access to buildings for persons with disabilities. The Ministry for Social Development, Families, and Solidarity had responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society. In practice, however, integration was largely left to private charities. Typically, families supported persons with disabilities. A limited number survived by begging.

National/Racial/Ethnic Minorities

The official language is Arabic. Both French and Arabic are used in the news media and educational institutions. Science and technical courses are taught in French, thereby reducing participation of the large, monolingual Moroccan-dialect, Arabic speaking, or Tamazight (Berber)-speaking populations. Educational reforms in the past decade emphasized the use of Arabic in secondary schools. Failure to transform the university system similarly led to the disqualification of many students from higher education in advanced technical fields. The poor lacked the means to obtain the necessary additional French instruction to supplement the curriculum taught in public schools.

Approximately 60 percent of the population claimed Amazigh heritage, including the royal family. Amazigh cultural groups contended that their traditions and language were being lost rapidly to Arabization. The government added television programs in Tamazight in September 2007, and Tamazight language classes were included in the curriculum of a limited number of primary schools. In the 2007-08 school year, the government instituted an Amazigh language class in 3,470 schools, an increase of 2,806 from the previous academic year. Programs in one of the Berber languages were increasingly available on both radio and television.

Despite the fact that the country is majority Amazigh, rural areas that are predominantly Amazigh are the poorest in the country. Illiteracy in some areas runs as high as 80 percent, and authorities there often do not provide basic governmental services.

In December in the town of Beni Mellal, in the strongly Amazigh Middle Atlas, five men died from exposure to the cold. In 2006, in the Amazigh town of Anfghouh, 35 people died of exposure during the winter. Amazigh activists criticize the government for extracting rich natural resources from impoverished areas while making no provision for residents to benefit from the exploitation. The Amazigh political and cultural movement also demanded that the Berber be made an official language on par with Arabic and French. Some members of the Amazigh community have described difficulty registering traditional names of children, such as Massinissa and Yugurtha, with authorities, who denied them based on the fact that they were not Arab names. In June the president of the banned Amazigh Democratic Party publicly criticized the government for this practice.

In January several Amazigh activists were arrested in the town of Boulmane n'Dades and subsequently sentenced to between two and five years in prison. The activists stated that they were celebrating the traditional Berber New Year, while the government charged them with disturbing the peace and incitement.

Other Societal Abuses and Discrimination

There was some societal violence based on sexual orientation. The penal code criminalizes homosexual acts, but these provisions were infrequently enforced. In April authorities raided a religious festival in Marrakech and charged some participants with violating laws against homosexuality.

In November 2007 an angry mob ransacked the home of a man who had hosted an alleged gay wedding the previous weekend. In December 2007 he and five other participants were tried and convicted for violating the law against homosexual acts. All were released in March.

The few people living with HIV/AIDS in the country faced discrimination and had limited treatment options.

6. Worker Rights

a. The Right of Association

The constitution permits workers to establish and join trade unions. In practice the laws reportedly were not implemented in some areas. The law provides workers with the right to strike except for certain categories of government employees (e.g., members of the armed forces, police, and judiciary). Domestic and agricultural workers are not covered by the labor code and do not have the right to form unions. While most union federations were allied with political parties, unions were free from government interference. Approximately 5.5 percent of the country's workers were organized. Any group of eight workers may organize a union, and a worker may change union affiliation easily.

The labor law details restrictions on the number of overtime hours worked per week and the rate of pay for holidays, nightshift work, and routine overtime. According to national and international NGOs, workers sometimes worked more than the standard 44 hours per week, and overtime hours were often required without pay.

The law prescribes the government's authority to intervene in strikes when national security, domestic stability, or vital economic interests are threatened. Employers cannot initiate criminal prosecutions against workers participating in strikes. Unlike in previous years, there were no reports that union officers were subject to government pressure.

The law requires compulsory arbitration of disputes, prohibits sit ins, calls for a 10-day notice of a strike, and allows for the hiring of replacement workers. The government can intervene in strikes, and a strike cannot take place around issues covered in a collective contract for one year after the contract comes into force. The government has the authority to break up demonstrations in public areas where strikes have not been authorized and to prevent the unauthorized occupancy of private space.

Unions may not prevent nonstrikers from working and may not engage in sabotage. Any striking employee who prevents a replacement worker from working is subject to a seven-day suspension. A second offense within one year is punishable by a 15-day suspension.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is protected by law, and the government generally upheld this right. The right to strike is freely practiced. Less than 6 percent or 600,000 of the 11.3 million-strong workforce belonged to a union. A work site may contain several independent locals or locals affiliated with more than one labor federation. Only unions having 35 percent of the workforce as members may be recognized as negotiating partners.

Collective bargaining was prevalent in many sections of the economy. The wages and conditions of employment of unionized workers generally were set in discussions between employer and worker representatives; however, employers set wages for the vast majority of unionized and non-unionized workers unilaterally. Labor disputes arose in some cases as the result of employers failing to implement collective bargaining agreements and withholding wages.

The law specifically prohibits antiunion discrimination and prohibits companies from dismissing workers for participating in legitimate union-organizing activities. The courts have the authority to reinstate arbitrarily dismissed workers and are able to enforce rulings that compel employers to pay damages and back pay. Unions may sue to have

labor laws enforced, and employers may sue unions when they believe unions have overstepped their authority.

Employers wishing to dismiss workers are legally required to notify the provincial governor through the labor inspector's office. In cases in which the employer plans to replace dismissed workers, a government labor inspector provides replacements and mediates the cases of workers who protest their dismissal.

There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced, compulsory labor and clandestine labor, including by children. However, there were reports that such practices occurred. Child and forced labor was especially common in the agricultural and manufacturing sectors. Young girls often worked in urban areas as domestic servants. In practice the government did not inspect the small workshops and private homes where the vast majority of such employment occurred. Forced labor persisted in the practice of adoptive servitude in households.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace and prohibits forced or compulsory labor. The government did not effectively implement these laws, except in organized labor markets.

According to government statistics, during the first half of the year, 94 inspections led to citations being issued for 39 instances of employment of children under the age of 15. A total 184 site visits and 616 investigations uncovered 19 cases of employment of children between 15 and 18 years.

The inspection visits found that the bulk of child laborers work in the carpentry/forestry (23 percent), mechanical (19 percent) and construction sectors (12 percent). Noncompliance with child labor laws was common, particularly in the agricultural sector. In 2006 domestic and international NGOs reported that up to 87 percent of the country's underage workers worked on family farms.

The labor law sets the minimum age for employment in all sectors at 15 years. According to the law, children under the age of 16 are prohibited from working more than 10 hours per day, which includes at least a one-hour break. Children under the age of 16 are not permitted to work between the hours of 9 p.m. and 6 a.m. in nonagricultural work or between 8 p.m. and 5 a.m. in agricultural activities. Employment of children under the age of 18 is prohibited in stone quarries, mines, or in any other positions deemed hazardous by the government.

In practice children were apprenticed before age 12, particularly in small, family-run workshops in the handicraft industry. Children also worked in the informal sector in textile, carpet, and light manufacturing activities. Children's safety and health conditions and wages were often substandard. Many young girls were exploited as domestic servants. The labor code does not cover domestic labor and therefore does not prohibit the employment of child maids. NGOs estimated that between 66,000 and 88,000 children worked illegally as domestic servants.

Credible reports of physical and psychological abuse of domestic servants were common. Some orphanages were charged as complicit in the practice. The public generally accepted the concept of adoptive servitude. According to Human Rights Watch (HRW), the majority of child domestics worked 14 to 18 hours per day without breaks, seven days a week, for salaries of approximately \$.05 to \$.13 (at \$0.40 to one dirham) per hour. Most child domestics did not receive monetary payment. They worked for food, lodging, and clothing. Children were also "rented" out to street businessmen by their

parents or other relatives to beg. Parents received a fee for the use of their children, and the person "renting" the child kept a portion of the day's income from the child's begging.

The Ministry of Employment is responsible for implementing and enforcing child labor laws and regulations. The law provides for legal sanctions against employers who recruit children under the age of 15, with fines ranging from 27,000 to 32,000 dirhams (\$3,250 to \$3,900). Legal remedies to enforce child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of legal residence in the country for a period of five to 10 years. The law prohibits begging that exploits children and the buying and selling of child brides, but was not followed in practice.

Application of the legal minimum employment age continues to be flouted in both the formal and informal sectors. According to MOJ officials, no employer has been convicted of employing a child under the age of 15 despite acknowledgement of the child's age. The informal sector, where the majority of children work, was not monitored by the MOL's small cadre of labor inspectors. There were no labor inspectors dedicated solely to child labor issues.

Reportedly, police, prosecutors, and judges rarely enforced legal provisions on child abuse or on "forced labor in cases involving child domestics," and few parents of children working as domestics were willing, or able, to pursue legal avenues that were likely to provide any direct benefit.

The country continued to experience a high rate of child labor due to lack of enforcement of legal codes aimed at ending the exploitation of children, despite the 2006-15 National Plan of Action for Children. The government expanded coordination with local, national, and international NGOs on various education and training programs during the year. As part of the National Plan of Action for Children and the GOM's anti-child labor efforts, the Ministry of Employment and Professional Formation led by the Office of the Director of Work, in conjunction with ILO-IPEC and local NGO partners, oversaw a number of programs to deal with the issue of child labor. The ministry is currently managing four programs implemented by local NGOs in the provinces of Kenitra, Taroudat, and two in Marrakech. The programs seek to decrease incidents of child labor through awareness raising, financial assistance to needy families, and lowering obstacles to school attendance. The total budget for the four programs is approximately \$236,000.

e. Acceptable Conditions of Work

The minimum wage was approximately 10.14 dirhams (\$1.25) per hour in the industrialized sector and 52.50 dirhams (\$6.50) per day for agricultural workers. Businesses in the informal sector, which hire approximately 60 percent of the labor force, often ignored the minimum wage requirements. Neither minimum wage provided a decent standard of living for a worker and family, even with government subsidies. In many cases several family members combined their incomes to support the family. Most workers in the industrial sector earned more than the minimum wage. Including traditional holiday-related bonuses, workers generally were paid the equivalent of 13 to 16 months' salary each year.

The law provides for a 44-48 hour maximum workweek, with no more than 10 hours in any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. Employers did not observe these provisions universally, and the government did not enforce them effectively in all sectors. The Labor Code does not cover domestic or agricultural workers.

Occupational health and safety standards were rudimentary, except for a prohibition on the employment of women and children in certain dangerous occupations. Labor inspectors attempted to monitor working conditions and investigate accidents, but they

were too few in number and lacked sufficient resources. While workers in principle had the right to remove themselves from work situations that endangered health and safety without jeopardizing their continued employment, there were no reports of workers attempting to exercise this right.
