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# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined nineteenth to twenty-first periodic reports of Morocco\*

1. The Committee considered the combined nineteenth to twenty-first periodic reports of Morocco,<sup>1</sup> submitted in one document, at its 3024th and 3026th meetings,<sup>2</sup> held on 22 and 23 November 2023. At its 3043rd and 3044th meetings, held on 5 and 6 December 2023, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission, albeit delayed, of the combined nineteenth to twenty-first periodic reports of the State party. It expresses its appreciation for the constructive dialogue with the State party's high-level delegation. It thanks the State party for the information provided during and after the dialogue.

#### B. Positive aspects

3. The Committee welcomes the State party's ratification of, or accession to, the following international instruments:

(a) The Optional Protocol to the International Covenant on Civil and Political Rights, which establishes a mechanism for the consideration of communications from individuals, on 22 April 2022;

(b) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 22 April 2022;

(c) The International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97) of the, on 14 June 2019;

(d) The ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), on 14 June 2019;

(e) The ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), on 14 June 2019;

(f) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 24 November 2014;

(g) The International Convention for the Protection of All Persons from Enforced Disappearance, on 14 May 2013.

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\* Adopted by the Committee at its 111th session (20 November–8 December 2023).

<sup>1</sup> [CERD/C/MAR/19-21](#).

<sup>2</sup> See [CERD/C/SR.3024](#) and [CERD/C/SR.3026](#).



4. The Committee further welcomes the following legislative, institutional and policy measures taken by the State party:

(a) Adoption of Organic Act No. 26-16 of 12 September 2019, setting out the process for making Tamazight an official language and the procedures for its integration into education and priority areas of public life;

(b) Adoption of the National Action Plan for Democracy and Human Rights 2018–2021, in 2017;

(c) Adoption of Act No. 79-14 of 21 September 2017, on the equality and anti-discrimination authority;

(d) Adoption of the National Immigration and Asylum Strategy, in 2013;

(e) Creation of the National Human Rights Council and the establishment of the Office of the Ombudsman, in 2011;

(f) Adoption of a new Constitution, in 2011.

## C. Concerns and recommendations

### Statistics

5. While the Committee notes the explanations provided by the State party, it once again regrets the absence of data on the ethnic composition of the population based on the principle of self-identification. The Committee also regrets the lack of up-to-date statistics and socioeconomic indicators required to properly assess the situation of different ethnic groups, migrants, refugees and asylum-seekers, which limits its ability to comprehend the degree to which these groups enjoy the rights enshrined in the Convention and specifically to ascertain their socioeconomic status and appreciate any progress achieved (arts. 1 and 2).

6. **Recalling its previous concluding observations,<sup>3</sup> the Committee recommends that the State party produce statistical data, disaggregated by sex and age, on the socioeconomic situation of ethnic groups and non-citizens, including migrants, refugees, asylum-seekers and stateless persons, on their access to education, employment, health care and housing and on their participation in public and political life, with a view to creating an empirical basis for assessing the equal enjoyment of the rights enshrined in the Convention. The Committee also recommends that the State party improve and diversify data collection on the ethnic composition of its population on the basis of self-identification and anonymity. The Committee draws the attention of the State party to its general recommendations No. 4 (1973) concerning reporting by States parties and No. 24 (1999) concerning article 1 of the Convention.**

### Domestic application of the Convention

7. The Committee notes that the preamble to the State party's Constitution enshrines the primacy of international conventions over domestic law. However, it regrets that the number of cases in which the provisions of the Convention have been invoked or directly applied by domestic courts is very limited (art. 2).

8. **The Committee recommends that the State party strengthen its efforts to provide regular training, in particular to judges, prosecutors, law enforcement officials and lawyers, on the provisions of the Convention, to enable them to invoke and apply them in relevant cases. It also recommends that the State party conduct public campaigns, particularly among the groups most vulnerable to racial discrimination, to raise awareness of the provisions of the Convention and available remedies. The Committee requests that the State party include in its next periodic report specific examples of the application of the Convention by national courts.**

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<sup>3</sup> CERD/C/MAR/CO/17-18, para. 7.

### Definition and prohibition of racial discrimination

9. The Committee notes that, in the preamble to the Constitution, the State party has reaffirmed its commitment to prohibit and combat all discrimination, and the Committee takes note of the existence of various laws prohibiting discrimination. However, it remains concerned that the national legislative framework does not contain a definition of racial discrimination that is in full alignment with article 1 of the Convention and that expressly covers all prohibited grounds of discrimination, as well as direct and indirect racial discrimination in the public and private spheres (arts. 1 and 2).

**10. Recalling its previous concluding observations,<sup>4</sup> the Committee recommends that the State party adopt comprehensive anti-discrimination legislation that defines direct and indirect discrimination in all areas of law and public and private life, includes a specific provision expressly and clearly prohibiting racial discrimination and covers all the grounds prohibited under article 1 (1) of the Convention.**

### Institutional framework

11. While noting the role played by the National Human Rights Council, established in 2011, in promoting equality and human rights, the Committee regrets that its legal mandate does not explicitly include combating discrimination, including racial discrimination. It is also concerned about reports that some of the Council's regional commissions lack the capacity and skills to effectively combat racial discrimination. In addition, the Committee notes that the main function of the Office of the Ombudsman is to promote the principles of equality and non-discrimination in the management of public services and administrations with regard to all persons, whether natural or legal, Moroccan or foreign. However, it regrets the lack of detailed information on complaints of racial discrimination submitted to the Office (art. 2).

**12. The Committee recommends that the State party adopt the necessary measures, including legislative ones, to ensure that preventing and combating racial discrimination are expressly included in the mandates of the National Human Rights Council and the Office of the Ombudsman. It further recommends that the State party allocate adequate human, financial and technical resources to these institutions, including their regional structures, to enable them to carry out their mandates effectively, and to strengthen training for their officials on the Convention and the fight against racial discrimination. The Committee also invites the State party to provide information in its next periodic report on the activities carried out by these institutions with regard to racial discrimination.**

### National plans on human rights and the fight against discrimination

13. While noting the adoption, in 2017, of the National Action Plan for Democracy and Human Rights 2018–2021 and the State party's commitment to updating it, the Committee regrets that this plan did not include any explicit references to the elimination of racial discrimination. It also regrets the lack of a national action plan to combat racism, racial discrimination, xenophobia and intolerance (arts. 2 and 5).

**14. The Committee recommends that the State party:**

**(a) Redouble its efforts to adopt a new national action plan for democracy and human rights, and ensure that the fight against racial discrimination is integrated into the new plan;**

**(b) Adopt a national action plan to combat racism, racial discrimination, xenophobia and intolerance;**

**(c) Ensure that the groups most exposed to racial discrimination participate actively and fully in the development of the above-mentioned plans and in their follow-up and the evaluation of progress made and the outcomes achieved;**

<sup>4</sup> Ibid., para. 9.

- (d) **Establish follow-up mechanisms for the implementation of these plans and allocate adequate financial resources for their effective implementation.**

#### **Implementation of article 4 of the Convention**

15. While noting the information provided by the State party, the Committee remains concerned about the fact that the Criminal Code does not cover in their entirety the offences envisaged in article 4 of the Convention and does not specifically state that racist motives constitute an aggravating circumstance for criminal offences (art. 4).

16. **In the light of its general recommendations No. 7 (1985) and No. 15 (1993) concerning article 4 of the Convention, and recalling its previous concluding observations,<sup>5</sup> the Committee recommends that the State party amend the Criminal Code so that all actions described in article 4 of the Convention are prohibited and criminalized. The Committee further recommends that the State party recognize racist motives as an aggravating circumstance for all acts classified as offences under the Criminal Code.**

#### **Racist hate speech**

17. The Committee takes note of the information provided by the State party on the various measures taken to prevent and combat hate speech, including initiatives at the international level. It is nevertheless concerned about reports of increasing racial and xenophobic hate speech, including on the Internet and social media, particularly towards migrants, refugees and asylum-seekers, especially those from sub-Saharan countries, and towards black Moroccans and the Amazigh. It is also concerned about the absence of data disaggregated by ethnic origin, without which it is impossible to fully know the extent of the problem of racist and xenophobic hate speech (arts. 2 and 4).

18. **In the light of its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) **Take the necessary steps to prevent, condemn and combat hate speech directed at the groups most exposed to racial discrimination, including on the Internet and social media, and ensure that all reported cases of racist hate speech are investigated effectively and, where appropriate, prosecuted and punished, and that victims have access to effective remedies and appropriate reparation;**

(b) **Step up its efforts to counter the spread of racist hate speech on the Internet and social media, in close cooperation with Internet service providers, social media platforms and the groups most affected by racist hate speech;**

(c) **Develop and carry out training programmes on hate speech for police officers, prosecutors, judges and other law enforcement officials, including methods for identifying and recording instances of racist hate speech, investigating such offences and prosecuting perpetrators;**

(d) **Continue and strengthen public awareness campaigns aimed on the one hand at eliminating prejudice and stigmatization of the groups most exposed to racial discrimination and on the other hand at promoting respect for diversity and the elimination of racial discrimination, including racist hate speech;**

(e) **Collect comprehensive, disaggregated statistics, based on ethnic origin, on reports of racist hate speech, as well as any prosecutions, convictions and sentences resulting from such reports and the reparation granted to victims of such offences, and provide these figures in its next periodic report.**

#### **Saharans**

19. While taking note of the Moroccan initiative for negotiating an autonomy status for the Sahara region, the Committee regrets the lack of a solution to the question of the exercise of the right to self-determination of the people of Western Sahara. It is also concerned about

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<sup>5</sup> Ibid., para. 10.

allegations that Saharan activists, human rights defenders, student movements and organizations defending the right to self-determination of the people of Western Sahara and the Saharan identity are the target of intimidation and surveillance, are subject to frequent checks by the law enforcement authorities and face barriers to registering and holding meetings. The Committee is further concerned about reports that the authorities of the State party have prevented and repressed gatherings in support of the right to self-determination and Saharan celebrations, to the detriment of the exercise of the right of Saharans to freedom of expression, association and assembly (art. 5).

20. **The Committee aligns itself with the recommendations of the Human Rights Committee<sup>6</sup> and the Committee on Economic, Social and Cultural Rights<sup>7</sup> and calls on the State party to redouble its efforts, under the aegis of the United Nations, to ensure that the people of Western Sahara are able to fully realize their right to self-determination, in accordance with international law. The Committee also recommends that the State party adopt the necessary measures to guarantee, in law and in practice, the effective exercise by Saharans of their rights, including freedom of expression, association and assembly, and to ensure that Saharan activists, human rights defenders, student movements and organizations can carry out their activities without any undue interference from the State party and without fear of reprisals or unjustified restrictions on their activities. It further recommends that the State party take the necessary measures to ensure that all cases of repression of assembly, including excessive use of force by law enforcement officials and surveillance of, and reprisals against, activists, human rights defenders and demonstrators, are effectively, thoroughly and impartially investigated, that the perpetrators are punished and that the victims receive adequate reparation.**

#### **Combating racial discrimination; special measures**

21. The Committee takes note of the measures taken by the State party to prevent and combat racial discrimination. It appreciates efforts made by the State party to reduce poverty and ensure access to basic social services for all, such as the National Human Development Initiative, the Tayssir programme in the area of education and the Awrach programmes concerning access to the labour market. Furthermore, the Committee notes that, according to the delegation of the State party, since Moroccan society has been a mixture of many components for centuries, it is difficult to establish that racial differences or disparities exist in Morocco. However, the Committee notes with concern that some communities, in particular the Amazigh, Saharans and black citizens and non-citizens, in particular migrants, asylum-seekers and refugees from sub-Saharan countries, face situations of racial discrimination, including indirect discrimination, which limits the full enjoyment of their rights on an equal footing and without discrimination. The Committee is also concerned about the lack of information on special measures taken by the State party to address racial discrimination, including indirect discrimination, faced by those groups (arts. 1, 2 and 5).

22. **In the light of its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State party adopt the necessary special measures or affirmative action measures aimed at eliminating the racial discrimination faced by the above-mentioned groups, including indirect discrimination, and all obstacles preventing them from fully enjoying their rights on an equal footing, in accordance with articles 1 (4), 2 (2) and 5 of the Convention. It recalls that, in line with the above-mentioned general recommendation, States parties are responsible for ensuring that these special measures are applied throughout their territory and are designed and implemented following consultation with the communities concerned and with their active participation.**

<sup>6</sup> CCPR/C/MAR/CO/6, para. 10.

<sup>7</sup> E/C.12/MAR/CO/4, para. 6.

### The Amazigh

23. While noting the measures taken by the State party to improve the living conditions of the population, such as the Programme to Reduce Territorial and Social Disparities in Rural Areas for the period 2017 to 2023, the Committee is concerned about:

(a) The lack of statistics regarding representation of the Amazigh, in particular Amazigh women, in political life, especially in decision-making positions;

(b) Poverty, which particularly affects regions inhabited primarily by the Amazigh, and the persistence of racial discrimination against them, including in access to employment, education and health services, especially when they do not express themselves in Arabic;

(c) Information on cases of demarcation and dispossession of Amazigh collective lands without adequate consultation with the communities concerned, in the context of development projects or extraction of natural resources, which disproportionately affect Amazigh women, and in particular *Soulaliyat* women, who have allegedly been victims of forced displacement and have not received compensation;

(d) Allegations of police repression of demonstrations organized by Amazigh activists and human rights defenders, including against dispossession of their lands (art. 5).

**24. The Committee recommends that the State party take the necessary measures to ensure that the Amazigh can fully enjoy their rights on an equal footing and without discrimination, and specifically:**

(a) **Take steps to collect data disaggregated by sex and age on the participation of members of ethnic groups in political and public life and step up efforts to increase their participation in these areas, in particular for women belonging to these groups, and especially in decision-making positions;**

(b) **Redouble its efforts to combat the poverty affecting the Amazigh and to guarantee the Amazigh access to employment, education and health services without discrimination;**

(c) **Protect the Amazigh, in particular *Soulaliyat* women, from land dispossession and forced displacement, return confiscated land or agree upon adequate compensation, ensure effective access to justice for victims and hold effective and meaningful consultations with the Amazigh before authorizing any development or natural resource exploitation project that may have an impact on their lands;**

(d) **Investigate all cases of excessive use of force by law enforcement officers against Amazigh activists, human rights defenders and demonstrators, and ensure that the perpetrators are prosecuted and, if found guilty, appropriately punished, and that the victims and their families receive adequate reparation;**

(e) **Take steps towards the adoption of specific legislation on the promotion and protection of human rights defenders, including those involved in the fight against racial discrimination, and on the rights of the groups most exposed to this type of discrimination.**

### The Tamazight language

25. While noting that Tamazight has been recognized in the Constitution as an official language of the State party, the Committee is concerned about the insufficient teaching of this language in schools, the limited availability of Tamazight-language broadcasts in the audiovisual media, the difficulties encountered by the Amazigh in using their language in legal proceedings and, in some cases, in registering Amazigh given names for their children, and the still limited use of the Tamazight language in official documents (art. 5).

**26. Recalling its previous concluding observations,<sup>8</sup> the Committee recommends that the State party step up its efforts to implement the provisions of the Constitution**

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<sup>8</sup> CERD/C/MAR/CO/17-18, para. 11.

and Organic Act No. 26-16 on the official status of the Tamazight language, and specifically:

- (a) Increase the teaching of the Tamazight language at all levels of education, including preschool, and increase the number of teachers adequately trained to teach the language;
- (b) Increase the presence of the Tamazight language and Amazigh culture in the audiovisual media;
- (c) Review the legal framework, in particular Act No. 38-15 on the organization of the judiciary, in the light of the Constitution and Organic Act No. 26-16, which make Arabic and the Tamazight language the official languages of the State party, to ensure that the Tamazight language is used on an equal footing with Arabic in the courts, including in defence speeches to the court and judgments;
- (d) Ensure that civil registrars fully respect normative provisions relating to the right of all citizens to choose and register their children's given names, including Amazigh first names;
- (e) Redouble efforts to ensure the effective use of the Tamazight language in official documents, as provided for in Organic Act No. 26-16, and, in this connection, revise Act No. 04-20 on electronic national identity cards, the provisions of which contain no references to the use of the Tamazight language or alphabet or to Organic Act No. 26-16.

#### **Legal and institutional framework concerning asylum**

27. The Committee takes note of the information provided by the State party regarding the drafting of a new asylum bill. However, it remains concerned about the lack of a legislative and institutional framework governing the protection of refugees and asylum-seekers and establishing an asylum procedure, which leaves many refugees without appropriate documentation, hindering the enjoyment of the fundamental rights of persons in need of international protection, including protection against refoulement (arts. 1, 2 and 5).

28. **In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, and recalling its previous concluding observations,<sup>9</sup> the Committee recommends that the State party accelerate efforts to promulgate the asylum bill, in collaboration with the Office of the United Nations High Commissioner for Refugees, and ensure that it is in alignment with the 1951 Convention relating to the Status of Refugees. It also recommends that the State party provide effective access to asylum procedures at all points of entry into the country in order to guarantee effective protection against refoulement. It further recommends that the State party facilitate the issuance of residence permits to persons recognized as refugees, their spouses and children and make renewal procedures more flexible.**

#### **Situation of non-citizens, including migrants, asylum-seekers and refugees**

29. The Committee takes note of the new provision in the Constitution that provides for the equal enjoyment of fundamental freedoms by citizens and non-citizens, as well as the adoption of the National Immigration and Asylum Strategy in 2013. It notes the exceptional operations to regularize the stay of migrants in an irregular situation that took place in 2014, 2016 and 2017, as well as the social and humanitarian assistance schemes available. While noting the information provided on the drafting of a bill on the entry and residence of foreigners and immigration, the Committee is concerned that the law currently in force – namely, Act No. 02-03 of 11 November 2003 on the entry and residence of foreign nationals in Morocco and illegal emigration and immigration – criminalizes irregular migration. It also notes the various operational measures for the implementation of the National Immigration and Asylum Strategy, which cover non-citizens' access to health services, education, culture, recreational and sporting activities and vocational training, as well as their social and economic integration. However, it is concerned about reports that many migrants in an

<sup>9</sup> Ibid., para. 13.



irregular situation encounter difficulties in obtaining effective access to housing, employment and health and education services, sometimes because they lack the requisite documentation, and are in some cases subjected to racial discrimination in these areas by civil servants or private actors. In addition, the Committee notes with concern that migrants, refugees and asylum-seekers, particularly black non-citizens from sub-Saharan countries, continue to be subjected to prejudice, stereotyping and xenophobic and racist acts (art. 5).

**30. In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, and recalling its previous concluding observations,<sup>10</sup> the Committee recommends that the State party:**

**(a) Adopt the new law on the entry and residence of foreigners and immigration and ensure that it complies with the State party's international obligations, including by repealing the provisions in force that penalize irregular migration;**

**(b) Redouble efforts to remove obstacles preventing non-citizens, in particular migrants in an irregular situation, from enjoying their rights without discrimination, in particular with regard to access to housing, employment, health, including health services, and education, especially by facilitating the issuance and renewal of identity documents;**

**(c) Step up efforts to prevent and combat prejudice, stereotyping, xenophobia and racial discrimination against migrants, refugees and asylum-seekers, especially black non-citizens from sub-Saharan countries, including through awareness-raising, information and education campaigns, and by strongly condemning all xenophobic or racist expression, including by the public authorities;**

**(d) Ensure full access for non-citizens, including migrants in an irregular situation, to complaint mechanisms and appropriate remedies in the event that their rights are violated;**

**(e) Ensure that all acts of racial or xenophobic discrimination against non-citizens are investigated and prosecuted, that the perpetrators are punished and that victims receive adequate reparation.**

#### **Racial profiling and excessive use of force**

31. The Committee takes note of the measures taken by the State party to strengthen capacities of law enforcement officials in the area of human rights and the rules governing the use of force. It regrets, however, the lack of information on the existence in the State party of laws expressly prohibiting racial profiling by the police and other law enforcement officials. It is also concerned about allegations of racial profiling and excessive use of force by the Moroccan police and other law enforcement officials against migrants, asylum-seekers and refugees, as well as arbitrary arrest and detention and the forced relocation of migrants from the north to the south of the country, which disproportionately affect black migrants from sub-Saharan countries (arts. 2, 4, 5 and 6).

**32. In the light of its general recommendations No. 13 (1993) on the training of law enforcement officials in the protection of human rights, No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party:**

**(a) Include in its legislation a comprehensive prohibition of racial profiling and ensure that the police and other law enforcement officials are provided with clear guidelines aimed at preventing racial profiling during police checks, identity checks and other measures;**

**(b) Take appropriate measures to end racial profiling, arbitrary arrest and detention, forced relocation and excessive use of force by police and other law**

<sup>10</sup> Ibid., para. 14.

enforcement officials, particularly with regard to migrants, asylum-seekers and refugees from sub-Saharan countries;

(c) Establish an effective mechanism to regularly collect and monitor disaggregated data on practices and complaints relating to racial profiling, including in the context of identity checks and stop-and-search checks, as well as excessive use of force;

(d) Investigate, in an effective and timely manner, all incidents of racial profiling, ill-treatment and abuse of authority by law enforcement agencies and ensure that perpetrators are prosecuted and, if found guilty, punished with appropriate penalties;

(e) Ensure that members of groups exposed to racism and racial discrimination who are victims of racial profiling or excessive use of force by law enforcement officials have access to effective remedies and adequate reparation and do not face reprisals for reporting such acts;

(f) Redouble its efforts to prevent excessive use of force by law enforcement officials by organizing, in consultation with groups exposed to racism and racial discrimination, information campaigns on combating racism and promoting human rights, as well as on de-escalation techniques and relevant international standards such as the Code of Conduct for Law Enforcement Officials, the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

33. The Committee takes note of the information provided by the State party indicating that a thorough investigation has been opened into the tragedy at the border crossing between Nador and Melilla on 24 June 2022, which resulted in the death of 23 migrants. However, it remains concerned about allegations of excessive use of force by border guards and of violent and degrading treatment of migrants and asylum-seekers during these events. It regrets that, to date, more than a year after this tragedy, responsibility has still not been established (art. 5 and 6).

34. Recalling its statement of 11 August 2022 under its early warning and urgent action procedure<sup>11</sup> and the concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on the second periodic report of Morocco,<sup>12</sup> the Committee recommends that the State party ensure that investigations opened into these tragic events are carried out in a timely, thorough, independent, impartial and transparent manner to allow the circumstances of the deaths and injuries to be established, and that the State party establish responsibility for the events and provide full reparation to the victims and their families.

#### **Right to nationality**

35. While noting that legislative measures have been taken to revise article 10 of the Nationality Code, the Committee remains concerned that this article does not allow Moroccan women to transmit their nationality to their husbands of foreign origin on an equal footing with Moroccan men (arts. 2 and 5).

36. Recalling its previous concluding observations,<sup>13</sup> the Committee reiterates its recommendation that the State party revise its Nationality Code so that Moroccan women are able to transmit their nationality to husbands of foreign origin and thus enjoy rights equal to those enjoyed by Moroccan men and, in this connection, expedite the adoption of the 2017 bill amending article 10 of the Code.

<sup>11</sup> The Committee's statement on the tragic events at the Moroccan-Spanish border, 11 August 2022, is available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FSWA%2F9583&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FSWA%2F9583&Lang=en).

<sup>12</sup> CMW/C/MAR/CO/2, para. 31.

<sup>13</sup> CERD/C/MAR/CO/17-18, para. 16.

### Stateless persons

37. While noting the State party's efforts to prevent statelessness, the Committee is concerned about the difficulties associated with registering births and granting Moroccan nationality to children born on Moroccan territory to stateless parents. It is also concerned about reports that many refugees and asylum-seekers, particularly single mothers from sub-Saharan countries, are unable to register their newborn babies because some hospitals withhold birth notification documents pending payment of delivery fees, creating an obstacle to registration with the civil registry and consular authorities and increasing the risk of statelessness (arts. 2 and 5).

38. **In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party amend the Nationality Code to bring it into line with international standards on the prevention and reduction of statelessness, in particular by adopting provisions allowing Moroccan nationality to be granted to a child born in Morocco who would otherwise be stateless. It also recommends that the State party ensure that the issuance of birth notification documents is not conditional on payment of delivery fees.**

### Complaints concerning racial discrimination and access to justice

39. While noting the data provided by the State party, the Committee regrets the lack of detailed information on complaints concerning racial discrimination, racist hate speech and related offences that have been lodged with the judicial authorities or other national institutions, as well as detailed information on the outcomes of investigations conducted, prosecutions brought, penalties imposed and reparation granted to victims. It is also concerned about reports of obstacles to access to justice encountered by victims of racial discrimination, in particular those in irregular migration situations, such as a reluctance to lodge complaints for fear of reprisal or negative repercussions, difficulties in providing evidence, insufficient interpretation services for those who do not speak Arabic, insufficient free legal aid services and high legal fees. The Committee also regrets that the State party does not apply the principle of the reversal of the burden of proof in matters of racial discrimination (arts. 5 and 6).

40. **In the light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee reminds the State party that the absence of complaints is not necessarily synonymous with the absence of racial discrimination; rather, it can be indicative of a lack of relevant and specific legislation, poor awareness of available legal remedies, insufficient will on the part of the authorities to prosecute the perpetrators of such acts, a lack of trust in the justice system or fear of reprisal among victims. The Committee recommends that the State party:**

(a) **Facilitate reporting of cases of racial discrimination and ensure that all victims of racial discrimination have access to effective legal remedies and adequate reparation;**

(b) **Step up information campaigns on the rights enshrined by the Convention and on national legislation under which these rights may be invoked, as well as on judicial and non-judicial remedies available with respect to those rights, targeting in particular the groups most exposed to racial discrimination, including migrants, refugees and asylum-seekers;**

(c) **Take steps to eliminate obstacles to access to justice for victims of racial discrimination;**

(d) **Redouble efforts to ensure that victims of racial discrimination, including those in irregular migration situations, have effective access to interpretation services and free legal aid services, and allocate sufficient human and financial resources to such services;**

(e) **Strengthen the training of law enforcement officials to enable them to deal effectively with cases of racial discrimination;**

(f) **Adopt the necessary measures, including legislative measures, to ensure the application of the principle of reversal of the burden of proof in favour of victims of racial discrimination;**

(g) **Establish a mechanism for the collection of statistics on complaints of racial discrimination and racially motivated offences, disaggregated by age, gender and ethnic or national origin, and include such statistics in its next periodic report.**

#### **Human rights education to combat prejudice and intolerance**

41. The Committee takes note of various measures taken by the State party to provide training in human rights and promote tolerance, equality and non-discrimination, such as the updating of school textbooks to promote diversity and harmonious coexistence, as well as the implementation of the project to support the promotion of tolerance, civic-mindedness and citizenship and the prevention of high-risk behaviours. However, the Committee regrets the lack of detailed information on training relating to the Convention and the fight against racial discrimination, racism and xenophobia in school curricula and vocational training programmes. It remains concerned about the persistence of racist and xenophobic speech and stereotypes aimed at members of certain communities, in particular the Amazigh, Saharans and black Moroccans and non-citizens, including migrants, asylum-seekers and refugees from sub-Saharan countries, including on the Internet and social media, but also in sport, in particular in football. It also regrets the lack of sufficient information on the inclusion of the history and culture of the above-mentioned groups in textbooks and curricula at all levels, as well as on education and research into the history of trans-Saharan slavery and its consequences (art. 7).

42. **Recalling its previous concluding observations,<sup>14</sup> the Committee reiterates its recommendation that the State party continue its efforts to raise public awareness and knowledge of the importance of cultural diversity, understanding and tolerance. It also recommends that the State party step up its efforts regarding human rights education by ensuring that the fight against racial discrimination, racism and xenophobia, as well as the history and culture of the above-mentioned groups, are included in curricula at all school levels and that all teachers receive training on these topics. It further recommends that the State party include in curricula the history of trans-Saharan slavery and its consequences, promote research on this topic and include information on measures adopted in this regard in its next periodic report.**

### **D. Other recommendations**

#### **Ratification of other treaties**

43. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the ILO Domestic Workers Convention, 2011 (No. 189). The Committee encourages the State party to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

#### **Follow-up to the Durban Declaration and Programme of Action**

44. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World**

<sup>14</sup> Ibid., para. 20.

Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

#### **International Decade for People of African Descent**

45. In the light of General Assembly resolution 68/237, which proclaimed 2015–2024 the International Decade for People of African Descent, and General Assembly resolution 69/16, on the programme of activities for its implementation, the Committee recommends that the State party prepare and implement an appropriate programme of measures and policies in collaboration with organizations and peoples of African descent. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

#### **Consultations with civil society**

46. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### **Dissemination of information**

47. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including regions, prefectures, provinces and municipalities, and publicized on the website of the Ministry of Foreign Affairs, African Cooperation and Moroccan Expatriates or any other website accessible to the public, in the official and other commonly used languages, as appropriate.

#### **Follow-up to the present concluding observations**

48. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 14 (a) and (b) (national plans relating to human rights and the fight against discrimination) and 26 (a) and (b) (Tamazight language), above.

#### **Paragraphs of particular importance**

49. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 18 (racist hate speech), 20 (Saharans) and 30 (situation of non-citizens, including migrants, asylum-seekers and refugees), above, and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

#### **Preparation of the next periodic report**

50. The Committee recommends that the State party submit its combined twenty-second to twenty-sixth periodic reports, as a single document, by 17 January 2027, taking into account the reporting guidelines adopted by the Committee during its

seventy-first session<sup>15</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports and 42,400 words for the common core document.

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<sup>15</sup> [CERD/C/2007/1](#).