

MAROKKO (33)



1999 Country Reports on Human Rights Practices
Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

43

MOROCCO

The Constitution of Morocco provides for a monarchy with a Parliament and an independent judiciary; however, ultimate authority rests with the King, who presides over the Council of Ministers, appoints all members of the Government, and may, at his discretion, terminate the tenure of any minister, dissolve the Parliament, call for new elections, and rule by decree. The late King Hassan II, who ruled for 38 years, was succeeded by his son, King Mohammed VI, on July 23. Since the constitutional reform of 1996, the bicameral legislature consists of a lower house, elected through universal suffrage, and an upper Chamber of Counselors, whose members are elected by various regional, local, and professional councils. The councils' members themselves are elected directly. The lower house of Parliament also may dissolve the Government through a vote of no confidence. In March 1998, King Hassan named a coalition government headed by opposition socialist leader Abderrahmane Yousoufi and composed largely of ministers drawn from opposition parties. Prime Minister Yousoufi's Government is the first government drawn primarily from opposition parties in decades, and also represents the first opportunity for a coalition of socialist, left-of-center, and nationalist parties to be included in the Government. The November 1997 parliamentary elections were held amid widespread, credible reports of vote buying by political parties and the Government, and excessive government interference. The fraud and government pressure tactics led most independent observers to conclude that the results of the election were heavily influenced, if not predetermined, by the Government. The judiciary historically has been subject to bribery and government influence; however, the Yousoufi Government is implementing a reform program to develop greater independence and impartiality.

The security apparatus includes several overlapping police and paramilitary organizations. The Border Police, the National Security Police, and the Judicial Police are departments of the Ministry of Interior, while the Royal Gendarmerie reports to the Palace. Members of the security forces continued to commit a number of serious human rights abuses.

Morocco has a mixed economy based largely on agriculture, fishing, light industry, phosphate mining, tourism, and remittances from citizens working abroad. Illegal cannabis production, much of which is destined for Europe, is also a significant economic activity. Economic growth is highly dependent on agricultural output, and has experienced wide fluctuations due to a series of debilitating droughts. According to the Government's statistics, gross domestic product (GDP) grew 6.7 percent in 1998. Due to drought, government estimates for growth in 1999 were 0.6 percent.

There continued to be serious problems in the Government's human rights record; however, under the direction of the new King, the Government continued to improve its record in several areas. Citizens do not have the full right to change their government; however, King Hassan's appointment of an opposition coalition government for the first time in 1998 marked a significant step toward increased democratization. Some members of the security forces occasionally torture or otherwise abuse detainees and beat protesters, and, despite significant government efforts, prison conditions remain harsh. Authorities sometimes ignore legal provisions for due process during arrest and detention. The judiciary historically has been subject to corruption and Interior Ministry influence; however, the Government is implementing judicial reforms in order to increase the level of the judiciary's independence and impartiality. Despite continued improvement during the year, particularly with regard to easing media censorship, the Government continued to restrict freedom of speech and of the press regarding a few topics that the Government considers sensitive, and journalists still practice self-censorship on these topics. The Government limited freedom of assembly and association. In several incidents over the

course of the year, police beat demonstrators. Moroccan human rights organizations alleged lack of due process in the trial of some demonstrators for their role in protests in the Western Sahara in late September and October. There were unlawful arrests and police abuse, including of persons in detention, associated with the protests, although most subsequently were released. The Government limited freedom of religion for non-Muslims. Although non-Muslim foreigners may practice their religions freely, missionaries who proselytize face expulsion, and converts from Islam to other religions continue to experience social ostracism. The Government at times restricts freedom of movement. Domestic violence and discrimination against women are common. Teenage prostitution is a problem in urban centers. Child labor also is a problem, and the Government has not acted to end the plight of young girls who work in exploitative and abusive domestic servitude. Amazighs (Berbers) face cultural marginalization, and continue to press the Government to preserve their language and culture. Unions are subject to government interference.

However, there was further progress on some important human rights issues during the year. In March the Human Rights Minister announced that the Government's priority was to harmonize local laws on torture with international treaty obligations. In April the Youssoufi Government organized the first-ever conference on human rights in the Arab world. Soon after assuming the throne, King Mohammed VI stated his own commitment, along with that of the Youssoufi Government, to advancing respect for human rights, and established a new royal commission charged to indemnify former political prisoners and their families. The Minister for Human Rights pledged in May that the "excesses of the past" would end. In August the Government announced a substantial reform advancing prisoner rights and protections, and it cleared a backlog of unenforced legal judgments during the year. In September Abraham Serfaty, who had been exiled since 1991, was allowed to return to Morocco. In November the King relieved of his duties Interior Minister Driss Basri, who was considered by most observers to have been the driving force behind years of abuse of citizens by police and security forces. One immediate effect of Basri's dismissal, most observers agree, was that the practice of press self-censorship has diminished considerably. While the Government began to make significant progress in resolving the fate of those citizens abducted from the 1960's through the 1980's, human rights groups continue to call for full disclosure of all available information.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political killings. According to press reports in June, police in Berrechid arrested mint vendor Abdelaziz Warret, confiscated his merchandise, and beat him until he fainted. He died later at a hospital. When his family went to claim the body and to obtain a death certificate, doctors refused to issue one. No explanation was given for his arrest. In August a police officer and two military auxiliaries were arrested in connection with the beating death of Farah Mohammed near the northern city of Oujda. Farah Mohammed was stopped by police authorities for questioning in connection with contraband trafficking of fuel across the Moroccan border with Algeria. Eyewitnesses said that the police beat and kicked him into unconsciousness at the time he was detained. He died in police custody. Farah Mohammed's parents lodged an immediate complaint with gendarmerie authorities as soon as they learned of their son's death, which led to the immediate arrest of those police and military auxiliary officers allegedly involved in the beating. The trial in the case was pending at year's end.

Human rights groups allege that poor medical care in prisons results in unnecessary deaths; however, the Justice Ministry assigned more doctors to prisons and improved prison health facilities during the year. In addition the first-ever site visits by members of Parliament, the press, and human rights groups to inspect prison conditions took place during the year (see Section 1.c.).

b. Disappearance

There were no new cases of disappearance for the fourth consecutive year. While the forced disappearance of individuals who opposed the Government and its policies occurred over several decades, the Youssoufi Government, upon taking office, pledged that such policies would not recur, and that it would disclose as much information as possible on past cases. Many of those who disappeared were members of the military who were implicated in attempts to overthrow the Government in 1971 and 1972. Others were Sahrawis or Moroccans who challenged the Government's claim to the Western Sahara or other government policies. Many of those who disappeared were held in secret detention camps. While the Government in recent years quietly released several hundred persons who had disappeared, including about 300 such detainees in June 1991, and although in October 1998 it issued an announcement on those who disappeared, to this day hundreds of Saharan and Moroccan families do not have any information about their missing relatives, many of whom disappeared over 20 years ago. No explanation for their incarceration has ever been provided. Local human rights monitors have concluded that many others died while at the notorious Tazmamart prison, which the Government since has closed. The Government has acknowledged 34 of these deaths and has provided death certificates to the families of all but 1 of the 34 who died.

In an October 9, 1998 speech, King Hassan II directed that all human rights cases should be resolved "within 6 months." On October 15, 1998, the Royal Consultative Council on Human Rights (CCDH) announced the release of information on 112 cases of disappearances. According to the Council, 56 of the 112 who disappeared were deceased; family members of 33 of the deceased received death certificates from the Government. The Council added that eight persons believed to have disappeared were alive and living abroad, and that four were alive and in Morocco. Of the remaining 44, the Council stated that it had no further information. Human rights groups and families pointed out discrepancies between their lists and those of the Government, asked the Government for more data about these cases, and demanded full explanations of the causes and circumstances of these deaths and disclosure of the identities of those responsible. Some family groups claim that the Government is not divulging details on at least 50 more cases. In November 1998, the Council began meetings in various provinces with groups representing families of persons who had disappeared in order to collect data on their grievances and to conduct further research into the fate of those who remain missing. On April 9, the Council announced that it would indemnify the 112 victims of politically motivated disappearances. Human rights NGO's disputed the Council's findings, claiming that they had compiled a list of over 600 potential cases of such disappearances from the 1960's through the 1980's. The NGO's called for the immediate release of all remaining political prisoners, disclosure of the fate of those whose cases the Council did not examine, delivery of the remains of the deceased to their families, compensation for victims and their families, and punishment for those responsible. The Moroccan Organization for Human Rights (OMDH) issued a similar communique on June 6. On August 6, King Mohammed VI established a new royal commission responsible for increasing the Government's efforts to resolve the issue of those who had disappeared and to reach an accommodation with former political prisoners and members of their families. The new commission met with some family members and local human rights organizations and began to draw up guidelines for the resolution of issues involving individuals who had disappeared. There were no developments in the disappearance of Abdullah Sherrouq, a student who reportedly was detained by security services on June 22, 1981. After 18 years, his family has been unable to learn anything of his whereabouts or his fate, despite appeals by Amnesty International (AI).

Associations that seek information on those who have disappeared, including a group representing Tazmamart prison survivors, operate openly and freely, and call upon the Government for full disclosure of events surrounding cases that date back to the 1960's. Several front-page articles in newspapers affiliated with parties in the governing coalition called at various times during the year for full disclosure on all outstanding cases of disappearance. The associations also call for compensation to families of those who have

disappeared, death certificates and the return of the remains of those who died, and prosecution of responsible officials. The Government indicated that it would be more open about providing information in these past cases.

The Government pays a monthly stipend of \$550 (5,000 dirhams) to 28 former prisoners who survived 18 to 20 years in solitary confinement under harsh conditions at Tazmamart prison in connection with the coup attempts in 1971 and 1972. After their release, the Government prohibited them from speaking out publicly about their detention. In exchange the Government gave the former prisoners assurances that it would help them find jobs and reintegrate them into society; however, none of them has obtained government assistance in this regard, and some complain of being denied voter cards and passports.

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

The Government claims that the use of torture has been discontinued; however, some members of the security forces still occasionally torture or otherwise abuse detainees. The OMDH filed a complaint on behalf of some of those who were detained and abused by the police at the end of September, following several days of protests over a variety of social grievances in Laayoune in the Western Sahara (see Sections 1.d., 1.e., 1.f., and 2.b.). There is photographic and other evidence to substantiate claims that the police systematically beat some of the persons they had detained in connection with the protests. An investigation was opened into the charges; however, by year's end no police officials were charged in connection with the force used to break up the protests, nor for the beatings inflicted on some of those detained by the police. Some police officials allegedly responsible subsequently were transferred and the chief of police in Laayoune was relieved of his duties there.

To commemorate the U.N. "International Day for the Support of Torture Victims," the OMDH published a special newspaper in which it called on the Government to implement legislation that would criminalize the use of torture and would control the conditions under which detainees are kept in "garde a vue" detention and in prisons. The OMDH claimed that most cases of torture submitted to the justice system involved incidents that occurred in front of witnesses or in public areas. According to the OMDH, torture in detention largely continues to escape the notice of the judiciary. The OMDH noted that the implementation of judges' instructions on eliminating the use of torture has been "exceedingly slow." While the OMDH admitted that the use of torture has diminished over the years, it claimed that it has not disappeared. The OMDH alleged in its report that those who commit such abuses "do so with impunity in almost all cases." The NGO called on the Government to harmonize domestic law with its responsibilities under the U.N. Convention Against Torture, to ensure full independence for the judiciary, and to punish those who resort to torture.

In April the French-language newspaper of the ruling Socialist Union of Popular Forces (USFP) party, *Liberation*, published "An Open Letter to My Torturer" by Salah El-Ouadie. The letter is a first-person account of the torture that Ouadie suffered in detention from 1974 until his release in 1984, when he was issued a royal pardon. Imprisoned because of his leftist activities, Ouadie addressed his letter to "K.Y.," who was a police chief in Casablanca's Derb Moulay Cherif neighborhood. Ouadie related that he remembered the click of his torturer's heels, his cologne, his voice, as well as the fate of fellow victims who went mad or died. According to Ouadie, "K.Y." held a position with the national police, and even represented Morocco in 1996 at a U.N. conference on preventing torture, but was forced to retire by the Government late in the year.

In incidents over the course of the year, police continued to use force to disperse several demonstrations by unemployed university graduates associated with the National Association of Unemployed Graduates (known by its French acronym, ANDC), and other groups to a lesser extent. In numerous incidents throughout the country, police beat demonstrators with batons in order to disperse them (see Sections 1.d., 1.e., and 2.b.). From September 22 to 29 in the Western Saharan city of Laayoune, police used brutal

force to dispel a series of demonstrations organized by students, unemployed graduates, miners, and former Sahrawi political prisoners to protest a variety of social conditions and grievances. There were reliable reports of further police brutality in Laayoune over the weekend of October 30 to 31 (see Sections 1.d., 1.e., 1.f., and 2.b.).

In March 1998, the Ministry of Justice and the prison administration implemented a law that makes autopsies routine for any death that occurs in detention, in order to allow allegations of torture to be disproved. The autopsies take place at the request of the family, human rights NGO's, or the state prosecutor, and at the order of a judge. The autopsies were used to disprove three cases that involved allegations of abuse in 1998.

Prison conditions remain harsh; however, they have improved in recent years, due in part to reforms undertaken at the suggestion of the CCDH and the Minister of Justice. On August 25, the Government promulgated new regulations to implement recent legislation that was passed to reform the prison system. The new law contains 128 articles and replaces a royal decree that had governed the prison system since 1915. Among the reforms in the new legislation are provisions mandating compensation for work performed by prisoners. Prisoners with "good conduct" records also are accorded the right to a furlough to visit family members during important holiday periods. The new law forbids the use of handcuffs, manacles, or other devices used for physical restraint, except as required to restrain violent prisoners and then only after consultation with prison medical authorities. Procedures were established to allow the prisons to be inspected by the press and human rights organizations, and members of both the press and human rights organizations visited prisons after the procedures were established in August. Visitors must receive authorization from the Director of the Prison Administration. Special provisions also accord women the right to keep their children with them in prison until the children reach the age of 2, or longer with special permission from the Ministry of Justice. The new law contains provisions that extend the function of the prison system beyond that of punishment and incarceration to include rehabilitation and preparation for a return to society.

Nonetheless, credible reports indicate that harsh treatment and conditions continue, often as a result of chronic overcrowding. In 1997 Oukacha Central Prison in Casablanca, which is designed for 5,000 inmates, held 8,831. Human rights groups allege that poor medical care in prisons results in unnecessary deaths. To address this problem, the Government provided special funds in the 1998-99 budget for the renovation of prison facilities, and added doctors and health facilities to prisons during the year.

In the first visit of its kind Members of Parliament visited Sale prison on February 10 to investigate prison conditions and allegations of overcrowding. Their visit followed that of the "2M" television station, which took an exclusive look at prisons in a broadcast in January. In February the Justice Minister told the French daily newspaper *Le Figaro* that "the time had come for humanity and prison system reform," adding, "imprisonment does not mean the end of the right to being respected." The Minister acknowledged that there were problems, noting that the prison system currently holds 50,000 inmates, despite being designed for 35,000, but added that "advances have been considerable." In response to the Government's initiatives, the president of the OMDH observed that there was "a change of mind-set," which has resulted in more transparency in the prison system.

Although the Government generally did not permit prison visits by human rights monitors in the past, since the tenure of the Youssoufi Government began there has been close collaboration between the Justice Ministry and human rights groups on prison visits, which now are authorized explicitly by law. OMDH members visited prisons several times throughout 1998 and once in early 1999, and reported that they were well-received and permitted free and full access to gauge progress on government efforts to reduce overcrowding, improve medical care, and provide additional facilities to inmates.

d. Arbitrary Arrest, Detention or Exile

Legal provisions for due process have been revised extensively in recent years, although reports indicate that authorities sometimes ignore them. Although police usually make arrests in public and during the day, they do not always identify themselves and do not always obtain warrants. Incommunicado ("garde-a-vue") detention is limited to 48 hours, with one 24-hour extension allowed at the prosecutor's discretion. In state security cases, the "garde-a-vue" period is 96 hours; this also may be extended by the prosecutor. It is during this initial period, when defendants are denied access to counsel, that the accused is interrogated and abuse or torture is most likely to occur. Some members of the security forces, long accustomed to indefinite precharge access to detainees, continue to resist the new rules.

Under 1991 changes to the law, the police are obliged to notify a person's next of kin of an arrest as soon as possible. However, lawyers are not always informed promptly of the date of arrest, and thus are not always able to monitor compliance with the "garde-a-vue" detention limits. While the law provides for a limited system of bail, it rarely is granted. However, defendants are sometimes released on their own recognizance. The law does not provide for habeas corpus or its equivalent. Under a separate code of military justice, military authorities may detain members of the military without warrants or public trial.

Although accused persons generally are brought to trial within an initial period of 2 months, prosecutors may request up to five additional 2-month extensions of pretrial detention. Thus, an accused person may be kept in detention for up to 1 year.

Moroccan human rights organizations made credible allegations that police authorities unlawfully entered the homes of some Moroccans during the late hours of October 30 to arrest and detain persons wanted by the authorities in connection with the protests in the city of Laayoune in the Western Sahara from September 22 to 29, and again on October 30 and 31 (see Sections 1.c., 1.e., 1.f., and 2.b.).

Islamist dissident Sheikh Abdessalam Yassine has remained under house arrest in Sale since 1989 for refusing to acknowledge the religious authority of the King (see sections 2.a., 2.c., and 2.d.).

In September an incident involving striking egg-farm workers in the southern suburbs of Rabat led to 21 arrests. In that incident, the workers, who damaged farm machinery during their protest, were arrested after demanding better working conditions and higher wages. The owner of the farm, a former police commissioner, reportedly called in the security forces, who charged the strikers with destruction of property and interfering in the means of production. The 21 workers, 8 of whom were women, were fined \$50 (500 dirhams) and sentenced to prison for terms ranging from 1 to 7 months (see Sections 2.b. and 6.a.). In another strike incident in October police broke up a strike by the Agadir coastal fishermen's union and arrested four members of the union's leadership, including the secretary general. The strike was called to demand social security benefits and higher wages. The four individuals were tried and, under a statute prohibiting the disruption of economic activity, found guilty, fined \$500 (5000 dirhams), and sentenced to 1 year in prison (see Sections 2.a. and 6.a.).

Several persons were arrested and sentenced during the year in connection with their roles in demonstrations that were forcibly disrupted by police (see Sections 1.c., 1.d., and 2.b.).

There are no known instances of forced exile. Formerly exiled political dissident Abraham Serfaty returned to Morocco on September 30. Prior to Serfaty's return, on May 4, police at Rabat airport blocked Serfaty's wife, Christine, a French national, from entering the country upon her arrival from Paris. The next day, the semiofficial newspaper *Le Matin* stated that she was a "dangerous radical who propagated the idea of independence for the southern territories of Morocco." However, soon after King Mohammed VI took the throne, Serfaty, a member of the (now defunct) Communist Party and a supporter of Saharan independence, who was expelled from Morocco in 1991, was welcomed back.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; although the courts historically have been subject to extrajudicial pressures, including bribery and government influence, the Youssoufi Government is implementing a reform program to introduce independence and impartiality. During the year, the Government continued to implement reforms intended to increase judicial independence. The Justice Minister in April 1998 stated that judicial reform was his top priority, and addressed the issue of corruption by disbarring and disciplining a number of judges. With the encouragement of then-King Hassan and the broad support of the business community, the Minister also oversaw the creation of a system of commercial courts for business litigation to boost investor confidence. In March the Ministry of Justice began to implement a 5-year reform plan that emphasizes transparency, accountability, and professionalism as top priorities. During the year, the administrative courts frequently ruled against local governments that overstepped their authority.

There are four levels in the common law court system: Communal and district courts, courts of first instance, the Appeals Court, and the Supreme Court. While in theory there is a single court system under the Ministry of Justice, other courts also operate, including: The Special Court of Justice, which handles cases of civil servants who are implicated in corruption; administrative courts, which deal with the decisions of the bureaucracy; commercial courts, which deal with business disputes; and the military tribunal, for cases involving military personnel and, on certain occasions, matters pertaining to state security (although state security cases also may fall within the jurisdiction of the regular court system).

Although there is a single court system for most nonmilitary matters, family issues such as marriage, divorce, child support and custody, and inheritance are adjudicated by judges trained in Shari'a (Islamic law). Judges considering criminal cases or cases in nonfamily areas of civil law generally are trained in the French legal tradition. All judges trained in recent years are graduates of the National Institute for Judicial Studies, where they undergo 3 years of study heavily focused on human rights and the rule of law. It is not necessary to be a lawyer to become a judge, and the majority of judges are not lawyers.

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

The Justice Minister has stated that he would attempt to end petty corruption in the judiciary by increasing judges' salaries and ensuring punishment for bribe-takers, as well as attempt to end all informal and inappropriate influences on judicial decisionmaking in the court system. Nonetheless, the court system remains subject to extrajudicial pressures. Despite recent increases, salaries for both judges and their staffs remain modest; as a result, some observers allege that petty bribery remains a routine cost of court business. In some courts, especially in minor criminal cases, some observers allege that defendants or their families must pay bribes to court officers and judges to secure a favorable disposition.

In August 1997, King Hassan, after a vacancy of 2 years, appointed a new Minister of Justice, who began to reduce the judiciary's relationship with the Ministry of Interior. Nevertheless, judges continue to work closely with the Interior Ministry's local network of officials, or "caids," who serve as members of the judicial police and often legally are charged with the responsibility of questioning criminal defendants. Caids frequently prepare the written summary of an arrest and subsequent interrogation. The summary is admissible in court as an element of the evidentiary process and can carry great weight with the judge. After the new Justice Minister's appointment, the Ministry of Justice began

to reassert its authority and control over judges.

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

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

In May the Justice Minister announced that over the past year the judicial system had enforced judgments in 60,000 out of 100,000 cases of civil litigation, which represented significant progress toward eliminating a persistent backlog.

In December 1998, the OMDH issued a report that assessed the status of the judiciary. According to the OMDH, the Youssoufi administration took a series of steps to improve the court system, including rooting out high-level corruption, naming a new Director for Judicial Administration at the Justice Ministry, reactivating a Justice Ministry disciplinary body, publishing that body's deliberations and decisions, and organizing free and fair elections to that body. Nevertheless, the OMDH called for additional reforms, including changing laws to reduce the Justice Minister's right to suspend judges, revamping the Criminal Code (which the OMDH stated offers insufficient protection for a fair trial), strengthening the law on civil liberties, and compelling judges to place their assets in a blind trust. The OMDH also called on the State to punish those officials guilty of human rights abuses. Finally, the OMDH noted the lack of resources necessary for documentation tracking and for court facilities.

The Government continued to hold a number of political prisoners, although 28 were released in 1998. Prior to the 1998 release, the OMDH estimated that there were some 60 political prisoners, of whom 50 were Islamists and the remainder were leftists. Among the 50 alleged Islamists were 16 members of the "Group of 26." The Ministry of Interior claimed that there were 55 Islamists serving sentences for offenses that ranged from arms smuggling to participating in a bomb attack on a hotel in Marrakech. However, some of these prisoners remain in prison for having called for an Islamic state in 1983. International human rights groups' estimates of the number of persons in prison for advocating independence for the Western Sahara varies from none to 700.

Of the 28 prisoners released in 1998, the AMDH acknowledged that 20 were included on its list of political prisoners; the rest were Islamists who had committed crimes of murder or robbery, albeit with political motives. After the release of the 28 prisoners, the AMDH released a communique in which it noted the continued incarceration of 16 persons whom it considered to be political prisoners. Amnesty International lists eight persons whom it considers to be political prisoners.

A group of 14 men who called themselves Islamist political prisoners issued a communique from prison on June 13. The communique welcomed the decision to release the 28 political prisoners and to examine ways to redress the excesses of the past, but noted that the CCDH's call for a general amnesty for political prisoners did not benefit many of those who remained in prison. The prisoners called on the Government to "implement, without restrictions or conditions, the CCDH's advisory opinion that calls for the immediate release of all political prisoners and the total and final end of political detention in Morocco."

During and following public demonstrations in Laayoune between September 22 and 29,

more than 150 persons were detained by police authorities. Most were released within a matter of days; however, 26 persons were tried on criminal charges for actions taken in connection with the protests and sentenced to imprisonment for periods ranging from 10 to 15 years. The OMDH claimed that the trial of these persons was unfair and insisted that the defendants were not provided adequate legal counsel for their defense. The OMDH also called the sentences excessive for charges that concerned little more than destruction of property during the course of the demonstrations (see Sections 1.f. and 2.b.).

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

The Constitution states that the home is inviolable and that no search or investigation may take place without a search warrant, and the law stipulates that a search warrant may be issued by a prosecutor on good cause; however, authorities sometimes ignore these provisions. During protests in Laayoune in the Western Sahara in September and October, police reportedly encouraged local thugs to break into, loot, and destroy private shops. Following the protests in October, police unlawfully entered homes to arrest persons associated with the demonstrations. Human rights NGO's claim that such police actions created a "climate of fear" in the city, forcing some families to flee the city or change residences nightly to avoid such police actions (see Sections 1.c., 1.d., 1.e., and 2.a.).

Government security services monitor certain persons and organizations, both foreign and Moroccan, and government informers monitor activities on university campuses.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of expression, the Government restricts press freedom regarding a few topics that the Government considers sensitive. However, newspapers and weeklies from across the political spectrum, from Socialist to nationalist to Islamist, publish freely.

The Government owns the official press agency, Maghreb Arab Press, and the Arabic daily Al-Anbaa. The Government also supports two semiofficial dailies, the French-language Le Matin and the Arabic-language Assahra. In addition the Government provides subsidies to the rest of the press through price supports for newsprint and office space. A 1958 decree grants the Government the authority to register and license domestic newspapers and journals. Authorities may use the licensing process to prevent the publication of materials that they believe cross the threshold of tolerable dissent. Offending publications may be declared a danger to state security, seized, the publisher's license suspended, and equipment destroyed. The Ministry of Interior may control foreign publications by collecting "banned" publications after they have been distributed. In general the Government does not employ extreme measures, and there were no reports of the abuse of the Government's licensing authority during the year. However, the media regularly engages in self-censorship to avoid the Government's attention and possible sanctions.

The Press Code empowers the Minister of Interior to confiscate publications that are judged offensive by the Government. Under the code, the Prime Minister may order the indefinite suspension of a publication. There were approximately 2,000 domestic and foreign newspapers, magazines, and journals in circulation. There were no confirmed cases of seizures of foreign or domestic newspapers or journals for the second year in a row. In general press articles containing unflattering material that routinely had been prevented from circulation in the past were allowed free circulation during the year.

In June the Moroccan weekly Le Journal alleged that the Government ordered its printer to stop printing the newspaper because the newspaper decided to print interviews with several controversial political figures and because it called for the resignation of the Interior Minister. The printer denied that the Government gave such an order, explaining

that the newspaper was denied the use of the printing press only because of its unpaid bills. After its failure to use its usual printer, Le Journal used French printers to continue publishing. It remains on sale throughout the country and continues to publish highly controversial and critical stories that previously would have resulted in its suspension.

The Press Code empowers the Government to censor newspapers directly by ordering them not to report on specific items or events. In most past instances, government control of the media generally has been exercised through directives and "guidance" from the Ministry of Interior. Nonetheless, the Government generally tolerates satirical and often stinging editorials in the opposition parties' dailies. However, both law and tradition historically have prohibited criticism on three topics: The monarchy, Morocco's claim to the Western Sahara, and the sanctity of Islam. However, with respect to the Western Sahara, several leading journals published articles in late October and early November that were highly critical of past government administration of the territory.

The Government controls Radio-Television Marocaine (RTM) broadcasts. Another major broadcaster is the French-backed Medi-1, which operates from Tangier and reaches throughout Morocco and North Africa. While nominally private and independent, Medi-1 practices self-censorship, as do other media outlets. The Government owns the only television stations whose broadcasts can be received in most parts of the nation without decoders or satellite dish antennas. In 1996 the Government purchased a majority share in 2M, formerly the country's sole private station, which can be received in most urban areas. The ostensible reason for the Government's action was to save 2M from bankruptcy; the Government now owns 68 percent of 2M stock, and the Minister of Communication, by virtue of his position, has become the chairman of the board. A government-appointed committee monitors broadcasts. Privatization of these stations continued to be a major topic of political debate during the year, and the Government announced in 1998 that it was preparing a plan for 2M's resale to the private sector.

In June a British Broadcasting Corporation (BBC) reporter accredited to Morocco was denied entry when he attempted to return through the Spanish enclave of Ceuta, allegedly for failing to present any proof that he worked for the BBC. After providing sufficient proof, the reporter was permitted to enter the country. The reporter subsequently was informed on July 1 by the Ministry of Communication that his credentials as a journalist had been denied. However, he subsequently was accredited and continues to reside in Morocco and file stories. Bziz (also known as Ahmad Sanoussi), a popular humorist, has been prohibited from performing in Morocco for the past 12 years due to his satire of those in power; however, in November Bziz appeared in a government-sponsored television advertisement announcing the Royal Palace's second annual "Solidarity Campaign Against Poverty."

Islamist dissident Sheikh Abdessalam Yassine has remained under house arrest in Sale since 1989 for refusing to acknowledge the religious authority of the monarchy (see Sections 1.d., 2.c., and 2.d.). However, Yassine's books and articles are sold without restriction, and editorials calling for his release are published without impediment. Yassine's Justice and Charity Organization (JCO) has an active presence on university campuses and occasionally organizes protests of his continued house arrest. However, prominent members of the JCO are subject to constant surveillance and sometimes are unable to obtain passports and other necessary documents. On April 13, AMDH criticized the CCDH for not having addressed the Yassine case in its review of human rights in Morocco.

Dish antennas are available at low cost on the market and permit free access to a wide variety of foreign broadcasts. Residents of the north are able to receive Spanish broadcasts with standard antennas. The Government does not impede the reception of foreign broadcasts or Internet access.

The universities enjoy relative academic freedom in most areas, but are barred from open debate on the monarchy, the Western Sahara, and Islam. Government informers monitor campus activities (see Section 1.f.) and rectors are approved by the Ministry of Interior.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the law also permits the Government to suppress even peaceful demonstrations and mass gatherings, and at times police forcibly prevented and disrupted gatherings during the year. Most conferences and demonstrations require the prior authorization of the Ministry of Interior, ostensibly for security reasons.

Throughout the year, many meetings and marches occurred without government interference; however, police continued to use violent means to disperse unemployed demonstrators and to prevent several marches by members of the ANDC, affiliated groups, and, to a lesser extent, others groups. A court in Fes sentenced two members of the ANDC to 2-month sentences and \$50 (500 dirhams) fines for organizing several ANDC rallies that authorities disrupted in Fes in January. Also in January, police blocked marches planned by blind unemployed graduates in Taounat (near Fes) and Meknes.

Authorities denied permission for a planned February 6 march in Kenitra to protest U.N. policies toward Iraq. On February 14, authorities in Fes used force to disperse striking truckers. On February 15, police stopped blind unemployed graduates when they attempted to march from Istiqlal party headquarters to the Parliament. On March 8, security forces in El-Houceima used force to disperse a protest by unemployed graduates. Unemployed demonstrators camped in front of the Parliament for several weeks in the spring until authorities forced them to disperse in an April 24 nighttime operation. On May 16, a group of 1,000 persons demonstrated in front of Parliament, calling for the cancellation of instructions issued by the Ministry of Interior that barred political parties and NGO's from using government facilities for meetings. As police dispersed the crowd, clashes broke out with demonstrators. On May 20, ANDC members in Essaouira organized a march and sit-in at the municipal council building. Police used violent means to disperse the protesters, and numerous persons were injured. Police also used force against ANDC protesters in Beni Mellal on May 22, injuring numerous protesters and briefly detaining 14. On May 31, police used force to disperse a group of unemployed doctors and engineers who had been conducting a sit-in at the Parliament since May 27.

In Tandrara on June 1, police arrested a group of 15 students who organized a peaceful protest to criticize the corruption of the president of a local rural commune, as well as to ask for a sewage system for the town. The 15 students all were released and none were tried. On June 1 and 11, unemployed blind students attempted to march on Parliament to demand jobs. Police intercepted them, beat them, put them in vans, and returned them to the bus station where they had been staging a sit-in during the previous 8 months. On June 20, police in Laayoune used force to disrupt a demonstration by 35 persons who were demanding work. Two persons were injured and two were arrested; the two arrested were released later.

In September a strike involving egg-farm workers in the southern suburbs of Rabat resulted in 21 arrests. Striking workers, who damaged farm machinery during their protest, were arrested after demanding better working conditions and higher wages. The owner, a former police commissioner, is believed to have called in the security forces, who charged the strikers with destruction of property and interfering in the means of production. The 21 workers, 8 of whom were women, were fined \$50 (500 dirhams) and sentenced to prison for terms ranging from 1 to 7 months (see Sections 1.e and 6.a.). In October police broke up a strike by the Agadir coastal fishermen's union and arrested four members of the union's leadership, including the secretary general. The strike was called to demand social security benefits and higher wages. The four individuals were tried and, under a statute prohibiting the disruption of economic activity, were found guilty, fined \$50 (500 dirhams), and sentenced to 1 year in prison (see Sections 1.e. and 6.a.).

In what were clearly the worst instances of police excess during the year, police authorities in Laayoune used brutal force to break up demonstrations organized by

students, unemployed graduates, miners, and former Sahrawi political prisoners between September 22 and September 29. The incident began as a peaceful protest over a variety of social grievances. There were also credible reports that the Laayoune police encouraged local thugs in civilian dress to break into, loot, and destroy shops owned by local Sahrawi residents of the city. The thugs also reportedly were encouraged to attack local Sahrawi residents. Some who were detained were subjected to systematic beatings and other forms of physical coercion. Nearly 150 persons were detained during and just after the first round of protests in Laayoune in late September. Most of those detained were released; however, 26 persons were charged and sentenced to 10 to 15 years in prison on charges of destruction of property during the protests.

The Justice Minister defended the trial process and the sentences in a statement made on November 8, while he was in Laayoune as part of a royal commission appointed by Mohammed VI to oversee reforms in the administration of the territory. The official Moroccan press agency, MAP, quoted the Minister as saying, "there has not been any violation of the law and the trial took place in a normal and sound way and was based on the confessions of the suspects, who participated in subversive acts, theft, looting, and violation of the sanctities of homes." By contrast the OMDH was highly critical of the trial. It stated that the suspects did not receive adequate legal representation and that the sentences were excessive. The OMDH also filed a complaint with the local judicial authorities on behalf of some of the persons who were taken into custody. The complaint alleged that the police tortured them in order to obtain confessions, and that they were denied due process.

In the aftermath of the first round of protests in Laayoune, King Mohammed VI immediately replaced the governor of the province, relieved the local police chief of his duties, and dispatched military security forces to the city to help restore order. The local population welcomed the military security forces, in which it expressed confidence, as opposed to the police, which it held responsible for creating a "climate of fear" in the city. The new royal commission was dispatched quickly to the city to explain to local residents proposed new measures to decentralize authority in the region, which would allow local residents more of a choice in their affairs, and a new election to choose members to a proposed new royal advisory council on the Western Sahara.

Despite these prompt actions taken to restore confidence and order and to lessen tensions, renewed violence broke out on October 30 and continued into the next day. There were credible reports that police provoked the violence during the day. Order reportedly was not restored until the police were withdrawn from neighborhoods on October 31 and replaced by military security forces. There were further credible reports that during the late night and early morning hours of October 30 and 31, police authorities unlawfully entered homes to arrest persons associated with the demonstrations in late September and earlier that day. Thirty-one persons reportedly were detained. Of these, 10 persons reportedly were released within 24 hours and the remainder released within the following 2-week period.

Some members of the commission on the Western Sahara again were dispatched quickly to Laayoune; however, tensions again mounted in the city when one commission member, then-Interior Minister Basri, told local officials that the referendum on the territory's future, to be held under the auspices of the United Nations (and then scheduled to take place in the summer of 2000), likely would not occur before 2003. Following Basri's statement and the second round of excessive police actions in Laayoune in late October, King Mohammed VI dismissed Basri on November 9. There were no charges made and no investigation was initiated into the excessive use of force by the police by year's end, although the police chief was relieved of his duties and several other police officials were transferred out of the city.

However, there also were numerous peaceful protests during the year. For example, unemployed demonstrators held a sit-in at the Rabat road terminal for 3 months without disruption in the spring. On April 26, 3,000 ANDC members marched peacefully from the Parliament through the center of Rabat after observing a 2-hour sit-in on the steps of the

Parliament. Security forces were present, but did not intervene. On May 1, labor unions marched through Casablanca to commemorate May Day. On May 4, police peacefully dispersed ANDC protesters from Parliament. On November 4, students and unemployed graduates marched peacefully from the law faculty in Rabat to the Parliament to protest a variety of social grievances. A similar protest and 6-hour sit-in also occurred without police interference in Marrakech the previous day.

In March the press reported on an alleged Ministry of Interior decision to ban all public meetings from government-owned facilities. Amid protests that such tactics constituted a flagrant violation of the freedom of expression, the AMDH and the League for the Defense of Human Rights (LMDH) issued on March 11, a communique that criticized the Ministry of Interior for its alleged actions. Later the same day, government spokesman Khalid Alioua stated that the Ministry's decision had been "badly interpreted," and applied only to meetings in municipal council and administration buildings, not to the public halls that routinely are used by unions, parties, NGO's, and other groups. On April 14, in response to questions in Parliament, then-Interior Minister Basri maintained that his Ministry had sent to local authorities "a telex for internal use following the unauthorized meeting of a group with an unknown affiliation within a university building on February 22." The Minister added that his goal was "to protect campuses from antidemocratic political activism and to ensure the continuity of public services. Other than that, liberty is the rule." The order was revoked by the Prime Minister's office on November 5.

After violent police suppression of demonstrations in Rabat in October 1998, Basri agreed in December 1998 to recognize officially the jobless demonstrators' association, the ANDC, whose request for recognition had been pending for 7 years. Basri also agreed to grant members of the group 5,000 taxi licenses. Members of the ANDC also were invited by the King to a national conference on unemployment in December 1998. In June the Ministers of Interior and Employment toured the regions to instruct walis and governors on how to take steps to reduce unemployment, and to listen to the needs of the unemployed. However, despite repeated meetings with the Ministers of Interior and Employment, the ANDC has not obtained official recognition and the promised taxi licenses have not been issued.

The Constitution provides for freedom of association; however, the Government limits this right in practice. Under a 1958 decree, which was amended substantially in 1973 to introduce restrictions on civil society organizations, persons wishing to create an organization must obtain the approval of the Ministry of Interior before holding meetings. In practice the Ministry uses this requirement to prevent persons suspected of advocating causes opposed by the Government from forming legal organizations. Historically, extreme Islamist and leftist groups have encountered the greatest difficulty in obtaining official approval. Although there are over 20 active Islamist groups, the Government has prohibited membership in two, the JCO and Jama'a Islamia, due to their perceived anti-monarchy rhetoric. Political parties also must be approved by the Ministry of Interior, which has used this power to control participation in the political process. However, individual Islamists are not barred from participating in recognized political parties. The last known instance in which a proposed political party failed to receive such approval was in 1996, when an Islamist group's application was not approved. The group instead was permitted to present candidates for the 1997 elections under the banner of an existing party. One Islamist party, the Party for Justice and Development (PJD--formerly the Popular Democratic Constitutional Movement), won nine seats in Parliament in the 1997 elections. There was some progress during the year on increasing freedom of association, including the revocation by the Prime Minister of a directive that prohibited the use of public spaces for meetings by associations, political parties, and trade unions. The Prime Minister also eased requirements for obtaining authorization for meetings in public areas.

c. Freedom of Religion

Although the Constitution provides for freedom of religion, until recently only Islam, Christianity, and Judaism were tolerated in practice; however, in 1996 a small foreign Hindu community received the right to perform cremations and to hold services. Other

foreign communities enjoy similar religious privileges. However, Baha'is face restrictions on the practice of their faith.

Islam is the official religion. Ninety-nine percent of citizens are Sunni Muslims, and the King bears the title "Commander of the Faithful." The Jewish community of approximately 5,000 practices its faith freely and openly, as does the somewhat larger foreign Christian (Catholic and Protestant) community. The Baha'i community of 350 to 400 persons has been forbidden to meet or participate in communal activities since 1983.

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

Islamic law and tradition call for strict punishment for any Muslim who converts to another faith. Citizens who convert to Christianity and other religions sometimes face social ostracism, and in the past a small number have faced short periods of questioning by the authorities. Although voluntary conversion is not a crime under the Criminal or Civil Codes, it remains a crime under religious law, and few citizens make such a distinction. Any attempt to induce a Muslim to convert is illegal. Foreign missionaries either limit their proselytizing to non-Muslims or conduct their work quietly. The Government cited the Penal Code prohibition on employing inducements in order to "shake the faith" of a Muslim or to convert him to another religion in most cases in which courts expel foreign missionaries.

There were no confirmed reports during the year of cases of foreigners being denied entry into the country at the port of Tangier because they were carrying Christian materials. There were no confirmed reports that Christians were arrested or expelled for proselytizing or displaying non-Muslim religious items during the year, as occurred in 1998.

The Ministry of Islamic Affairs monitors Friday mosque sermons and the Koranic schools to ensure the teaching of approved doctrine. The authorities sometimes suppress the activities of Islamists, but generally tolerate activities limited to the propagation of Islam, education, and charity. Security forces commonly close mosques to the public shortly after Friday services to prevent the use of the premises for unauthorized political activity. The Government strictly controls authorization to construct new mosques. Most mosques are constructed using private funds.

The Government provides funds for the teaching of Islam in public schools, and also provides funds for religious instruction to the parallel system of Jewish public schools. The Government has funded several efforts to study the cultural, artistic, literary and scientific heritage of Moroccan Jews. In May King Hassan II organized the first meeting of the "World Union of Moroccan Jews" in Marrakech.

Since the time of the French protectorate (1912-1956), a small foreign Christian community has opened churches, orphanages, hospitals, and schools without any restriction or licensing requirement being imposed. Missionaries who conduct themselves in accordance with societal expectations largely are left unhindered. Those whose proselytizing activities become public face expulsion.

In January a court in Fes convicted 11 men of violating the Penal Code provision that forbids eating or drinking in public during the Ramadan fast. The court levied small fines against the men, who publicly broke their fast the day before the Eid holiday. They did so to acknowledge publicly only Mecca's (as opposed to the Government's) authority in ending the fast.

The Government permits the display and sale of Bibles in French, English, and Spanish, but confiscates Arabic-language Bibles and refuses licenses for their importation and sale, despite the absence of any law banning such books. Nevertheless, Arabic Bibles

reportedly have been seen for sale in local bookstores.

There were no reports during the year that the Government summoned members of the Baha'i Faith for questioning or denied them passports, as had occurred in previous years.

There are two sets of laws and courts--one for Jews and one for Muslims--pertaining to marriage, inheritance, and family matters. The family law courts are run, depending on the law that applies, by rabbinical and Islamic authorities who are court officials. Parliament must authorize any changes to those laws. Non-Koranic sections of Muslim law on personal status are applied to non-Muslim and non-Jewish persons.

Islamist dissident Sheikh Abdessalam Yassine has remained under house arrest in Sale since 1989 for refusing to acknowledge the religious authority of the King (see Sections 1.d., 2.a., and 2.d.). In October 1998, the Government of Prime Minister Abderrahmane Yousouffi stated that it intended to end Yassine's detention, and an appeal of Yassine's detention was expected to be heard before the Supreme Court. In April the Minister of Housing (and number two official in the Prime Minister's governing party) declared that Yassine's detention could not continue; however, the Government did not release Yassine from house arrest by year's end.

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

The Constitution provides for freedom of movement; however, the Government restricts this right in certain areas. The gendarmerie maintains checkpoints throughout the country, at which drivers' licenses and vehicle registrations are verified for validity. Although checkpoints have been maintained in the same places for years, the degree of inspections of motorists has relaxed, while the emphasis on inspecting trucks and buses continues. In addition while there are continuing allegations that gendarmes demand small bribes to clear vehicles, press reports indicate that gendarmes found guilty of such behavior are punished. In October 1998, the Gendarmerie Royale announced a campaign to combat such abuses within its ranks. On February 10, a court in Tangier sentenced two gendarmes to 1-year prison terms for corruption, complicity in smuggling, and aggravated assault. In the Moroccan-administered Western Sahara, movement is restricted in areas regarded as militarily sensitive.

The Ministry of Interior restricts freedom to travel outside the country in certain circumstances. The OMDH and AMDH have compiled lists of individuals who reportedly have been denied passports or who have passports but are denied permission to travel. The OMDH lists 20 persons, including Mostapha Farissi, a former political detainee. The AMDH's list includes 70 persons, many of whom are Islamists. In addition all civil servants and military personnel must obtain written permission from their ministries to leave the country. The spiritual leader of the Islamist JCO, Sheikh Abdessalam Yassine, has remained under house arrest in Sale since 1989 for refusing to acknowledge the religious authority of the monarchy (see Sections 1.d., 2.a., and 2.c.).

Moroccans may not renounce their citizenship, but the King retains the power--rarely used--to revoke it. Tens of thousands of Moroccans hold more than one citizenship and travel on passports from two or more countries. While in Morocco, they are regarded as Moroccan citizens. Dual nationals sometimes complain of harassment by immigration inspectors.

The Government welcomes voluntary repatriation of Jews who have emigrated. Moroccan Jewish emigres, including those with Israeli citizenship, freely visit Morocco. The Government also encourages the return of Sahrawis who have departed Morocco due to the conflict in the Western Sahara, provided that they recognize the Government's claim to the region. The Government does not permit Saharan nationalists who have been released from prison to live in the disputed territory.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. While Morocco has from time to time provided political asylum to individuals, the issue of first asylum has never arisen. There were no reports of forced expulsion of persons with a valid claim to refugee status.

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

Constitutional provisions establishing periodic free elections notwithstanding, citizens do not have the full right to change their government. The King, as head of state, appoints the Prime Minister, who is the titular head of government. Constitutional changes in 1992, retained in the Constitution of 1996, authorize the Prime Minister to nominate all government ministers, but the King has the power to replace any minister at will. The Parliament has the theoretical ability to effect change in the system of government. However, the Constitution may not be changed without the King's approval. The Ministry of Interior appoints the provincial governors and local caids (district administrative officials). Municipal and regional councils are elected.

The Government of Prime Minister Abderrahmane Youssoufi is the first government formed from the political opposition since the late 1950's, and his appointment by King Hassan marked a significant step toward increased democratization. With the support of the monarchy, Youssoufi, who was sentenced to death in absentia in the 1970's but subsequently received a royal pardon in 1980, has declared his intention to modernize the administrative and judicial structures and to liberalize the economic and political system. Of the 41 cabinet-level posts in the new Government, only 4 posts were filled by holdovers from the former Government (Interior, Foreign Affairs, Justice, and Islamic Affairs), plus the Secretary General of the Government and the Minister-Delegate for Defense Administration. In November the King replaced one of the four holdovers, Interior Minister Driss Basri. In order to develop reforms, the King granted cabinet ministers a greater degree of responsibility for the management of their individual portfolios.

Morocco created a bicameral legislature in 1997. Fourteen parties have members in Parliament, and seven are represented in the governing coalition. While opposition parties urged in 1996 and 1997 that all members of Parliament be elected directly by the citizenry, King Hassan II proposed in 1996 the creation of a bicameral legislature, whereby all members of the lower chamber would be elected directly by the citizenry and all members of the second chamber indirectly selected by popularly elected regional, municipal, and professional councils.

In June 1997, Morocco held municipal council elections, followed by balloting for regional professional councils. In the wake of the June 1997 elections, political parties accused each other of manipulation and vote-buying, and claimed government intervention on behalf of candidates. The Election Commission examined numerous petitions during the course of the electoral season in 1997 and recommended the reversal of over 60 municipal election results, including in Tangier, Khoribga, and Oujda, noted irregularities in four parliamentary races in Casablanca, Chefchaouen, and Fes, and called for the results to be set aside. The OMDH criticized the prominent role of the Interior Ministry in the June 1997 elections, as well as the numerous allegations of vote-buying, both by the Government and political parties, electoral list manipulation by the Government, and electoral card falsification.

In August 1997, King Hassan II convoked a special session of Parliament to ratify two laws creating a bicameral assembly, and, in the same month, Parliament unanimously approved these laws, which created a 325-seat lower house to be filled by direct elections, and a 270-seat upper house whose members would be elected by various directly elected professional and regional councils. There were widespread, credible allegations of vote-buying and government manipulation in the November 1997 legislative elections. The fraud and government pressure tactics led most independent observers to conclude that the

election results were heavily influenced, if not predetermined, by the Government. All opposition parties criticized the Government, and some called for a boycott of Parliament. Two winners renounced their seats, alleging unsolicited government interference on their behalf. The Election Commission concurred that irregularities had occurred in two Casablanca cases and recommended that new elections be held in those districts; however, new elections were never scheduled. The Commission also examined other complaints and recommended new elections in Chefchaouen and Fes, which took place in 1998.

Women are underrepresented in government and politics. There are 2 female secretaries of state in the 41-member Cabinet. There are 2 women among the 325 members of Parliament's Chamber of Deputies and 2 women in the 270-seat Chamber of Counselors.

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

There are three officially-recognized nongovernmental human rights groups: The Moroccan Human Rights Organization, the Moroccan League for the Defense of Human Rights, and the Moroccan Human Rights Association. A fourth group, the Committee for the Defense of Human Rights (CDDH), was formed in 1992 by former AMDH members. The Government maintains close and collaborative relations with all of these groups.

A new NGO, the National Observatory of Moroccan Prisons (ONPM), was formed in November for the purpose of improving treatment of prisoners. Created by lawyers, doctors, journalists, former inmates and entertainment personalities, the ONPM's specific goals are to facilitate the improvement of living conditions within prisons and to support penal reform efforts. The ONPM is attempting to enforce the minimum daily dietary allotment that it claims prisons repeatedly disregard.

Amnesty International has local chapters in Rabat, Casablanca, and Marrakech. These chapters participate in AI international letter campaigns outside Morocco. The Government hosted a visit by AI secretary general Pierre Sane in June, during which Sane met with senior government officials and announced that AI would open a regional office in Morocco and would hold its International Congress in Marrakech in August. However, in June articles in the French and Moroccan press asserted that the Government had changed its stance on hosting the conference, allegedly because of fears that AI delegates would organize protests in Rabat against the human rights situation in the Western Sahara.

Prime Minister Youssoufi chairs a human rights commission that reviews cases of past and present human rights issues. The commission is composed of members of the Government, including the Ministers of Justice, Human Rights, and Interior.

The Royal Consultative Council on Human Rights, an advisory body to the King, counsels the palace on human rights issues, and was the organization charged by the King to resolve cases related to persons who had disappeared. The CCDH announced on January 27 that it would create five working groups to promote the protection of human rights. They included groups on penal law; prison conditions; communications with human rights NGO's; inhuman conditions of refugees in Polisario-controlled camps in Tindouf, Algeria; and economic, social, and cultural rights.

Human rights Minister Mohammed Aujjar announced in March that it was the Government's priority to ensure that local laws, particularly the Code for Public Liberties, be harmonized with the country's international obligations "in conformity with the precepts of Islam." Aujjar added that the Government's legal reforms to bolster the freedoms of citizens would take place according to a "5-year plan." For example, the 1935 law permitting the imprisonment of defaulters to settle their debts to public entities would be annulled.

In April in Casablanca, the Government hosted an international conference on human rights in the Arab world. The conference, which included human rights NGO's from

throughout the Arab world, examined the status of human rights in the Arab world and reaffirmed the universality of human rights principles. The Prime Minister addressed the gathering and reiterated the Government's commitment to human rights reforms.

The U.N. Education and Science Council (UNESCO) organized a conference in February in Rabat on human rights education in the Arab world. Participants assessed ways to introduce human rights into school curricula in Arab nations and exchanged ideas on spreading the concept of human rights education throughout the Arab world. Several government ministers took part in the proceedings.

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

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

Women

Spousal violence is common. Although a battered wife has the right to complain to the police, as a practical matter, she would do so only if prepared to bring criminal charges. While physical abuse is a legal ground for divorce, a court only grants it if the woman is able to provide two witnesses to the abuse. Even medical certificates are not sufficient. If the court finds against the woman, she is returned to her husband's home. Consequently, few women report abuses to the authorities.

The Criminal Code provides for severe punishment for men convicted of rape or sexually assaulting a woman or a girl. The defendants in such cases bear the burden of proving their innocence. However, sexual assaults often go unreported because of the stigma attached to the loss of virginity. While not provided for by law, victim's families may offer rapists the opportunity to marry their victims in order to preserve the honor of the family. The law is more lenient toward men with respect to crimes committed against their wives; for example, a light sentence may be accorded a man who murders his wife after catching her in the act of adultery.

Women suffer various forms of legal and cultural discrimination. The civil law status of women is governed by the Moudouwana, or Code of Personal Status, which is based on the Malikite school of Islamic law. Although the Moudouwana was reformed in 1993, women's groups still complain of unequal treatment, particularly under the laws governing marriage, divorce, and inheritance.

In order to marry, a woman generally is required to obtain the permission of her "tuteur," or legal guardian, usually her father. Only in unusual circumstances may she act as her own "tuteur."

It is far easier for a man to divorce his wife than for a woman to divorce her husband. Under Islamic law and tradition, rather than asking for a divorce, a man simply may repudiate his wife outside of court. Under the 1993 reforms to the Moudouwana, a woman's presence in court is required in order for her husband to divorce her, although women's groups report that this law frequently is ignored. However, human rights activists reported that, in a recent NGO-sponsored test, officials refused to order a divorce without the wife being present, despite offers of bribes. Nevertheless, women's groups complain that men resort to ruses to evade the new legal restrictions. The divorce may be finalized even over the woman's objections, although in such cases the court grants her unspecified allowance rights.

A woman seeking a divorce has few practical alternatives. She may offer her husband money to agree to a divorce (known as a khol'a divorce). The husband must agree to the divorce and is allowed to specify the amount to be paid, without limit. According to women's groups, many men pressure their wives to pursue this kind of divorce. A woman

also may file for a judicial divorce if her husband takes a second wife, if he abandons her, or if he physically abuses her. However, divorce procedures in these cases are lengthy and complicated. In November 1998 the Minister of Islamic Affairs proposed the institutionalization of additions to the basic marriage contract that would outline the rights and duties agreed upon between husband and wife, and permit legal recourse for the enforcement of the contract.

Under the Criminal Code, women generally are accorded the same treatment as men, but this is not the case for family and estate law, which is based on the Moudouwana. Under the Moudouwana, women inherit only half as much as male heirs. Moreover, even where the law provides for equal status, cultural norms often prevent a woman from exercising those rights. For example, when a woman inherits property, male relatives may pressure her to relinquish her interest.

While many well-educated women pursue careers in law, medicine, education, and government service, few make it to the top echelons of their professions. Women constitute approximately 35 percent of the work force, with the majority in the industrial, service, and teaching sectors. The Government reports that the illiteracy rate for women is 67 percent (and 89 percent in rural areas), compared with 41 percent for men. Women in rural areas suffer the most from inequality. Rural women perform most difficult physical labor, and the literacy rate in the countryside is significantly lower for women than for men. Girls are much less likely to be sent to school than are boys, especially in rural areas where the quality of schooling is inferior to urban areas, and demands on girls' time for household chores often prevent school attendance. However, women who do earn secondary school diplomas have equal access to university education.

According to a 1997 government survey, 76 NGO's work to advance women's rights and to promote women's issues. Among these are the Democratic Association of Moroccan Women, the Union for Women's Action, and the Moroccan Association for Women's Rights, which advocate enhanced political and civil rights, as well as numerous NGO's that provide shelters for battered women, teach women basic hygiene, family planning, and child care, and educate illiterate women.

Children

The law provides for compulsory education for children between the ages of 7 and 13; however, not all children between these ages attend school due to family decisions and shortfalls in government resources, and the Government does not enforce the law. The Government conducts an annual campaign to vaccinate children against childhood diseases.

The Government has had difficulty addressing the problem of child labor (see Section 6.d.). Young girls in particular are exploited as domestic servants. Teenage prostitution in urban centers has been estimated in the tens of thousands by NGO activists. The clientele comprises both foreign tourists and Moroccans. More young girls than boys are involved; however, young boys also work as prostitutes (see Section 6.f.). The practice of adoptive servitude, in which families adopt young rural girls and use them as domestic servants in their homes, is prevalent. Credible reports of physical and psychological abuse in such circumstances are widespread. Some orphanages have been charged as knowing accomplices in this practice; however, more often parents of rural girls "contract" their daughters to wealthier urban families and collect the salaries for their work as maids. Adoptive servitude is accepted socially, has only recently begun to attract public criticism, and is unregulated by the Government.

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

register; however, the process is long and cumbersome. While any child, regardless of parentage, may be registered within a month of birth, a court order is required if registration does not take place in that time. Abandoned children sometimes receive kafala (state-sponsored care).

Several NGO's, including the Bayti Association and the Moroccan League for the Protection of Children, work to improve legal protection for children and to help at-risk children. There are several shelters in the major cities that provide food and lodging for street children, while other NGO's work to reduce the exploitation of street children and to cure those street children with drug addictions.

People with Disabilities:

A high incidence of disabling disease, especially polio, has resulted in a correspondingly high incidence of disabled persons. While the Ministry of Social Affairs endeavors to integrate the disabled into society, in practice this is left largely to private charities. However, even nonprofit special education programs are priced beyond the reach of most families. Typically, disabled persons are supported by their families; some survive by begging. The Government continued a pilot training program for the blind sponsored in part by a member of the royal family. There are no laws mandating physical changes to buildings to facilitate access by the disabled.

National/Racial/Ethnic Minorities:

The Constitution affirms, and the Government respects, the legal equality of all citizens. The official language is Arabic. Both French and Arabic are used in the news media and educational institutions. Science and technical courses are taught in French, thereby precluding the large, monolingual-Arabic-speaking population from participation in these programs. Educational reforms in the past decade have stressed the use of Arabic in secondary schools. Failure to transform the university system similarly effectively has disqualified many students from higher education in lucrative fields. This especially is true among the poor, for whom French training is not always affordable.

Some 60 percent of the population claim Amazigh (Berber) heritage. Amazigh cultural groups contend that Amazigh traditions and the Amazigh language (which consists of three dialects) are rapidly being lost. Their repeated requests to King Hassan II to permit the teaching of Amazigh languages in the schools led to a 1995 royal speech authorizing the necessary curriculum changes; however, such changes have not yet been implemented. Official media broadcast in the Amazigh language for limited periods each day.

In 1996 a number of Amazigh associations issued a communique petitioning the Government to recognize their language as an official language and to acknowledge their culture as a part of Moroccan society. These associations claimed that the Government refuses to register births for children with traditional Amazigh names, discourages the public display of the Amazigh alphabet, limits the activities of Amazigh associations, and continues to Arabize the names of towns, villages, and geographic landmarks. The Government thus far has made no response to the petition, although Prime Minister Youssoufi acknowledged Amazigh culture as an integral part of Moroccan identity in a speech before Parliament in April 1998. A full page of a major national newspaper is devoted on a monthly basis to articles and poems on Amazigh culture, which are printed in the Amazigh language, although with Latin script.

On January 29, for the first time ever, the Moroccan Association for Research and Cultural Exchanges (AMREC), the first Amazigh association founded in Morocco (in 1967), held its first public congress. According to the PPS party daily Bayane Al-Youm, AMREC previously was never able to hold its congress in public. In late January, Minister of Communication Larbi Messari announced that the Government would dedicate more hours of television and radio broadcasting time to news and programming in the Amazigh languages, which he recognized as part of the "national heritage." In July in Nador, the

Minister of Territorial Management (and number three official in the ruling USFP party) attended a conference on education in the Amazigh language. At the meeting, he underlined the necessity to begin a serious dialog on Amazigh identity, to expand studies of Amazigh language and culture, and to encourage civil society efforts to promote Amazigh identity. A professor in Casablanca backed down from plans to publish a Koran in the Amazigh language due to societal opposition.

Section 6 Worker Rights

a. The Right of Association

Although workers are free to establish and join trade unions, the unions themselves are not completely free from government interference. Perhaps half a million of the country's 9 million workers are unionized in 17 trade union federations. Three federations dominate the labor scene: The Union Marocaine du Travail (UMT), the Confederation Democratique du Travail (CDT), and the Union Generale des Travailleurs Marocains (UGTM). The UMT has no political party affiliation. The CDT is affiliated with the ruling Socialist Union of Popular Forces of Prime Minister Yousoufi, and the UGTM with the Istiqlal party. It is widely believed that the Ministry of Interior has informants within the unions who monitor union activities and the election of officers. Sometimes union officers are subject to government pressure. Union leadership does not always uphold the rights of members to select their own leaders. There has been no case of the rank and file voting out its current leadership and replacing it with another.

Workers have the right to strike and do so. Work stoppages normally are intended to advertise grievances and last 24 to 72 hours or less. There were a number of narrowly focused work stoppages during the year. A strike by Agadir coastal fisherman in the fall, in which they demanded higher wages and social security benefits, resulted in the trial and imprisonment for 1 year of the union's secretary general and three other members. An appellate court upheld the ruling (see Section 1.e.). In September striking workers, including women, were jailed following a strike, during which property was destroyed, at an egg farm south of Rabat (see Sections 1.e. and 2.b.).

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

Unions belong to regional labor organizations and maintain ties with international trade union secretariats. The UMT is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

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

In general the Government ensures the observance of labor laws in larger companies and in the public sector. In the informal economy, such as in the family workshops-dominated handicrafts sector, employers routinely ignore labor laws and regulations, and government inspectors lack the resources to monitor violations effectively.

The laws governing collective bargaining are inadequate. Collective bargaining has been a longstanding tradition in some parts of the economy, such as the industrial sector, and is becoming more prevalent in the service sector, including banking, health, and the civil service. The wages and conditions of employment of unionized workers generally are set in discussions between employer and worker representatives. However, wages for the vast majority of workers are set unilaterally by employers.

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

There is no law specifically prohibiting antiunion discrimination. Employers commonly dismiss workers for union activities that are regarded as threatening to employer interests. The courts have the authority to reinstate such workers, but are unable to enforce rulings that compel employers to pay damages and back pay. Ministry of Labor inspectors serve as investigators and conciliators in labor disputes, but they are few in number and do not have the resources to investigate all cases. Unions have resorted increasingly to litigation to resolve labor disputes.

Labor law reform is such a controversial issue that a draft revised labor code has remained under discussion in parliamentary committee for numerous years.

Labor law applies equally to the small Tangier export zone. The proportion of unionized workers in the export zone is about the same as in the rest of the economy, roughly 5 percent.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor is prohibited by royal decree, and when authorities become aware of instances of forced labor, courts enforce the decree; however, in practice the Government lacks the resources to inspect all places of employment to ensure that forced labor is not being used, and the practice persists.

The Government prohibits forced and bonded labor by children, but does not enforce this prohibition effectively. The practice of adoptive servitude, in which families adopt young girls and use them as indentured domestic servants, is socially accepted, and the Government does not regulate it. Credible reports of physical abuse in such cases are widespread (see Sections 5, 6.d., and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

Abuse of the child labor laws is common. The law prohibits the employment of any child under 12 years of age. Education is compulsory for children between the ages of 7 and 13 years, although not all children attend school. Special regulations cover the employment of children between the ages of 12 and 16. In practice children often are apprenticed before age 12, particularly in the informal handicraft industry. The use of minors is common in the small family-run workshops that produce rugs, ceramics, wood work, and leather goods. Children, particularly rural girls, also are employed informally as domestics and usually receive little or no wages. Safety and health conditions, as well as wages in businesses that employ children often are substandard. The law prohibits forced or bonded labor by children; however, the Government does not enforce the law effectively (see Section 6.c.). The practice of adoptive servitude is often characterized by physical abuse (see Sections 5, 6.c., and 6.f.). The Ministry of Education, in cooperation with the Ministry of Health and with the support of UNICEF, is pursuing a strategy to ensure basic education and health services for child workers.

Ministry of Labor inspectors are responsible for enforcing child labor regulations, which generally are well observed in the industrialized, unionized sector of the economy. However, the inspectors are not authorized to monitor the conditions of domestic servants. The Government maintains that the informal handicrafts sector is difficult to monitor.

The Government lacks the resources to enforce laws against child labor, and there is general acceptance of the presumption that, to properly learn traditional handicraft skills,

it is necessary for children to start working at a young age. In addition many citizens claim that having children working to learn a craft is better than having them live on the streets, where they sometimes turn to juvenile delinquency, including prostitution and substance abuse.

In July 1997, the Government announced a new voluntary labeling system for carpet exports to certify that no child labor was involved in production. The system is cosponsored by German rug importers. However, the Government does not monitor nonparticipating handicraft producers that violate child labor laws.

e. Acceptable Conditions of Work

The June 1996 general strike led to negotiations among the Government, the Manufacturers' Association, and the labor confederations over increasing the minimum wage and improving health benefits, social benefits, and housing. In August 1996, all three parties agreed to a 10 percent increase in the minimum wage retroactive to July 1, raising it to approximately \$180 (1,800 dirhams) per month in the industrialized sector and to approximately \$9 (90 dirhams) per day for agricultural workers. Neither figure provides a decent standard of living for a worker and family, even with government subsidies for food, diesel fuel, and public transportation. Unions continue to appeal unsuccessfully for a minimum wage of approximately \$210 (2,100 dirhams). In many cases, several family members combine their income to support the family. Most workers in the industrial sector earn more than the minimum wage. They generally are paid between 13 and 16 months' salary, including bonuses, each year.

The minimum wage is not enforced effectively in the informal and handicraft sectors, and even the Government pays less than the minimum wage to workers at the lowest civil service grades (approximately 8 percent of government workers), although benefits are more generous, and include transportation, food and housing subsidies, free vacations, and other nonmonetary remuneration. To increase employment opportunities for recent graduates, the Government allows firms to hire them for a limited period through a subsidized program at less than the minimum wage.

The law provides for a 48-hour maximum workweek with no more than 10 hours worked 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. As with other labor regulations and laws, these are not observed universally.

Occupational health and safety standards are rudimentary, except for a prohibition on the employment of women in certain dangerous occupations. Labor inspectors attempt to monitor working conditions and accidents, but lack sufficient resources. While workers in principle have the right to remove themselves from work situations that endanger health and safety without jeopardizing their continued employment, there were no reports of any instances in which a worker attempted to exercise this right.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons; under the Penal Code, perpetrators are prosecuted either as scam artists, corrupters of minors, or persons who force others into prostitution.

Forced prostitution is prevalent, particularly in cities with large numbers of tourists, as well as near towns with large military installations. In 1998 a case was reported in which a girl allegedly had been imprisoned for 5 years in a brothel in Hajeb until she escaped at age 19.

Forced prostitution involving Moroccans also occurs abroad. Early in the year, a Moroccan woman who had been recruited to be a domestic servant in Saudi Arabia,

escaped a prostitution ring there and informed police, which led to the arrest of her Moroccan handlers, an extended family group numbering about 40 persons. This same group of Moroccans had been involved in organizing similar such activities throughout the Persian Gulf region.

Teenage prostitution in urban centers has been estimated in the tens of thousands by NGO activists. The clientele comprises both foreign tourists and Moroccans. More young girls than boys are involved; however, young boys also work as prostitutes (see Section 5).

The practice of adoptive servitude, in which families adopt young girls and use them as indentured servants, is prevalent and accepted socially, and the Government does not regulate it. Reports of physical and psychological abuse in such cases are widespread; reports of sexual abuse are less frequent. Some orphanages have been charged as knowing accomplices in this practice; however, more often, parents of rural girls "contract" their daughters to wealthier urban families and collect their salaries as maids (see Sections 5 and 6.d.).

[end of document]

[Near East and North Africa Index](#) | [Table of Contents](#) | [1999 Report Homepage](#) | [Human Rights Reports Index](#)