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The authorities continued to use the 2020 health emergency decree-law to arbitrarily restrict freedom of expression and assembly, including of journalists, activists and workers. The authorities continued to violate the rights of pro-independence Sahrawi activists through arbitrary house arrests, ill-treatment and harassment. The government introduced a Covid-19 vaccine pass necessary for anyone to enter their places of work, public and private administrations, restaurants and to travel inside and outside Morocco. Protests against the pass were held in several cities and were met by force at least once. The Feminist Action Union recorded monthly increases in domestic violence cases in almost every city in Morocco. Parliament passed a new law that allows for gender reassignment for those born “hermaphrodites”, which was criticized by LGBTI communities for its vagueness and lack of reference to transgender people. Migrants and asylum seekers were arbitrarily detained and, in areas close to border crossings, the authorities raided the lodging places of sub-Saharan nationals, sometimes burning their belongings or forcibly evicting them.

Background

Government measures to support the economy during the second year of the pandemic included compensating those who could not work, although this only applied to those in formal jobs.

In October, the UN Mission for the Referendum in Western Sahara (MINURSO) was renewed, but still lacked a human rights mandate. Human rights organizations could still not access Western Sahara and Polisario camps.

On 21 October, the government announced that a vaccine pass would be necessary to enter places of work, restaurants and for all travel inside and outside of Morocco. The union of café and restaurant owners, the lawyers’ union and some rights organizations criticized the move, saying the pass was unconstitutional, arbitrary or a danger to the economy. Protests against the decision were held across Morocco on 31 October.

Between January and December, the king issued royal pardons affecting 4,127 prisoners.

In September, Algeria cut diplomatic ties with Morocco.

Freedom of expression and association

Human rights defenders, journalists, social media users, academics and activists continued to face repression of the legitimate exercise of their freedom of expression. At least seven were arrested and/or prosecuted for freedom of expression-related offences. On 23 March, academic and human rights defender Maati Monjib was provisionally released from El Arajat prison near the capital Rabat. In October, he was prevented from travelling to France for a medical appointment and to see his family, due to an arbitrary travel ban imposed since October 2020.

In July, Omar Radi, an independent journalist who was often critical of the authorities, was sentenced to six years in prison on charges of espionage and rape after a trial that did not meet international fair trial standards. Among other things, he was denied the right to see and challenge each piece of evidence used against him.

In September, the Marrakesh Court of First Instance sentenced Jamila Saadane to three months in prison for videos she posted on YouTube accusing the Moroccan authorities of covering up prostitution networks and human trafficking in Marrakesh. She was convicted of “insulting institutions” and “spreading false information”.

The Moroccan authorities continued to violate the rights of pro-independence Sahrawi activists throughout the year, through ill-treatment, arrests and harassment. In May, the authorities arrested Essabi Yahdih, a Sahrawi journalist and director of the online Algargarat Media company, at his workplace in Western Sahara. They interrogated him about his journalistic work and accused him of filming military barracks in Dakhla, a city in Western Sahara. On 29 July, he was sentenced to one year in prison and a fine. In Dakhla prison he was denied medical attention for pre-existing hearing and sight conditions.

Right to privacy

In July, together with the coalition Forbidden Stories, Amnesty International revealed that NSO Group’s Pegasus surveillance spyware was used extensively by the Moroccan authorities. Journalists, activists and political figures of French and Moroccan origin had been targeted with the spyware. The devices of Hicham Mansouri, a Moroccan journalist living in exile in France; Claude Mangin, the partner of Naama Asfari, a Sahraoui activist who is imprisoned in Morocco; and Mahjoub Maliha, a Sahraoui human rights defender, were infected with Pegasus software in violation of their rights to privacy and freedom of expression.

Freedom of assembly

On at least four occasions, the authorities repressed peaceful protests demanding improved working conditions and used the health emergency decree-law to suppress workers’ grievances.

In April, police arbitrarily arrested 33 teachers who were protesting peacefully in Rabat against education policies they deemed harmful for public education and forcibly dispersed the protesters even though they were respecting Covid-19 safety measures such as social distancing. The teachers were provisionally released after 48 hours but were still facing charges of “incitement to unarmed gathering without an authorization”, “breaching health emergency status” and “offending public officials”. Their trial was ongoing at the end of the year.¹

In July, Nouredine Aouaj, an activist and human rights campaigner, was sentenced to two years’ imprisonment. He was arrested in June after joining a peaceful rally supporting jailed journalists Omar Radi and Suleiman Raissouni, and charged with “insulting constitutional institutions, principles and symbols of the kingdom”, “denouncing fictitious crimes” and “undermining judicial authority”.

Torture and other ill-treatment

Some prisoners were held in harsh conditions, including prolonged and indefinite solitary confinement, in violation of the prohibition of torture and other ill-treatment.

Suleiman Raissouni, a journalist and editor of *Akhbar Al Yaoum* newspaper, remained in solitary confinement since his imprisonment in May 2020. He staged a 118-day hunger strike from 8 April to protest against his solitary confinement.

Mohamed Lamine Haddi, sentenced in connection with the Gdeim Izik protest, continued to be held in solitary confinement since 2017. In March, prison guards ended his hunger strike held in protest at his ill-treatment by force-feeding him, which amounts to torture under international law.

Members of the security forces raided the house of Sahrawi activist Sultana Khaya in Boujdour at least three times in 2021. She said that during a raid in May, members of the security forces beat her and tried to rape her with batons, and attacked and raped her sister. On 15 November, members of the security forces broke into her house and raped her and sexually abused her two sisters and 80-year-old mother.²

Right to health

In May, the Independent Syndicate of Public Sector Doctors held a 48-hour national strike, excluding emergency services, to protest at the authorities’ inaction to their long-standing demands for improved pay and working conditions and better resourced public hospitals.

By the end of the year, Morocco had fully vaccinated about 67% of the country’s population against Covid-19.

Women’s and girls’ rights

A national pandemic fund was created in 2020 to compensate those forced to leave work. However, Moroccan NGO the Feminist Action Union found that women were less able than men to benefit from the scheme as they are less likely to be in regular work.

Implementation of the 2018 Law 103-13 for the prevention of violence against women remained weak. Contrary to claims by the Public Prosecution Office that domestic violence cases decreased by 10% compared to previous years, the Feminist Action Union recorded monthly increases in domestic violence cases from January to April in almost every city in Morocco.

In May, the Minister of Justice announced that the number of child marriages had reduced since 2019. UN Women disputed this, saying the figures do not provide information on the forms of customary marriage involving children, nor do they consider the impacts of the Covid-19 pandemic on mobility and access to public administrations. Article 19 of the Family Code sets the marriage age at 18, but Articles 20 and 21 give judges in charge of family issues the right to authorize requests for child marriages.

In January, former police officer Wahiba Kharchich relocated to the USA after suffering defamation when media company ChoufTV published a video alleging to show her having an extra-marital affair in December 2020. She had filed a complaint in 2016 about sexual harassment by her boss Aziz Boumechdi, head of El Jadida police unit, which was never followed up.

LGBTI people’s rights

Article 489 of the Penal Code continued to criminalize consensual same-sex sexual relations.

In July, parliament passed Article 28 of the 36.21 Civil Status Bill, which states that the gender assigned to “hermaphrodite” newborns can be changed later in life. While billed as an advancement in LGBTI rights in Morocco, the amendment was criticized by trans rights organizations who said they had not been consulted and that many find the term “hermaphrodite” offensive. Furthermore, the law continues to assign intersex people to either male or female genders, does not extend to allowing transgender people to transition and focuses on the appearance of genitals without reference to chromosomes or hormones. There remained no mention of transgender people in law.

In February, gender non-conforming artist Abdelatif Nhaila was released after serving a four-month prison sentence imposed in 2020. Police arrested him after he visited a police station to report death threats and homophobic harassment he had received as part of a widespread social media smear campaign begun in April 2020, and subsequently prosecuted him for “violating the state of health emergency” and “insulting an official”.

Refugees’ and migrants’ rights

The authorities arrested and arbitrarily detained migrants and asylum seekers during the year, deporting some to their country of origin and expelling others to southern areas of Morocco and the Western Sahara. In areas close to border crossings or on migratory routes to Europe, including Nador, Oujda and Laayoune, the authorities raided the housing and encampments of sub-Saharan nationals, sometimes burning their belongings or forcibly evicting them from their makeshift shelters, according to the Moroccan Association for Human Rights.

In addition to refugees and migrants from sub-Saharan Africa or Middle Eastern and North African countries, most of the 8,000 or more individuals who crossed from Morocco into the Spanish enclave of Ceuta in late May (see Spain entry) were Moroccans and included at least 2,000 unaccompanied children.³ Between April and May, at least three unidentified migrants and nine Moroccan men died during attempts to reach the Spanish enclaves of Ceuta and Melilla from Moroccan territory.

Morocco continued to cooperate with the EU to prevent the irregular entry of migrants from its territory into Europe. In June, a group of 15 Sudanese and Chadian asylum seekers, including two minors, were sentenced to six months in prison for attempting to enter Melilla from Morocco.

1. [“Morocco: Drop charges against teachers who peacefully protested over workers’ rights”, 19 May](#)
2. [Morocco/Western Sahara: Further Information: Sahrawi Activist Raped by Moroccan Forces: Sultana Khaya \(Index: MDE 29/5058/2021\), 30 November](#)
3. [“Spain/Morocco: People ‘being used as pawns’ as political games turn violent”, 19 May](#)

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