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Morocco Country Report on Human Rights Practices for 1997

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MOROCCO

The Constitution of Morocco provides for a monarchy with a parliament and an independent judiciary. Ultimate authority, however, rests with the King, who may at his discretion terminate the tenure of any minister, dissolve the Parliament, and rule by decree. In August King Hassan named an interim government, composed largely of technocrats. Also in August, the present Parliament, which was created in 1993, unanimously passed two laws creating a 270-seat upper house, and a 325-seat lower house. On November 14, lower house deputies were elected by direct universal suffrage; on December 5, the upper house was selected by labor unions, professional organizations, and local government authorities. There were widespread, credible reports of vote buying by political parties and the Government and excessive government interference in the legislative elections. The fraud and government pressure tactics led most independent observers to conclude that the results were heavily influenced, if not predetermined, by the Government. All opposition parties criticized the Government; some called for a boycott of Parliament. The judiciary is subject to bribery and government influence.

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 directly to the Palace. The security forces continued to commit 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 is also a significant economic activity. Economic growth is highly dependent on agricultural output, and has experienced wide fluctuations in recent years due to a series of debilitating droughts. While good rainfall during 1996 resulted in gross domestic product (GDP) growth of 12 percent, erratic rainfall was expected to contribute to a slightly negative growth in 1997.

The Government's human rights record remained largely the same, and serious problems persisted in several areas. Citizens do not have the right to change their government; however, in the November elections, the opposition gained an important plurality, which observers noted could be a step toward increased democratization. Security forces occasionally abuse and torture detainees and prison conditions remain harsh. Authorities sometime ignore legal provisions for due process during arrest and detention. The Government's use of force to disperse student protesters in Casablanca in January and February resulted in numerous violations of citizens' human rights. Security forces beat students, many of them innocent bystanders, and the Government failed to thoroughly investigate increased allegations of abuse by the security forces. During the June local election campaign, police arrested over 130 left-wing activists who called for an election boycott in contravention of Article 90 the Electoral Law, which forbids "inciting voters to abstain from voting."

The judiciary is subject to corruption and Interior Ministry influence. Authorities at times infringe on citizens' privacy rights. The Government restricts freedom of speech and the press in certain areas, and limits the freedoms of assembly, association, religion, and movement. While the Government generally tolerates peaceful protests and sit-ins, it does not tolerate marches and demonstrations. On several occasions during the year protesters were seriously beaten, and scores were arrested. Dissenters' religious freedoms are constrained; missionaries who contravene a law barring proselytizing face expulsion without due process, and converts from Islam to other religions experience security force intimidation and occasional imprisonment. Discrimination and domestic violence against women are common. Child labor is a problem, and the Government has not acted to end the plight of young girls who work in exploitative domestic servitude. Unions are subject to government interference.

A large number of allegations of governmental human rights abuse involve the Ministry of Interior. The Ministry is responsible for: the direction of most security forces; the conduct of elections, including cooperation with the United Nations in a referendum on the Western Sahara; the appointment and training of many local officials; the allocation of local and regional budgets; the oversight of university campuses; and the licensing of associations and political parties. Less formally, the Ministry exerts substantial influence over the judicial system. In naming the interim government, the King consolidated several ministerial portfolios, and eliminated the Human Rights Ministry from the Government; however, he named a former Human Rights Minister as Minister of Justice.

RESPECT FOR HUMAN RIGHTS

Section 1

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

a.

Political and Other

Extrajudicial Killing

Security forces violently broke up student demonstrations in November and severely beat protesters. One student, Moncef Azzouzi, reportedly died of head injuries caused by security force beatings (also see Sections 1.c., 1.d., 2.a., and 2.b.).

Although human rights groups reported no extrajudicial killings in 1997, they continue to complain that security forces too often act with impunity; deaths in custody and other instances of potential abuse are not thoroughly investigated. None of the cases outstanding from 1996 have been investigated or publicly resolved. These include the deaths in custody under mysterious circumstances of Mohamed Tarbaoui and Youssef Rami in late December 1996. According to security forces, Tarbaoui died of a heart attack on a public street, while Rami died of injuries after he threw himself through a glass door. Human rights groups dispute these explanations. In addition, there were no new developments, nor any investigations into the 1996 deaths in custody of several other persons, i.e., Salhi, Lahssen, M'rabet, Mernissi, Daghdagh, Benderweesh, Fedaoui, Bouhdoun, Hammouch, and Rachid Rami.

Detainees claimed that several prisoners died during the year due to harsh prison conditions and inadequate medical care (see Section 1.c.).

b.

Disappearance

There were no new cases of disappearance for the second consecutive year. This contrasts with 1995 when there were reports of over 20 such cases. However, the practice of the forced disappearance of individuals who opposed the Government and its policies dates back several decades. 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. 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.

The Government continues to deny that it has any knowledge of the whereabouts of those still missing. In recent years it has quietly released several hundred persons who had disappeared, including about 300 in June 1991, but 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 has since 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.

The Moroccan Human Rights Organization (OMDH) and other human rights groups continued to pursue the issue of unresolved disappearances. The OMDH reports that its efforts to meet early in the year with the Minister of Justice and Human Rights to discuss this issue were unsuccessful. The Moroccan Association for Human Rights (AMDH) maintains a list of 68 persons who disappeared between 1961 and 1995 for whom no information is available.

There were no developments in the disappearance of Abdullah Sherrouq, a student, who was reportedly detained by security services on June 22, 1981. After 16 years, his family has been unable to learn anything of his whereabouts or his fate, despite appeals by Amnesty International.

A group representing Tazmamart prison survivors and the families of persons who disappeared continues to call for an accounting of unresolved cases, compensation to families of those who disappeared, proper burial of victims' remains, and prosecution of responsible officials. The Government has not responded to their demands.

The Government pays a monthly stipend of \$500 (5000 dirhams) to the 28 former prisoners who survived 18 to 20 years in solitary confinement without health care or sanitary facilities at Tazmamart prison. The 28 are former military men who had been arrested in connection with the failed coup attempts in 1971 and 1972. After their release, the Government prohibited them from speaking out publicly about their detention. In exchange, the Government gave the 28 assurances that it would help them find jobs and reintegrate them into society, however, none of them has yet obtained government assistance in this regard, despite public complaints. A former Tazmamart detainee, Mohamed Iffiaui, complained to the press that the Government refused his application for a passport and denied him a voter registration card. The Government claims that Iffiaui does not appear on the voter lists and has not requested a passport.

c.

Torture and Other Cruel,

Inhuman, or Degrading Treatment or Punishment

The Government claims that the use of torture has been discontinued, but newspapers and other sources indicate that security forces still torture and abuse detainees. The fact that detainees are not allowed to have contact with family or lawyers during the first 48 hours of incarceration (see Section 1.d.) increases the likelihood of torture and abuse.

According to local human rights advocates, one of the problems in documenting torture and abuse is that autopsies are not routine. They are only carried out at the request of the state prosecutor and at the order of a judge. The lack of autopsies indicates that follow-up investigations into deaths in custody are inadequate (see Section 1.a.).

In a January crackdown on Islamist student activities on campus, security forces beat students, many of them innocent bystanders (see Section 2.b.). Police also beat student protesters at Hassan II University in September (see Section 2.b.). Students arrested in the January-February crackdown on Islamist students on campuses alleged that they were beaten during their initial detentions. In July the OMDH reported that de-

monstrators arrested in Ait Ishak for protesting against fraud in the election of the local council chief were detained overnight and tortured at the offices of a local Interior Ministry official. Police beat textile workers in February (see Sections 2.b. and 6.b.), and the Government used force against demonstrators during the June local elections (see Sections 3). Security forces violently broke up several student demonstrations, beating students so severely that some (reportedly as many as 20 in one instance) were placed in intensive care. One student reportedly died due to injuries caused by security force beatings (also see Sections 1.a., 1.d., 2.a., and 2.b.).

Although prison conditions remain harsh, they have reportedly improved in recent years, due in part to reforms undertaken at the suggestion of the Royal Consultative Council of Human Rights. Nonetheless, credible reports indicate that harsh treatment and conditions continue, with state security prisoners more likely to be victimized. In May the AMDH complained about conditions in Kenitra central prison, which contributed to the deaths of eight prisoners who were already in poor health. Also in May, prisoners at Oukacha prison in Casablanca wrote to an Arabic language newspaper to report eight deaths from February to April due to malnutrition and an absence of medical care. These allegations follow a 1996 open letter from detainees at Kenitra prison alleging seven deaths due to poor conditions. In September 28 prisoners died when a fire broke out at the Oukacha prison. In response, the Justice Minister admitted that the prison, designed for 5,000 inmates, actually held 8,831. The Government claims to have granted prisoners' demands for daily visits, access to newspapers, and better medical care, but there was no independent confirmation of such changes.

The Government does not generally permit prison visits by human rights monitors.

d. Arbitrary Arrest,

Detention, or Exile

Legal provisions for due process have been revised extensively in recent years, although reports indicate that the authorities sometimes ignored them (see Section 1.c.). Although police usually make arrests in public, 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 may also 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.

Lawyers are not always informed of the date of arrest, and thus are unable to monitor compliance with the "garde-a-vue" detention limits. While the law provides for a limited system of bail, it is rarely used.

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

Security forces beat and arrested students in a number of demonstrations on campus across the country in November (also see Sections 1.a., 1.c., 2.a., and 2.b.).

There are no known instances of enforced exile, although a number of dissidents live abroad in self-imposed exile. Their number has been steadily diminishing, however, as many returned to Morocco following a broad-based amnesty decree issued by the Government in 1994.

Many human rights groups consider Abraham Serfaty to be a Moroccan exile. A member of the (now defunct) Communist Party and a supporter of Saharan independence, Serfaty was released in 1991 after 17 years in prison. Upon his release, the Government declared that Serfaty was a Brazilian rather than a Moroccan citizen, because his father was a naturalized Moroccan citizen originally from Brazil. Based on this Serfaty was expelled from Morocco. This decision has been widely criticized by human rights groups. In July 1996, Serfaty's wife was stopped at the Casablanca airport and prohibited from entering the country. Serfaty has appealed his expulsion, and awaits a response.

e. Denial of Fair Public

Trial

The Constitution provides for an independent judiciary, but all courts are subject to extrajudicial pressures, including bribery and government influence.

There are three levels in the court system, 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, two other courts also operate: the Special Court of Justice that handles cases of civil servants implicated in corruption and the Military Tribunal for cases involving military personnel and on certain occasions matters pertaining to state security, although state security also falls 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 Islamic law, or Shari'a. Judges considering criminal cases or cases in non-family areas of civil law are generally trained in the French legal tradition. All judges trained in recent years are graduates of the National Institute for Judicial Studies, where they undergo 2 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.

Parliament authorized the creation of special tribunals in January to hear commercial complaints and resolve all small-claims cases, thus easing the burden on the traditional court system.

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

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

A more subtle corruption derives from the judiciary's relationship with the Ministry of Interior. Judges work closely with the Ministry's network of local officials, or "caids," who serve as members of the Judicial Police and often assume personal responsibility for the questioning of criminal detainees. They also frequently prepare the written summary of an arrest and subsequent interrogation. The summary is admissible in court and may be the only evidence introduced at trial, effectively rendering it an instruction passed from the caid's office to the court. Credible sources report that judges who hope for higher salaries and career advancement follow the caid's guidance closely.

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, notably the military and the Ministry of Interior.

Aside from external pressures, the court system is also subject to resource constraints. Consequently, criminal defendants charged with less serious offenses often receive only a cursory hearing, with judges relying

on police reports to render decisions. Although the Government provides an attorney at public expense for serious crimes (i.e., when the offense carries a maximum sentence of over 5 years), appointed attorneys often provide inadequate representation.

During student demonstrations in January, the OMDH condemned the Government's use of an administrative circular, signed by three ministers, which conferred responsibility for security on campuses upon Justice Ministry magistrates, giving them an inappropriate public security role.

In June the OMDH and AMDH charged that members of the Party of the Democratic and Socialist Avant-garde, known by its French acronym PADS, did not receive fair trials for having called for an elections boycott. Many of the over 130 PADS members arrested throughout the country were sentenced to short prison terms for violating laws banning calls for election boycotts, distribution of unauthorized tracts, illegal gatherings, and civil disturbances. Many PADS members were charged and convicted of violating Article 90 of the Electoral Code, among other statutes, which provides for 1 to 3 months' imprisonment and a fine of \$127 to \$527 (1,200 to 5,000 dirhams) for "anyone...who incites one or more voters to abstain from voting." The PADS detainees were swiftly tried, often receiving only cursory legal defenses before receiving their sentences (see Section 2.a.).

The OMDH estimates that there are some 60 political prisoners, of which 50 are Islamists and the remainder are leftists. Among the 50 alleged Islamists are 16 members of the "Group of 26." The Ministry of Interior claims that there are 55 Islamists serving sentences for offenses that range 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 estimate of the number of persons in prison for advocating independence for the Western Sahara vary from none to 700. The AMDH lists 42 political prisoners who were detained between 1984 and 1996.

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. The law stipulates that a search warrant may be issued by a prosecutor on good cause. Authorities frequently ignore these provisions.

Government security services monitor certain persons and organizations, both foreign and Moroccan; 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 seriously restricts press freedom in certain areas.

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 to providing 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 can 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 can

control foreign publications by collecting "banned" publications after they have been distributed. In general, however, the Government does not employ extreme measures, since the media regularly engage 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.

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

There were some notable instances of censorship during the year. In January authorities banned the January 25 issue of the London-based Arabic language weekly *Al-Mustaqilla*, which carried an article about Islamic fundamentalism in Morocco. In February authorities delayed distribution of copies of the Paris-based English language daily *International Herald Tribune* that carried commentary critical of Morocco. In January journalists appealed the Prime Minister's November 1996 order banning *Al Ousboua Al Siasia*, a popular tabloid widely distributed in major cities, for publishing unflattering stories on children of top officials, including those of the Prime Minister and the Minister of Interior. Nonetheless, the tabloid remains closed. In November the Government seized copies of *Le Monde* and *The Economist* that carried articles critical of the Government. The December 11 edition of the French weekly *L'Express* also was banned due to an article critical of the November elections and speculation on the uncertainties of the post-Hassan era.

The Government controls RTM radio 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 Moroccan 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 Information by virtue of his position has become the chairman of the board. Since then, a government-approved committee has monitored broadcasts for objectionable material. Dish antennas are available on the market and permit free access to a variety of foreign broadcasts. Residents of the north can receive Spanish broadcasts with standard antennas. The Government does not impede the reception of foreign broadcasts or Internet access.

In April Malika Malik, host of a popular monthly talk show on television channel *2M*, was dismissed for failing to control the statements of guests appearing on her show. During the March broadcast, a journalist appearing on her program had asked a political party leader a question that alleged the Interior Minister's complicity in election fraud. She was reemployed by her former employer, the Ministry of Social Affairs, in August.

During the local election campaign, the Government arrested over 130 demonstrators of the left-wing *PADS* party for having distributed tracts calling for a boycott of the elections. Most of the detainees received 1- to 3-month sentences and moderate fines for calling for an election boycott, creating civil disturbances, and gathering illegally (see Section 1.e.).

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. Police beat students on several occasions (see Sections 1.c. and 2.b.).

University students, many of whom were member of the Islamist Justice and Charity Organization (JCO), demonstrated on campus across the country November 25-27 to protest, among other issues, transportation and lack of freedom to gather. In many cases, security forces violently intervened to break up the many sit-ins, gatherings, and marches. On November 25, confrontations at Mohammed Ben Abdullah University in Fez led to several casualties. One student, Moncef Azzouzi, reportedly died of head injuries sustained from beatings by the security forces. Three other persons were seriously injured, with one now in intensive care. More students in Fez were injured on November 27 when, after news of Azzouzi's death, they organized a march to the University from the hospital where he and others were treated. Police intervened and beat some students so severely that they were placed in intensive care (some reports put the number at 20).

Students in Tangiers sponsored a sit-in and hunger strike on November 27 to protest lack of transportation and freedom of assembly. Security forces reportedly intervened violently and arrested many students. One was placed in intensive care and others were hospitalized. In Casablanca and Mohammedia, an altercation on November 28 led to the arrest of two students at the Faculty of Law for illegally gathering on campus (also see Sections 1.a., 1.c., 1.d., and 2.b.).

b. Freedom of Peaceful

Assembly and Association

Although the Constitution provides for freedom of assembly, the law also permits the Government to suppress even peaceful demonstrations and mass gatherings. Most conferences and demonstrations require the prior authorization of the Ministry of Interior, ostensibly for security reasons.

In a continuation of 1996 protests, members of the Association of Unemployed University Graduates, an unofficial organization not sanctioned by the Government, continued to hold periodic sit-ins in front of the Union Marocaine du Travail (UMT) labor union's Rabat headquarters to protest high unemployment and government inaction. There was little official reaction until August 22, when the police used force to block another association of unemployed university PhD graduates from marching to Parliament to demand jobs, injuring several marchers. Earlier, on August 14, police used force to intimidate protesters from the same group who gathered peacefully at the Foreign Ministry to present a petition to the Prime Minister and the Foreign Minister. A government representative accepted the student petitions and the crowd dispersed peacefully.

In February police beat textile workers in Sale who were demanding better pay and conditions during a sit-in organized at the factory gates (see Section 6.b.).

In January the Government initiated a crackdown on student demonstrations over transportation costs which were being exploited by Islamic fundamentalist groups. The Islamist groups provoked the security forces by taking the demonstrations outside the campus boundaries for the first time. In Casablanca elite security forces entered campuses, breaking up any gatherings, and beating students, many of whom were innocent bystanders not involved in Islamist activities. In one instance, security forces herded students out of a library where they had been studying and beat them with truncheons as a warning not to become active in Islamist activities.

In September police violently broke up demonstrations of students protesting conditions on the Hassan II University campus and lack of freedom to assemble and pray. Police beat several students and arrested up to 25 of the demonstrators. In November security forces violently broke up several student demonstrations on campus across the country, severely beating protesters and causing numerous injuries, including one death (also see Sections 1.a., 1.c., 1.d., and 2.a.).

The Constitution provides for freedom of association, however, the Government limits this right in practice. Under a 1958 decree, 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. Islamist and leftist

groups have the greatest difficulty in obtaining official approval, although there are over 20 active Islamist groups. The Government has prohibited membership in two, Justice and Charity and Jama'a Islamia, due to their perceived anti-monarchy rhetoric. Political parties must also be approved by the Ministry of Interior, which uses this power to control participation in the political process. However, individual Islamists are not barred from participating in recognized political parties.

c. Freedom of Religion

Although the Constitution provides for freedom of religion, only Islam, Christianity, and Judaism are tolerated in practice.

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 no more than 5,000 is allowed to practice its faith, as is the somewhat larger foreign Christian community. The Baha'i community of 150 to 200 people has been forbidden to meet or hold communal activities since 1983.

Islamic law and tradition calls for strict punishment of any Muslim who converts to another faith, although voluntary conversion is not a crime under the Criminal or Civil Codes. Any attempt to induce a Muslim to convert is illegal. Foreign missionaries either limit their proselytizing to non-Muslims or conduct their work quietly. In June in Tangier, two U.S. citizens were briefly detained and subsequently expelled after authorities suspected that they intended to proselytize. In August in Settat, five South Africans were expelled for the same reason. At the same time an American was refused permission to reenter Morocco from a brief trip outside the country because of suspicion that he was engaged in proselytizing. Also in August in Fez, an American was expelled after he was charged with proselytizing and possession of Arabic-language Bibles.

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 use of the premises for unauthorized political activity. Authorization to construct new mosques is strictly controlled by the Government.

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.

Throughout the year, some members of Morocco's small Baha'i community were convoked by Interior Ministry officials for questioning concerning their faith and meetings. Some Baha'is have been denied passports, while others were permitted to travel abroad only for medical emergencies.

d. Freedom of Movement

Within the Country, Foreign Travel, Emigration, and Repatriation

Although the Constitution provides for freedom of movement, in practice security forces set up checkpoints throughout the country and stop traffic at will. In some regions the checkpoints have been maintained in the same places for years, creating what some characterize as internal frontiers. Reports persist that police use these checkpoints to demand monetary payments. In the Moroccan-administered portion of the Western Sahara, movement is restricted in areas regarded as militarily sensitive.

The Ministry of Interior restricts freedom to travel outside Morocco in certain circumstances. The OMDH and AMDH have compiled lists of individuals who have reportedly been denied passports. The AMDH's list includes 70 persons. In addition, all civil servants and military personnel must obtain written permission from their ministries to leave the country. Baha'is experience difficulty in obtaining travel documents (see Section 2.c.).

In June 1996, Maria Oufkir, who had spent 14 years under house arrest, was able to leave Morocco and emigrate to France. Oufkir is the daughter of Mohamed Oufkir, a general and Interior Minister during the

1960's who was implicated in the 1971 coup attempt against King Hassan. Oufkir died under mysterious circumstances in 1972. His family spent the following 14 years under house arrest and in prison. Although nominally released in 1986, the Oufkir family remained barred from traveling outside Morocco until Maria Oufkir's move to France. While her flight has been described as an escape, sources report that the Oufkirs were issued passports shortly before her departure, and it is acknowledged that she departed with at least the tacit consent of the Government.

Moroccans may not renounce their citizenship, but the King retains the power—rarely used—to revoke it. Tens of thousands of Moroccans hold more than one citizenship and travel on passports from two or more countries. While in Morocco, they are regarded as Moroccan citizens. As a result, the Government has sometimes refused to recognize the right of foreign embassies to act on behalf of dual nationals or even to be informed of their arrest and imprisonment. 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. There were no reports of forced expulsion of anyone having a valid claim to refugee status. While Morocco has from time to time provided political asylum to individuals, the issue of first asylum has never arisen.

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

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

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

Morocco created a bicameral legislature in 1997. Sixteen parties have members in Parliament. The opposition parties have consistently urged that all Members of Parliament be directly elected by the people. Instead, the King proposed creating a bicameral legislature, whereby all members of the lower chamber would be directly elected by the people and all members of the second chamber indirectly selected.

On June 13, Morocco held municipal council elections, followed by balloting for regional professional councils. In the wake of the June election, political parties accused each other of manipulation and vote-buying, and claimed government intervention on behalf of candidates. Allegations of fraud during the June elections are still pending before the Election Commission. The OMDH condemned the prominent role of the Interior Ministry in the June 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. The OMDH also criticized the arrest of members of the PADS party, who were detained for distributing tracts that called for an election boycott, as well as the Government's use of force against demonstrators in Ait Ishak, near Khenifra.

In August King Hassan convoked a special session of Parliament to ratify two laws creating a bicameral assembly. On August 17, 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 member would be elected by various professional and regional councils. There were widespread, credible allegations of vote buying and government manipulation in the November 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 Government is investigating some of the complaints, other it is deliberately ignoring.

Women are underrepresented in government and politics. Since August, for the first time, there are 4 female Secretaries of State in the 28-member Cabinet. There are 2 women among the 325 members of Parliament's Chamber of Deputies and 2 women in the 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 (OMDH), the Moroccan League for the Defense of Human Rights (LMDH), and the Moroccan Human Rights Association (AMDH). A fourth group, the Committee for the Defense of Human Rights (CDDH), was formed in 1992 by former AMDH members.

The Royal Consultative Council on Human Rights (CCDH), an advisory body to the King, counsels the palace on matters such as prison reform. In naming the interim government, the King consolidated several ministerial portfolios, thereby eliminating the Human Rights Ministry from the Government; however, he named a former Human Rights Minister as Minister of Justice.

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

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, the court will only grant it if the woman can 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 abuse to the authorities.

The Criminal Code includes 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. A rapist may be offered the opportunity to marry his victim in order to preserve the honor of the victim's family. The law is more lenient toward men with respect to crimes committed against their wives; for example, a light sentence or reprimand may be accorded a man who has murdered his wife after catching her in the act of adultery.

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 Islamic law. Although the Moudouwana was reformed in 1993, women's groups still complain of unequal treatment, particularly under the laws governing marriage and divorce.

In order to marry, a woman is generally 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. Rather than asking for a divorce, a man may simply repudiate his wife. 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. The divorce can 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 several 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 chooses to take a second wife, if she has been abandoned by her husband, or if she is a victim of physical abuse. However, divorce procedures in these cases are lengthy and complicated.

Under the Criminal Code, women are generally accorded the same treatment as men, but this is not the case for family and estate law, which is based on the Malikite school of Islamic law. Under this law, 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. When a woman inherits property, for example, 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, compared with 41 percent for men. Women in rural areas suffer most from inequality. Rural women perform most hard 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 when the quality of schooling is inferior to urban areas. Women who do earn secondary school diplomas, however, have equal access to university education.

Children

The Government provides compulsory education for children between the ages of 7 and 13. The Government conducts an annual campaign to vaccinate children against childhood diseases.

The Government has taken little action to end child labor (see Section 6.d.). Young girls in particular are exploited as domestic servants. Some orphanages are knowing accomplices to the practice of adoptive servitude, in which families adopt young girls who perform the duties of domestic servants in their new homes. Credible reports of physical abuse are widespread. The practice is often rationalized as a better alternative to keeping the girls in orphanages. This practice is socially accepted, attracts little criticism and is unregulated by the Government.

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

People with Disabilities

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

National/Racial/Ethnic Minorities

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

Some 60 percent of the population claim Berber heritage. Berber cultural groups contend that Berber traditions and the three remaining Berber languages are rapidly being lost. Their repeated requests to the King to permit the teaching of Berber languages in the schools led to a royal decree authorizing the necessary curriculum changes, although no changes have yet occurred.

In June 1996, a number of Berber associations issued a communique petitioning the Government to recognize their language, Amzaghi, as an official language and to acknowledge the Amzaghi culture as a part of Moroccan society. The Government thus far has made no response to the petition.

Section 6.

Worker Rights

a.

The Right of Association

Although workers are free to establish and join trade unions, the unions themselves are not completely free from government interference. Perhaps half a million of Morocco's 9 million workers are unionized in 17 trade union federations. Three federations dominate the labor scene: the Union Marocaine du Travail (UMT), the Confederation Democratique du Travail (CDT), and the Union Generale des Travailleurs Marocains (UGTM). The UMT has no political affiliation, but the CDT is affiliated with the Socialist Union of Popular Forces, 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. Some unions, particularly the UMT, experienced increased harassment and violent intervention by security forces in efforts to break up its work stoppages during the year. 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. For example, in March the CDT held its third national congress, during which it reelected Noubir El Amaoui, who ran unopposed, as Secretary General.

Workers have the right to strike and do so. Work stoppages are normally intended to advertise grievances and last 48 to 72 hours or less. The public health care sector experienced numerous strikes of limited duration throughout the year. Employees in the banking, education, and phosphates sectors also held limited stri-

kes. In January taxi drivers in the Rabat area held a strike over issues including insurance costs and vehicle inspections.

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

b. The Right to Organize

and Bargain Collectively

The right to organize and bargain collectively is implied in the constitutional provisions on the right to strike and the right to join organizations. Trade union federations compete among themselves to organize workers. Any group of 8 workers may organize a union and a worker may change union affiliation easily. A work site may contain several independent locals or locals affiliated with more than one labor federation.

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

The laws governing collective bargaining are inadequate. collective bargaining has been a longstanding tradition in some parts of the economy such as the industrial sector, especially heavy industry, but the practice has not spread to other sectors such as the service and informal sectors. The wages and conditions of employment of unionized workers are generally set in discussions between employer and worker representatives. However, wages for the vast majority of workers are unilaterally set by employers.

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

There is no law specifically prohibiting antiunion discrimination. Employers commonly dismiss workers for union activities regarded as threatening to employer interests, as occurred at textile plants in Sale in February (see Section 2.b.). The courts have the authority to reinstate such workers, but are unable to ensure that employers pay damages and back pay.

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

Labor law reform is such a controversial issue that a draft revised Labor Code has remained under discussion in parliamentary committee for 3 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.

c. Prohibition of Forced or

Compulsory Labor

Forced or compulsory labor was prohibited in 1957 when the International Labor Organization's (ILO) Convention 29 was adopted by royal decree. 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 work to ensure that forced labor is not being used.

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 who serve as domestic servants, is socially accepted, and the Government does not regulate it. Physical abuse in such cases is widespread (see Section 5).

d. Status of Child Labor

Practices and Minimum Age for Employment

Abuse of the child labor laws is common. The law prohibits the employment or apprenticeship of any child under 12 years of age. Education is compulsory for children between the ages of 7 and 13 years. Special regulations cover the employment of children between the ages of 12 and 16 years. In practice, children are often apprenticed before age 12, particularly in the handicraft industry. The use of minors is common in the rugmaking industry and also exists to some extent in the textile and leather goods industries. Children are also employed informally as domestics and usually receive little or no wages. Safety and health conditions as well as wages in enterprises employing children are often 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 and 6.c.).

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

The Government lacks the resources to enforce laws against child labor. In fact, there is general acceptance of the presumption that, to learn properly traditional handicraft skills, it is necessary for children to start working at a young age. In addition, many persons argue that having children working to learn a craft is better than having them live on the streets.

In July 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 non-participating handicraft producers who violate child labor laws.

e. Acceptable Conditions of

Work

The June 1996 general strike led to negotiations that have continued throughout the year 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 \$166 (1,661 dirhams) per month in the industrialized sector and to approximately \$8.10 (80.96 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. 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 are generally paid between 13 and 16 months' salary, including bonuses, each year.

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

The law provides for a 48-hour maximum workweek with no more than 10 hours in any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. As with other regulations and laws, these are not universally observed.

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

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