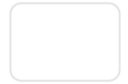


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## AI – Amnesty International

### Amnesty International Report 2022/23; The State of the World's Human Rights; Morocco And Western Sahara 2022

Authorities continued to crush dissent, disperse peaceful protests and restrict the activities of several organizations they deemed oppositional. They tightened their crackdown on Sahrawi activists. Criminalization of abortion led to at least one girl dying as a result of an unsafe abortion following rape. Border guards used excessive force against people attempting to cross the border between Morocco and the Spanish enclave of Melilla, causing at least 37 deaths. Domestic legislation remained inadequate to protect and promote the right to a clean and healthy environment.

#### Background

In March, Spain's prime minister declared his support for the Moroccan government's autonomy plan over Western Sahara. In response, Algeria announced it was suspending a cooperation treaty with Spain. Relations between Morocco and Algeria remained strained, despite calls in July by King Mohamed for restoration of diplomatic ties between the two countries.

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

During the year, 1,445 people died from Covid-19. By the end of 2022, 66.8% of the population had received at least one dose of the Covid-19 vaccine.

#### Freedom of expression

The authorities continued to target critics and activists in Morocco and Western Sahara. They investigated, prosecuted and imprisoned at least seven journalists and activists for criticizing the government, as well as people who spoke online about religion or expressed solidarity with activists.

In March, police in Settat city summoned and interrogated Brahim Nafai, a teacher and member of youth organization Annahj Addimocracy (Democratic Way) for sharing posts on social media calling for a boycott of fuel. He was not informed of any follow-up, but the case remained open.

In April, a court in Casablanca city sentenced human rights defender Saida Alami to two years in prison for social media posts denouncing repression of journalists and activists. In September, the Casablanca appeals court increased the sentence to three years. She remained in prison.

In June, a court in Tangier city acquitted on appeal Fatima Zahra Ould Belaid, an activist and member of the Moroccan Association for the Taxation of Transactions and for Citizen Action (ATTAC Morocco) and the Committee for the Abolition of Illegitimate Debt (CADTM). Police had arrested her in November 2021 accusing her of having organized “illegal” protests at Tangier’s university.

In August, the first instance court in Oued Zem city sentenced blogger Fatima Karim to two years in prison, under Article 267-5 of the Penal Code, for “insulting” Islam in social media posts.<sup>1</sup>

In November, a Casablanca court sentenced human rights defender Rida Benotmane to three years’ imprisonment for “insulting a body regulated by law”, “insulting public officials while carrying out their duties” and “broadcasting false allegations” for online posts in which he criticized the authorities for ignoring demands for social justice.<sup>2</sup> He remained in prison.

## Right to privacy

In March, analysis by Amnesty International’s Security Lab found that two phones belonging to Sahrawi human rights defender Aminatou Haidar were targeted and infected by NSO Group’s Pegasus spyware.<sup>3</sup> Amnesty International’s analysis showed that one of her phones contained traces of Pegasus targeting dating back to September 2018, and the other had further traces of infection in October and November 2021.

## Freedom of association and assembly

Authorities used excessive force to disperse peaceful protests on at least two occasions, including protests demanding better working conditions for teachers and protests for Sahrawi rights, and arrested some participants.

In March, police forcibly dispersed protests by teachers across Morocco. In Taounate town, police beat one teacher so badly that he needed hospital treatment. Police in the capital, Rabat, arrested teacher Hajar Belhouari for joining a peaceful protest.

Protests by Sahrawi activists in Western Sahara were even more violently suppressed. In April, police officers hit and kicked student journalist Abdelmounaim Nacéri until he lost consciousness. He had been filming a sit-in outside the prefecture of Smara, a city in Western Sahara, organized by young Sahrawis to protest against social conditions. The same month, local authorities in Laayoune city, also in Western Sahara, refused to allow the newly elected executive office of the Sahrawi Association of Victims of Grave Violations of Human Rights Committed by the Moroccan State (ASVDH) to register, on the grounds that it hinders the work of public administrations. On 2 July, police surrounded ASVDH’s headquarters in Laayoune and violently prevented members from entering, injuring at least 10 people by hitting them with their hands and kicking them, and subjected them to racist insults.

Throughout the year, the authorities arbitrarily restricted the licensing and activities of at least seven organizations seen as oppositional, and harassed members of some associations. The authorities refused to accept the application of the Amazigh Network for Citizenship-Azetta Amazigh to register as an official organization, claiming that legal conditions had not been met.

## Unfair trials

Courts breached fair trial procedures, including by using identical police records for multiple defendants and limiting defendants' access to lawyers. Courts failed to investigate defendants' complaints that "confessions" had been extracted under torture.

On 3 March, the Appeals Court in Casablanca upheld a six-year prison sentence against Omar Radi on espionage and rape charges. During his trials, he had limited access to his lawyers, his defence team were denied the right to cross-examine prosecution witnesses, and several defence witnesses were excluded.

On 21 July, the UN Working Group on Arbitrary Detention concluded that the authorities had violated journalist Suleiman Raissouni's right to a fair trial so gravely that his detention was arbitrary.

## Women's and girls' rights

In April, Morocco ratified the Optional Protocol to CEDAW. However, domestic legislation continued to entrench gender inequality, including in relation to inheritance and custody of children.

In June, the CEDAW Committee raised concerns about high rates of maternal mortality and female illiteracy in rural Morocco.

Research in 2022 by the NGO Mobilising for Rights Associates found that the legal provisions criminalizing sexual relations outside marriage and adultery under sections 490-493 of the Penal Code prevent women survivors of violence from reporting it, thereby depriving them of protection, prevention, adequate remedy and reparation. They also found that the provisions allow perpetrators to commit violence against women with impunity.

Abortion remained illegal unless deemed necessary to protect a pregnant woman's health, and punishable by six months to five years in prison for those who undergo or carry out an illegal abortion. Bill 10-16, which would decriminalize abortion in a limited number of cases, remained stalled in parliament since 2016. In September, a 14-year-old girl from a village near Midelt, central Morocco, died following to an unsafe abortion performed after she was raped. Several women's rights organizations blamed the strict abortion laws for her death.

In March and April, police and security agents used physical, verbal and sexual violence against 12 women Sahrawi activists who were expressing solidarity with the activist Sultana Khaya (see below). No investigations were conducted into the alleged assaults. In April, the UN Special Rapporteur on the Situation of Human Rights Defenders denounced Moroccan authorities for using sexual violence to intimidate Sahrawi women human rights defenders.

## Torture and other ill-treatment

Torture and other ill-treatment continued with impunity both inside and out of prisons, particularly against Sahrawi activists.

Several times in March, prison guards beat Sahrawi activist Mohamed Lamine Haddi, a member of the Gdeim Izik protest camp in Western Sahara, who had been held in solitary confinement in Tiflet II prison in north-west Morocco since 2017.

In May, prominent Sahrawi activist Sultana Khaya escaped house arrest and travelled to Spain to seek medical treatment for the torture she endured during various police assaults since her house arrest in 2020.<sup>4</sup> There were no investigations into the rape and other serious human rights violations against her and her family.

In June, police arrested Labbas Sbai and detained him in Zagora prison in southern Morocco for denouncing corruption. Prison guards repeatedly beat him, abuse that the prison director defended. Labbas Sbai was released in July.

## LGBTI people's rights

In June, the LGBTQ+ Travel Safety Index by Asher & Lyric ranked Morocco as the 30th most unsafe country worldwide for LGBTI travellers. It cited Article 489 of Morocco's Penal Code, which punishes same-sex sexual conduct or "unnatural" acts with six months to three years in prison plus fines.

In June, the Ministry of Culture refused to include Fatima Zahra Amzkar's book *Lesbian Diaries* in the Rabat 2022 International Book Fair, after a campaign was launched using hashtags such as #NoToHomosexuality. The culture minister said that the book had never been authorized for the book fair.

The campaign #Fetrah (meaning primitive, nature or instinct in Arabic), which promoted the idea that there are only two genders and went against LGBTI rights' defenders, went viral in Morocco. In July, Facebook closed its page, but the Moroccan authorities did not denounce the campaign.

In July, the CEDAW Committee called on Morocco to repeal articles of the Penal Code that criminalize LGBTI people.

## Migrants' and refugees' rights

In June, around 2,000 people, mostly from Sudan, attempted to cross the border between the city of Nador in northern Morocco and the Spanish enclave of Melilla. Security forces on both sides responded with excessive force, leaving 37 sub-Saharan African people killed and 77 others missing. The National Human Rights Council of Morocco reported that 217 people were injured, including 140 members of the Moroccan security forces. The security forces pelted people with rocks, beat them and fired tear gas in enclosed spaces. Migrants injured by security forces were denied medical assistance and many were forcibly transferred on buses to various destinations in Morocco.<sup>5</sup> Local prosecutors announced that they had opened an investigation, but took no steps to interview witnesses, including injured migrants. Instead, the authorities prosecuted at least 79 migrants for irregular entry.

## Failure to tackle climate crisis

Morocco had yet to update its 2030 emissions target to ensure it is fully aligned with the 1.5°C imperative. Nor had it adopted human rights-consistent adaptations or disaster risk reduction measures to adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.

In February, the Intergovernmental Panel on Climate Change said that the amount of land suitable for growing argan trees in Morocco was likely to shrink by up to 32% by 2070, threatening livelihoods and Morocco's biodiversity.

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1. ["Morocco: Release blogger jailed for offending Islam: Fatima Karim"](#), 14 October
2. ["Morocco: Human rights defender jailed for online posts: Rida Benotmane"](#), 26 October
3. ["Morocco/Western Sahara: Activist targeted with Pegasus spyware in recent months – new evidence"](#), 9 March
4. ["Morocco/Western Sahara: Further information: Activist successfully leaves home after 18 months: Sultana Khaya"](#), 16 September
5. [Morocco: "They Beat Him in the Head, To Check if He Was Dead": Evidence of Crimes Under International Law by Morocco and Spain at the Melilla Border](#), 13 December

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