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Morocco and Western Sahara



People march in memory of the victims killed, injured, and missing in Melilla, on June, 24, 2023. in Melilla, Spain.

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The crackdown on freedom of expression and association in Morocco continued with several high-profile journalists, activists, and protest leaders imprisoned in apparent retaliation for their criticism of the ruling monarchy. Authorities constrain human rights and independence activists in Western Sahara via harassment, surveillance, and in some cases lengthy imprisonment after unfair trials.

Freedom of Speech

The Court of Cassation in May [confirmed](#) a three-year prison sentence for Mohamed Ziane, an 80-year-old lawyer and Morocco's human rights minister between 1995 and 1996, on 11 charges [including](#) “defamation and contempt of public officials, adultery, and sexual harassment.” Amnesty International [reported](#) that at least six of the charges against Ziane violated his right to freedom of speech. He has been held [since](#) November 2022 in solitary confinement at El Arjat prison, near Rabat, and was denied reading or writing materials for about six months, according to his lawyer.

Independent journalists Omar Radi, Soulaïman Raïssouni, and Taoufik Bouachrine continue to serve prison sentences handed down to them after flawed court proceedings on various charges, including some relating to sexual assault and sexual harassment. Human Rights Watch [documented](#) multiple underhanded tactics used by Moroccan authorities against each of the three, and more generally to crush dissent and dissenters. Criminal charges of a sexual nature, unfair trials, and long prison terms are among these tactics, part of an “ecosystem of repression” that includes harassment and smear campaigns in state-aligned media, targeting of relatives, video and digital surveillance, and sometimes physical intimidation and assault. In July, the Court of Cassation definitively [upheld](#) Radi's six-year prison term and Raïssouni's five-year conviction, while Bouachrine continues serving his 15-year prison sentence, which the Court of Cassation upheld in 2021. A royal pardon is their last hope for early release.

On July 31, a Moroccan first instance court [sentenced](#) Saïd Boukioud, 48, to five years in prison [under](#) article 267 of the penal code for criticism on Facebook in 2020 of the king's decision to normalize ties with Israel. Under article 267, acts deemed to “undermine the monarchy” carry a six-month to two-year prison sentence, which can be increased to five years if the act is committed online.

Human Rights Watch has previously [documented](#) the cases of dozens of journalists and social media activists convicted by Moroccan courts on charges of libel, publishing “false news,” “insulting” or “defaming” local officials, state bodies or foreign heads of state, and “undermining” state security or the institution of the monarchy.

In September, Moroccan police deported journalists Quentin Müller and Thérèse Di Campo of [Marianne](#), a French news magazine, after arresting them at their hotel in Casablanca. The government's spokesperson stated that they were expelled for operating in Morocco as journalists without official authorization. Their expulsion was the latest of [many](#) such expulsions of foreign journalists justified by authorities on similar grounds.

Freedom of Assembly

Authorities continued to impede the work of the Moroccan Association for Human Rights (AMDH), the country's largest independent human rights group. Authorities have [historically](#) declined to [process](#) the administrative formalities for dozens of AMDH local [branches](#), impeding their ability to open new bank accounts or rent spaces, according to the AMDH. The AMDH has reported that other civic groups are also affected by authorities' denial of legal status or refusal to complete administrative procedures, including groups that work on violence against women and youth groups.

Women's and Girls' Rights

In September, King Mohammed VI [formally](#) instructed the head of government to begin revising the 2004 Family Code, also known as the Moudawana. Justice Minister Abdellatif Ouahbi [emphasized](#) the government's intention to address existing gender inequalities in the law relating to marriage, divorce, and guardianship of children.

The Code currently [provides](#) that a child's default legal representative is the child's father, even if a mother has court-ordered custody of the child after divorce. It also stipulates that women and girls inherit just half of what their male relatives receive. The Code sets 18 as the minimum age of marriage but allows judges to grant “exemptions” for girls ages 15 to 18 to marry at the request of their families.

Morocco's law does not explicitly criminalize marital rape. Women who report rape can find themselves prosecuted instead for engaging in illegal sexual intercourse outside of marriage. A [2018 law on violence against women](#) criminalized some forms of domestic violence, established prevention measures, and provided new protections for survivors. However, the law also created barriers for survivors to access these protections, failed to delineate the duty of care for police, prosecutors, and investigative judges in domestic violence cases, and did not stipulate funding for women's shelters.

Penal Code

The Penal Code criminalizes several aspects of private life. Abortion remains criminalized under article 453 except when the mother's health is at risk and in limited other cases such as rape or

incest. However, the article [stipulates](#) that the procedure requires consent from the partner and/or a physician. Otherwise, a person who “intentionally obtains an abortion” can [face](#) up to two years in prison, and those who perform it can face up to five years.

Article 490 punishes sex outside of marriage with at least one year of imprisonment. Article 491 provides for a prison term of one to two years for adultery, which can be prosecuted if the spouse of one of the parties files a complaint or, in case their spouse is abroad, a prosecutor initiates a criminal case against the individual suspected of adultery and their accomplice.

Article 489 of the penal code criminalizes same-sex relations and stipulates six months to three years in prison. Morocco has over the years used this provision to prosecute and imprison men, even when there was no evidence of them engaging in same-sex sexual acts.

Western Sahara

Steffan de Mistura, the personal envoy of the United Nations secretary-general for Western Sahara, [visited](#) the region in September for the first time since his appointment in 2021. In March the UN high commissioner for human rights declared his desire to undertake meaningful missions to the region, noting it had been almost 8 years since OHCHR last [visited](#).

Most of Western Sahara has been under Moroccan control since Spain, the territory’s former colonial administrator, withdrew in 1975. In 1991, both Morocco and the Polisario Front, a liberation movement that seeks self-determination for Western Sahara, agreed to a UN-brokered ceasefire to prepare for a referendum on self-determination. That referendum never took place. Morocco rejects holding a vote on self-determination that would include independence as an option; it considers Western Sahara to be an integral part of the kingdom.

In December 2020, former United States President Donald Trump rejected the UN-sponsored process for self-determination of the Sahrawis by recognizing Morocco’s sovereignty over Western Sahara. Since then, Morocco has been pressuring Western allies, including Spain and France, to do the same. In July, Israel [recognized](#) Morocco’s sovereignty over the Western Sahara.

Nineteen Sahrawi men remained in prison after they were convicted in unfair trials in 2013 and 2017 for the killing of 11 Moroccan security force members, during clashes that erupted after authorities forcibly dismantled a large protest encampment in Gdeim Izik, near El-Ayun, in 2010. Both courts relied almost entirely on confessions to convict them without seriously investigating claims the defendants signed their confessions under police torture. The Cassation court, Morocco’s highest judicial instance, upheld the verdicts on appeal on November 25, 2020.

Rif Region

A group of 40 protesters associated with the Hirak, a movement from Morocco’s northern Rif region, which in 2016 and 2017 protested against local socioeconomic conditions, remain imprisoned, some serving decades-long sentences. An appeals court in 2019 [upheld](#) the convictions, despite credible allegations of confessions obtained under torture. Among them are the Hirak’s leaders [Nasser Zefzafi](#) and Nabil Ahamjik.

Refugees and Asylum Seekers

Morocco’s parliament has yet to approve a 2013 draft law on the right to asylum. A 2003 [migration law](#) that criminalizes irregular entry into the country without providing exceptions for refugees and asylum seekers remains in effect.

As of [September](#) 2023, there were over 19,000 refugees and asylum seekers in Morocco registered with the UN refugee agency, UNHCR. Over half were from west, central, and northeast African countries, and around 30 percent were Syrians. The Moroccan delegation said in a [statement made](#) in March to the Committee on the Protection of the Rights of All Migrant Workers that Morocco had regularized the status of 58,000 migrants via three-year visas in 2022.

Moroccan authorities [failed](#) to carry out a credible independent investigation or offer appropriate compensation to survivors and families of victims of a June 24, 2022, incident in which Moroccan and Spanish border police used [excessive force](#) in response to an attempt by 1,300 to 2,000 men—most from Sudan, South Sudan, and Chad—to scale the chain-link fences around the Spanish enclave of Melilla. At least 23 migrants or asylum seekers died that day, and dozens [remained missing as of mid-2023](#). Spain and Morocco deny responsibility for the deaths and disappearances.

In February, Spain and Morocco [announced](#) “intensified” cooperation, including in “the fight against irregular migration, border control.”

After his arrest in January at the Marrakesh airport, Moroccan authorities on February 6 extradited Saudi national [Hassan al-Rabea](#) to Saudi Arabia in violation of the principle of non-refoulement under international human rights and refugee law. Al-Rabea, from the Shia minority in Saudi and whose family has been targeted with arrests and executions, including for protest related offenses, was wanted for his alleged collaboration with “terrorists” to help him leave Saudi Arabia “in an irregular fashion,” a charge that carries a prison sentence of 10 to 20 years.

[Yidiresi Aishan](#) (also known as Idris Hasan), a Uyghur activist, remained under threat of extradition from Morocco to China. Aishan has been detained since his July 2021 arrest upon arrival in Morocco from Turkey based on an Interpol red notice, which the Interpol has since cancelled. Aishan remained in Tiflet prison, east of Rabat, since then, pending an extradition that has been cleared by Morocco’s Court of Cassation, but not yet executed. China’s abusive policies targeting Uyghurs, which [amount](#) to crimes against humanity, include coercing Uyghurs abroad to return to Xinjiang where they face arbitrary imprisonment.