



Freedom in the World 2017 - Morocco

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Freedom Status: Partly Free

Aggregate Score: 41/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 4.5/7 (1 = Most Free, 7 = Least Free)

Political Rights: 5/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 4/7 (1 = Most Free, 7 = Least Free)

Explanatory Note:

The numerical ratings and status listed above do not reflect conditions in Western Sahara, which is examined in a separate report.

Quick Facts

Population: 34,700,000

Capital: Rabat

GDP/capita: \$2,878

Press Freedom Status: Not Free

Net Freedom Status: Partly Free

OVERVIEW

Morocco holds regular multiparty elections for Parliament, and reforms in 2011 formally shifted some power over government from the monarchy to the elected legislature. Nevertheless, King Mohammed VI maintains dominance through a combination of substantial formal powers and informal lines of influence in the state and society, including his control over security forces, religious authority, and strong appeals to nationalism.

Key Developments in 2016:

- Prime Minister Abdelilah Benkirane's Party of Justice and Development (PJD), a moderate Islamist group, retained its plurality in October parliamentary elections, outpolling its main rival, the royalist Party of Authenticity and Modernity (PAM). The PJD was expected to lead a new coalition government, which had yet to be formed at year's end.
- Nationwide protests against abuse of power erupted in late October after a fish vendor was crushed to death in a garbage truck during a confrontation with police; images of the incident were disseminated on social media.
- A new press code adopted in July removed imprisonment as a punishment for press offenses, but journalists could still be jailed for similar violations under the penal code.

Executive Summary:

The ruling PJD maintained its position in October 2016 parliamentary elections, which were the second to be held since 2011 constitutional reforms began requiring that the prime minister be selected from the party with a plurality of seats. Days after the elections, the king asked Prime Minister Benkirane to form a new government, but coalition talks were ongoing at year's end, slowed in part by disagreement over the inclusion of the nationalist party Istiqlal.

In the run-up to the elections in September, the government announced that it had broken up a terrorist cell linked to the Islamic State (IS) militant group, which was allegedly planning to mount attacks in the north. In October, the government reported that it had arrested 10 women suspected of being IS suicide bombers who intended to strike during the voting.

The government continued to restrict personal freedoms and journalistic coverage of sensitive subjects in 2016, with reporters and activists sometimes facing fines and jail sentences. A large number of protests on various topics proceeded peacefully during the year, though the authorities used violence to disperse demonstrations in some cases.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 15 / 40

A. Electoral Process 5 / 12

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

King Mohammed VI and his close advisers and associates hold political, social, and economic power in Morocco. Constitutional reforms in 2011 required the king to appoint the prime minister from the party that wins the most seats in parliamentary elections, and to consult the prime minister before dissolving Parliament, though they preserved most of the king's existing powers. The monarch can disband the legislature, rule by decree, and dismiss or appoint cabinet members. He sets national and foreign policy, commands the armed forces and intelligence services, and presides over the judicial system. One of the king's constitutional titles is "commander of the faithful," giving his authority a claim to religious legitimacy.

The lower house of Parliament, the Chamber of Representatives, has 395 directly elected members who serve for five-year terms. Of these, 305 seats are elected from 92 multimember constituencies. The remaining 90 seats are elected from a single nationwide constituency, with 60 seats reserved for women and 30 for people under the age of 40. Members of the 120-seat upper house, the Chamber of Counselors, are chosen by an electoral college to serve six-year terms.

In 2015, Morocco held its first regional and municipal elections since the adoption of the new constitution, garnering 53 percent voter turnout. The PJD came in first at the regional level, winning 26 percent of all available seats; the PAM won 19 percent, while Istiqlal took 18 percent. Due to the geographic distribution of the seats won, the PAM won five out of the country's 12 regional councils, while the PJD won just two. At the municipal level, PAM came in first with 21 percent of all available seats, while the PJD and Istiqlal each took 16 percent. Importantly, the PJD won majorities on the councils of most large cities. Under a rule that took effect in 2009, women are guaranteed 12 percent of the seats in local elections.

In the October 2016 parliamentary elections, the PJD placed first with 125 seats in the Chamber of Representatives, followed by the PAM with 102. Both increased their share of seats compared with 2011. Istiqlal fell by 14 seats to 46; the National Rally of Independents (RNI) declined 15 seats to 37; the Popular Movement (MP) declined 5 seats to 27; and the Socialist Union of Popular Forces (USFP) declined 19 seats to 20. Official turnout was 43 percent of registered voters, lower than the 45 percent in 2011 and representing only 23 percent of eligible voters.

In September, Justice Minister Mustapha Ramid of the PJD accused Interior Minister Mohamed Hassad, a technocrat appointed by the king, of manipulating the upcoming elections, saying he was making decisions on electoral administration unilaterally. The government approved 4,000 election observers out of 5,000 applicants, including 92 foreign observers connected to five international organizations. A notable exception

was the Carter Center, which was excluded. Human Rights Watch criticized the decision as part of a trend of reduced access to the country for international nongovernmental organizations (NGOs). After the elections, the National Council of Human Rights released a report noting isolated irregularities, including cases of vote buying.

B. Political Pluralism and Participation 7 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

Morocco has a multiparty system, but the parties are fragmented and generally unable to assert themselves relative to the power of the palace. Prior to 2011, the PJD was a vocal opposition party, though it remained respectful of the monarchy. Another Islamist group, the Justice and Charity movement, is illegal and does not participate in the electoral process, though its other activities are largely tolerated by the authorities. Of the two main parties, the PJD polls strongly in urban areas, while the PAM dominates rural areas. Smaller parties tend to be unstable, sometimes built around the personalities of their leaders.

For decades, the indigenous peoples grouped under the term Berber or Amazigh have had an uneasy relationship with the palace. Prominent Amazigh elites enjoy access to the monarchy and also have their interests represented in Parliament, but the bulk of the ethnically indigenous population is marginalized. The official recognition of Tamazight languages alongside Arabic in the 2011 constitutional reform was seen as a step toward greater equality in politics and government.

C. Functioning of Government 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

While elected officials are duly installed in government, their power to shape policy is sharply constrained by the role of the king and his advisers, who control most of the levers of power.

Corruption is rife in state institutions and the economy. Despite the government's rhetoric on combating corruption, it has a mixed record on enforcement. After considerable political maneuvering, the powers of the main anticorruption body, the Central Authority for the Prevention of Corruption (ICPC), were strengthened in 2015. At the party level, the PJD benefits from a perception that it is relatively free of corruption.

For the past several years, the government has published the annual budget and other financial information online and has proactively discussed such matters with the press. However, overall transparency is limited, as the monarchy plays an outsized role in the economy and is the majority stakeholder in a vast array of private and public-sector firms.

Civil Liberties 26 / 60

D. Freedom of Expression and Belief 7 / 16 (-1)

D1. Are there free and independent media and other forms of cultural expression?

D2. Are religious institutions and communities free to practice their faith and express themselves in public

and private?

D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?

D4. Is there open and free private discussion?

The state dominates the broadcast media, but more affluent segments of society have access to foreign satellite television channels. Although the independent press enjoys a significant degree of freedom when reporting on economic and social policies, the authorities use an array of financial and legal mechanisms to punish critical journalists, particularly those who focus on the king, his family, the status of Western Sahara, or Islam. The monarchy allegedly instructs businesses not to buy advertisements in publications that have criticized the government, or punishes those that do. The authorities also occasionally disrupt websites and internet platforms; bloggers and other internet users are harassed for posting content that offends the monarchy.

A new press code approved by Parliament in July 2016 eliminated imprisonment as a penalty for press offenses, such as insulting the king or malicious publication of false news, prescribing suspensions or fines instead. However, journalists could still face prison terms for similar offenses under the penal code.

Journalists remained subject to legal harassment in 2016. Hicham Mansouri, a project manager with the Moroccan Association of Investigative Journalism (AMJI) who in 2015 was arrested and charged with committing adultery, was released from prison in January 2016 after serving a 10-month sentence. He told a press conference that he had been physically abused and questioned extensively about his possible involvement with Islamist movements rather than the adultery charges. Mansouri and six others also faced a pending trial on separate charges for running a training program for citizen journalists. Amnesty International denounced the proceedings as an unwarranted restriction of freedom of expression. Journalist and activist Ali Anouzla was charged in January for an interview with foreign media in which he allegedly questioned the status of Western Sahara; after Anouzla insisted that he had been misquoted, the charges were dropped in May.

Nearly all Moroccans are Muslims. While the small Jewish community is permitted to practice its faith without government interference, Moroccan authorities are increasingly intolerant of social and religious diversity. The government exercises strict control over Muslim religious institutions in the name of countering extremism. All imams preaching in mosques are required to obtain state certification, and mosques and sermons are regularly monitored by the authorities. The government operates a large and well-financed training program for imams and female religious counselors tasked with promoting a state-sanctioned version of Islam, which some critics charge is also intended to promote political quiescence.

While university campuses generally provide a space for open discussion, professors practice self-censorship when dealing with sensitive topics like Western Sahara, the monarchy, and Islam.

There is some freedom of private discussion, but state surveillance of online activity and personal communications has been a growing concern in recent years.

E. Associational and Organizational Rights 6 / 12 (+1)

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

Freedom of assembly is not always respected. The authorities sometimes use excessive force and violence to disperse even peaceful protests, and harass activists involved in organizing demonstrations that criticize the government. While such practices continued in 2016, the year also featured a number of large protests that proceeded without incident, including a series of demonstrations across the country triggered by the widely publicized death of a fish vendor in a confrontation with police.

Civil society organizations are quite active, but they are subject to legal harassment, travel restrictions, and other impediments to their work. The authorities routinely deny registration to NGOs with links to Justice and Charity or that assert the rights of marginalized communities. Officials also raise obstacles to events held

by local human rights groups and increasingly expel or bar entry to representatives of international human rights organizations.

Workers are permitted to form and join independent trade unions, and the 2004 labor law prevents employers from punishing workers who do so, but there are undue legal and employer restrictions on collective bargaining and strikes. The authorities sometimes forcibly break up labor actions that clash with the government's policies or interests. Police attacked labor-related protests by student teachers in Inezgane in January 2016, as well as sit-ins by unionized steelworkers in Casablanca in May. Union-led protests against government-backed pension reforms during the year were largely peaceful, though they failed to prevent the changes from being adopted.

F. Rule of Law 6 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

The judiciary is not independent of the monarchy, and the courts are regularly used to punish government opponents. Arbitrary arrests and torture still occur. Right advocates report that torture remains widespread among Moroccan security forces and detention centers, especially against advocates for the independence of Western Sahara, leftists, Islamists, and other government critics.

Public frustration with abusive police practices fueled the protests over the October 2016 death of fish vendor Mouhcine Fikri. His 1,000 pounds of swordfish had been confiscated by authorities because it was caught out of season. When he climbed into a garbage truck to retrieve the fish, the trash compactor was turned on – allegedly on orders from a police officer – and he was killed. Eleven people were arrested for Fikri's death in November, including two police officers. The largely peaceful demonstrations subsided somewhat over the subsequent weeks.

The Moroccan LGBT (lesbian, gay, bisexual, and transgender) community faces harsh discrimination and occasional violence. Same-sex sexual relations can be punished with up to three years in prison, though the presence of LGBT foreigners is generally tolerated in tourist areas.

Amazigh and other communities that do not identify with the dominant Arab culture tend to face educational and economic disadvantages. The government has made some efforts to rectify past Arabization policies; since the 2011 constitutional reforms granted official status to Tamazight languages, they and Amazigh culture have been promoted in schools. However, independent groups that promote local Amazigh rights and identities have faced government interference.

The government granted temporary residency permits to hundreds of recognized refugees and thousands of African migrants who met certain conditions in 2016, as part of an ongoing effort to regularize their status. However, authorities continued to face accusations of excessive force in their efforts to block irregular migrants seeking entry to the Spanish enclaves of Ceuta and Melilla.

G. Personal Autonomy and Individual Rights 7 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

Freedoms of movement, employment, and education are guaranteed by law in Morocco, but poor economic conditions and corruption limit these rights in practice. Widespread bribery, nepotism, and misconduct within the educational sector constrain merit-based advancement.

Morocco ranked 68 out of 190 countries in the World Bank's 2017 *Doing Business* report, released in October 2016, and 85 out of 178 countries on the Heritage Foundation's 2016 *Index of Economic Freedom*, indicating a mixed legal environment for the smooth operation of private businesses. Although starting a business is a relatively quick and simple process, regulatory and market hurdles create difficulties.

Nearly 50 percent of Morocco's land is held collectively by tribes, which allocate its use based on the needs of the community, while smallholders and a few larger agricultural groups control almost one-third. Most agricultural land is administered according to religious and customary law, which generally respects the ownership and usage rights of its residents and laborers.

By regional standards, Moroccan laws are relatively progressive on women's rights issues. Gender equality is recognized in the 2011 constitution, and the 2004 family code has been lauded for granting women increased rights in the areas of marriage, divorce, and child custody. Various other laws aim to protect women's interests. Nevertheless, inheritance rules remain discriminatory, spousal rape is not a crime, and domestic violence against women is rarely reported or punished due to social stigma. Women continue to face significant discrimination at the societal level. All extramarital sexual activity is illegal.

Child laborers, especially girls working as domestic helpers, are denied basic rights. In July 2016, Parliament passed a new labor law for domestic workers that requires written contracts, sets a minimum age of 18 (with a five-year phase-in period during which those aged 16 and 17 are allowed to work), stipulates weekly rest periods, and provides minimum wage guidelines. The quality of enforcement of the law, which was set to take effect in 2017, remained to be seen. Separately, Parliament in May adopted a law to criminalize human trafficking; existing measures had defined and banned only some forms of trafficking and left many victims unprotected.

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