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2010 Country Reports on Human Rights Practices - Morocco

Bureau of Democracy, Human Rights, and Labor
April 8, 2011

Morocco is a monarchy with a constitution, an elected parliament, and a population of approximately 34 million. According to the constitution, ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers and appoints or approves members of the government. The king may dismiss ministers, dissolve parliament, call for new elections, and rule by decree. In the bicameral legislature, the lower house may dissolve the government through a vote of no confidence. The 2007 multiparty parliamentary elections for the lower house went smoothly and were marked by transparency and professionalism. International observers judged that those elections were relatively free from government-sponsored irregularities. Security forces reported to civilian authorities.

Citizens did not have the right to change the constitutional provisions establishing the country's monarchical form of government or those designating Islam the state religion. There were reports of torture and other abuses by various branches of the security forces. Prison conditions remained below international standards. Reports of arbitrary arrests, incommunicado detentions, and police and security force impunity continued. Politics, as well as corruption and inefficiency, influenced the judiciary, which was not fully independent. The government restricted press freedoms. Corruption was a serious problem in all branches of government. Child labor, particularly in the unregulated informal sector, and trafficking in persons remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any politically motivated killings; however, there were reports of deaths in police custody. On September 11, 37-year-old Fodeil Aberkane was arrested in Sale and charged with consuming cannabis. Released after 48 hours in jail, he returned after several days to reclaim his belongings, a motorcycle and a cell phone. An altercation followed and he was imprisoned, accused of "assaulting officers during the exercise of their function." Two days later he was transferred to a Rabat hospital and pronounced dead. Authorities began an investigation but had not filed charges by year's end.

In the 2008 case of Abderrezak Kadiri, who died after a violent demonstration at Cadi Ayyad University in Marrakesh, a 2009 government autopsy determined his wounds were consistent with a criminal assault. In August the government reported that police had arrested and charged a suspect with assault and battery in connection with Kadiri's death, and Kadiri's family dropped charges against the government.

Unlike in previous years, there were no reports implicating security forces in the deaths of migrants seeking to illegally transit the country to Europe (see section 2.c.). The government provided no further information regarding the death of a migrant who international human rights NGOs claimed was killed by police at the Melilla border in January 2009.

b. Disappearance

The country's penal code requires security forces to inform detainees of charges and to inform the detainee's family of his or her whereabouts within 48 hours. The 2003 antiterrorism law provides an exception to this rule by permitting authorities to detain suspects without informing their families for up to 96 hours. This initial detention period may be renewed twice, up to a total detention time of 12 days. In addition authorities may withhold information about the charges from the detainee's lawyer for up to two days after the initial four-day detention expires (see section 1.d.).

The government stated that it followed the law in all cases, and that there were no cases of disappearance. However, the domestic nongovernmental organization (NGO) the Moroccan Association for Human Rights (AMDH), international NGOs Human Rights Watch (HRW) and Amnesty International (AI), and the Party of Justice and Development (PJD), an Islamist-oriented political party, claimed that in at least 13 cases, authorities did not follow the provisions of the penal code or the antiterrorism law and that prolonged periods in unknown locations amounted to disappearances in these cases. The government and the domestic NGO Moroccan Organization for Human Rights (OMDH)

disputed these charges, claiming that arrest and pretrial detention were mistakenly equated with abduction and forced disappearances and that families were informed about the whereabouts of those detained.

Regarding the unresolved cases of disappearance dating back to the 1970s and 1980s, the governmental Consultative Council on Human Rights (CCDH) continued to cooperate with the UN Office of the High Commissioner for Human Rights (OHCHR) as it seeks to investigate claims of enforced and involuntary disappearances. The CCDH has provided the OHCHR with information regarding 56 cases that the OHCHR considers unresolved. The CCDH and the UN High Commissioner for Refugees (UNHCR) noted that occasional new claims regarding disappearances that occurred in the 1970s and 1980s continue to be reported. Since 2004 the Justice and Reconciliation Authority (IER) and CCDH, its successor organization, completed investigations of approximately 938 cases of forced, long-term disappearances of regime opponents between the country's 1956 independence and 1999. The IER and CCDH determined only 290 cases amounted to state-enforced disappearances. The CCDH acknowledged that, due to a lack of evidence, it will likely be unable to resolve the 56 remaining cases. The CCDH has provided the OHCHR with information regarding these 56 unresolved cases.

Human rights groups representing ethnic Sahrawis, who reside throughout the country and make up a majority of the population of Western Sahara, claimed that at least 114 cases remained unresolved and accused the CCDH and IER of failing to acknowledge many additional cases of disappearances that occurred between the country's independence in 1956 and 1999, especially from Western Sahara.

By year's end the CCDH reported it had paid reparations to 15,000 victims of disappearance or other abuses committed between 1956 and 1999 or to their family members. During the year 331 individuals received reparation payments totaling 46,233,210 dirhams (\$5,540,289). The CCDH noted that although it continued to receive and investigate reparation claims during the year, it had shifted its focus toward conducting community reparation projects, including providing medical insurance to victims' families. During the year the CCDH disbursed 979 medical insurance cards to individuals living in both Morocco and the Western Sahara territory. Some NGOs alleged the CCDH was flawed administratively and its reparations process was nontransparent, resulting in unequal payments and a lack of objective criteria for awarding payments.

In May the CCDH sponsored the return of the remains of Abdeslam Ahmed EttToud, whose body was found in a secret tomb in Ghfsy in 2005. EttToud was kidnapped by armed men affiliated with the Istiqlal party in June 1956.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and the government denied that it used torture. However, numerous NGO reports and media articles alleged that members of security forces tortured and abused individuals in their custody, particularly during transport and pretrial detention.

The CCDH did not publish any reports regarding overall trends for incidents of torture and other abuses during the year. However, independent news media and domestic human rights groups, including the AMDH and OMDH, expressed concerns regarding increasing reports of security forces' engagement in arbitrary arrests and torture in prisons and police stations.

On June 28, police in Fes arrested seven members of the Justice and Charity Organization (JCO, also known as Al-Adl Wal Ihsane) at their homes and immediately transferred them to a jail in Casablanca. The men were charged with abducting and torturing a former member of their organization, armed robbery, violence, and membership in an unauthorized organization. Through their lawyers, family members, and other JCO members, Abdallah Bella, Mohamed Slimani, Tarik Mahla, Hicham Mesbahi, Azzedine Slimani, Abou Ali Lamnouar and Hicham Houari claimed that police beat them in front of their families prior to arrest, and then tortured them for three days in detention in Casablanca. During this time, the men reported that they were beaten, shocked with electricity, sodomized with pens, suspended in the air, denied medical treatment, and kept permanently blindfolded. The JCO, AMDH, and OMDH claimed that a government physician examined the seven men on July 7 and 8 and found injuries indicative of torture and abuse. The government denied the allegations, and stated that the men had been arrested in response to a complaint filed by Mohamed Elrahzy, a former JCO member and Fes-based attorney. Elrahzy alleged that on May 17 the seven men kidnapped, tortured, and later released him. The JCO, AMDH, OMDH, and two Moroccan political parties – the PJD and the Socialist Union of Popular Forces – publicly called for an independent investigation. On August 30, the defendants filed a complaint against the Judicial Police after the issuance of the medical report on their allegations of torture. On December 21, the Fes Court of Appeals dropped the charges against the defendants due to a lack of evidence.

On July 16, the Rabat Criminal Chamber of the court of appeals upheld the 2008 convictions of 35 defendants for forming a terrorist group, plotting attacks, and committing robberies and other crimes to finance their operations. The court reduced to 10 years the prison sentences of four defendants associated with Islamist political parties and one journalist and released a socialist party politician from prison for time served. Many appealed the verdicts on various grounds, including that the court failed to refer their cases to a forensic expert as required by the law against torture; some

defendants claimed that their confessions were falsified or obtained as a result of torture (see section 1.e.).

On March 31, the Marrakesh Court of Appeals decided the appeal of 11 students who alleged that they had been victims of police abuse and torture and were sentenced to prison for their involvement in violent demonstrations in 2008 at Cadi Ayyad University. The court upheld the convictions and lengthened the sentences of one student from two to three years and another student from two to four years. On May 15, the nine other students were released at the expiration of their sentences. According to domestic and international NGOs, the students alleged in their appeal that security forces employed torture, sexual harassment, and other abuse, especially during their arrest and pretrial detention. The court did not consider (and the government did not investigate) the torture claims; it reaffirmed that police investigations had shown the students' injuries were a result of confrontations during the protests, in which students threw Molotov cocktails and stones at police officers and damaged public property. The government provided no new information about the case of Qadimi El Ouali, who was severely injured in the 2008 demonstrations at Cadi Ayyad.

The government continued to improve implementation of the 2006 law against torture, which requires judges to refer a detainee to a forensic medical expert when the detainee or his or her lawyer requests it or if judges notice suspicious physical marks on a detainee. The government reported that as of September public prosecutors and magistrates had requested expert medical examinations for 31 individuals, compared with 27 requests in 2009 and 49 requests in 2008. Media and human rights NGOs documented cases in which the antitorture law provision was not implemented.

Prison and Detention Center Conditions

Prison conditions remained poor and generally did not meet international standards. Prisons were overcrowded, resulting in poor hygienic conditions. There were no reports regarding inadequate provisions for ventilation, temperature, lighting, and access to potable water. The Moroccan Observatory of Prisons (OMP), an umbrella grouping of lawyers promoting better prison conditions, and other human rights NGOs continued to report during the year that prisons were overcrowded, prone to violence, and failed to meet local and international standards. The government stated that its 60 prisons held approximately 61,405 inmates as of August 31, allowing approximately 16 square feet per inmate, far short of the international standard of 97 square feet. Reports published by the OMP in 2008 and 2009 maintained that the adult prison system operated at roughly 133 percent capacity. Various NGOs estimated the number of minors in prison to

range between 1,800 and 6,000. In many cases, those imprisoned as minors completed their sentences as adults.

The government reported that 84 inmates died in prison, 67 (80 percent) of whom were hospitalized and under the care of the Ministry of Health; 26 (32 percent) of reported deaths were due to heart problems. Due to administrative constraints and lack of access to prisons, local human rights NGOs were unable to confirm or challenge these numbers. The government acknowledged that providing adequate care was difficult given the overcrowded conditions and noted that prisons in cities such as Casablanca are especially overcrowded due to the refurbishment of nearby prisons, such as the one in Oukacha.

Regarding the 2009 case of Mohamed Amine Akalai, who died in prison, authorities closed the case based on their determination that the death was the result of heart problems.

The Directorate General for Prison Administration (DGAP), a separate agency that reports directly to the prime minister and informally to the king, has responsibility for managing all prisons in the country. It has its own budget and central administrative apparatus. The DGAP secured additional funds during the year to build new facilities, reduce crowding and increase living space per inmate, improve health care and other conditions, and improve security. The Ministry of Justice still directs the development and reform of penal policy.

Although the law dictates that juvenile prisoners be separated from adults in prisons, this did not always occur in practice. There are three detention facilities, known officially as Reform and Education Centers (RECs), reserved exclusively for juveniles up to the age of 20. Several other adult prison facilities have dedicated areas for juvenile inmates. Due to the lack of juvenile prison facilities, authorities sometimes held juveniles with adults, particularly in pretrial detention and in police stations. As of August 31, the government held 4,851 juveniles under the age of 20 at various prisons. Human rights groups reported that young offenders were abused by other minors, older inmates, and prison guards. Offenders convicted of minor crimes are often placed in the same cell as those convicted of more serious offenses. Government figures indicated that only 3 percent of prisoners were women, and there was less overcrowding in the women's sections. Women were held separately from men.

The government began implementing vocational and educational training programs in prisons. The Mohammed VI Foundation for Reinsertion of Prisoners, managed directly by the king, provides educational and professional training to young inmates on the verge of release. The foundation runs RECs in 38 of the country's 60 prisons and works with

more than 4,000 prisoners each year. Graduates of the foundation's training programs have a recidivism rate of 3 percent, in contrast to the national average of 40 percent. Since 2008 the government has opened three new prison facilities in Khouribga, Tetouan, and Oued Zem. The government has closed two prisons since 2008, in Inzegane and Khouribga, due to poor sanitary conditions.

The government also runs 22 Child Protection Centers (CPCs), five of which are specifically for girls. The CPCs were originally intended to provide an alternative to prison for underage juvenile delinquents. However, the centers are now used to house delinquents, homeless children, victims of domestic violence, drug addicts and other "children in distress" who have committed no crime. Unlike the prisons, the CPCs are managed by the Ministry of Youth and Sports.

Some human rights activists asserted that the prison administration reserved harsher treatment and conditions for certain prisoners, such as Islamists. The government denied allegations that it accorded different levels of treatment to any inmates, and maintained that there were no political prisoners in the country. Prisoners frequently employed hunger strikes to demand improved prison conditions or to protest lengthy pretrial detentions. Most of these ended within several days in response to concessions from the government or prison authorities. Although prison authorities provided meals to prisoners three times per day, the amount of food provided was inadequate, and families and friends regularly supplemented prisoners' diets.

The government permitted prison visits by independent human rights observers, including local human rights groups, but not by international groups or the media. As in years past, family members of prisoners accounted for the majority of prison visits. At least 600 visits were by judiciary authorities for various oversight reasons. The DGAP also reported that 88 regional or parliamentary commissions made prison visits during the year. Authorities documented 132 visits by domestic NGOs during the first six months of the year. NGOs reported that although international NGOs visited prisons in previous years, the DGAP's new director general discouraged such visits, and they ceased. The International Committee of the Red Cross did not make any requests to visit prisoners.

The quasigovernmental CCDH acted as an ombudsman for human rights and continued to expand the scope of its activities. The CCDH received complaints from prisoners and from family members writing on behalf of their imprisoned family members (see section 1.e.).

Government policy permits NGOs that provide social, educational, or religious services to prisoners to enter prison facilities, but it does not permit NGOs that only have a human rights mandate to do so except with special authorization. There were no reports

that prisoners and detainees were denied permission to practice their respective religions. Members of various NGOs, including the OMDH, AMDH, OMP, and Association of Victims of Grave Human Rights Abuses (ASVDH), visited prisoners regularly to distribute food and personal items and to check on their health and well-being as "friends or family," not as human rights NGO representatives.

d. Arbitrary Arrest or Detention

The law does not prohibit arbitrary arrest or detention, and police used both practices. Police did not always observe due process. According to local NGOs and associations, police did not always identify themselves when arresting suspects or consistently obtain warrants. Police reportedly held some detainees without charging them. It was common practice for security forces to arrest a group of persons, take them to a police station to be questioned, and then release them without charge.

Role of the Police and Security Apparatus

The security apparatus includes several police and paramilitary organizations with overlapping authorities. The National Police (DGSN) manages the border and immigration services, as well as internal law enforcement, and reports to the Ministry of Interior. However, the borders are managed by different entities intervening in various capacities. For example, the Royal Armed Forces manage borders in Western Sahara and along the southern border with Algeria. Along the northern section of the eastern border with Algeria, the army, Auxiliary Forces, gendarmes, police, and customs authorities are present.

The Auxiliary Forces are separate entities that have security responsibilities and also report to the Ministry of Interior. The Auxiliary Forces are often used to support gendarmes or police as necessary. The Royal Gendarmerie reports to the Ministry of Defense and is responsible for law enforcement in rural regions and on national highways. The main federal investigative body, the judicial police, is a hybrid DGSN and Justice Ministry entity. Both the Royal Gendarmerie and the judicial police report to the royal prosecutor, who orders investigations. The judicial police investigate violations of criminal law, terrorism, organized crime, and white-collar crime. The Department of Royal Security reports to the king.

There was no systematic prosecution of security personnel who committed human rights abuses. Corruption and impunity reduced police effectiveness and respect for the rule of law. Petty corruption was widespread among the police and gendarmes, and broader, systemic corruption undermined law enforcement and the effectiveness of the judicial system.

On February 23, the king issued a royal high directive designed to modernize and professionalize the national police force, the General Directorate for National Security, by making it an autonomous directorate. The government stated that these changes were aimed at improving the quality of recruits and reducing corruption. Various components of the king's directive have been implemented. On October 1, traffic officers began wearing photo identification while performing their duties. This measure is expected to reduce widespread bribery by traffic officers and will allow citizens to report and document abuse. While the directive did not include provisions for additional training of security forces, the government increased investigations, prosecutions, and training – including a human rights component – for security personnel.

The Ministry of Interior increased investigations of abuse, human rights violations, and corruption across all security services under its purview. During the year the government reported that it arrested, prosecuted, or opened investigations regarding 332 government authorities or security officials at all levels for crimes ranging from assault and battery to petty bribery throughout the country and Western Sahara. These included prosecutions for cases of drug trafficking or involvement in abetting illegal immigration against three chiefs of police, 25 police officers and customs agents, 21 staff members of the Auxiliary Forces, and 16 officers of the Royal Armed Forces and the Royal Navy. Information for the year was not available on the number of convictions and punishments, and many more incidents of alleged corruption were never investigated. Cases often languished in the investigatory or trial phases without resolution.

Arrest Procedures and Treatment While in Detention

Police may arrest an individual after a general prosecutor issues an oral or written warrant; in practice warrants were sometimes issued after the arrest. Warrants were generally issued on the basis of evidence and exclusively by authorized officials. Authorities denied defendants' access to counsel or family members during the initial 96 hours of detention under terrorism-related laws or 48 hours of detention for other charges, during which police interrogated detainees and alleged abuse or torture was most likely to occur.

Under the antiterrorism law, after the first 96 hours, two additional 96-hour extensions are allowed at the prosecutor's discretion. Under the law a person may be detained without trial for as long as one year while an investigating magistrate completes work.

NGOs continued to report that as many as 90 percent of incarcerated minors were in pretrial detention. The law provides for a limited system of bail, but bail was rarely granted. Some judges were unaware of legislation permitting the use of the bail system or other alternative sentencing provisions. The law does not require written

authorization for a person to be released from detention. In some instances, judges released defendants on their own recognizance. The antiterrorism law does not include a system of bail. Under a separate military code, military authorities may detain members of the military without a warrant or public trial.

According to the law, all defendants have the right to be represented by attorneys, and if a defendant cannot afford private counsel, a court-appointed attorney must be provided when the criminal penalty exceeds five years in prison. In practice effective counsel was not always provided. Police were required to notify a detainee's next of kin of the arrest as soon as possible after the initial 48-hour incommunicado detention in nonterrorism cases unless arresting authorities applied for and received an extension from a magistrate, but police did not always abide by this provision. Because of delays in notifying family, lawyers sometimes were not informed promptly of the date of arrest and were not able to monitor compliance with administrative detention limits, which authorities exceeded when individuals were suspected of links to terrorism.

As of August 31, pretrial detainees made up 42 percent of the 61,405 inmates in prison.

Amnesty

The government used royal pardons rather than a parole system as the principal judicial mechanism for early release. The king pardoned 1,838 prisoners during the year. Pardons may take the form of release, sentence reduction, or transfer.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but in practice the courts often did not act independently and were weakened by corruption and extrajudicial influence. Corruption and extrajudicial influence was reportedly most acute in criminal, commercial, and civil law cases. Many judges did not consistently base rulings on new laws and, at times, referred to outdated laws in their decisions. The king heads the Supreme Judicial Council, and the minister of justice presides over it in his absence. The council has administrative authority to hire, dismiss, and promote judges and can decide which judges to appoint to certain positions.

During the year the government exhibited some efforts to address corruption. The inspector general of the Justice Ministry investigated 65 criminal or ethics complaints against judges (up from 55 in 2009), which resulted in the referral of 16 judges to the Supreme Judicial Council for disciplinary measures.

In the 2008 suspected terrorist trial of 35 defendants, whose convictions were upheld on July 16, defendants claimed that they were deprived of a fair trial based on the Minister of Interior's public statements prior to the trial alleging that the accused persons were assumed to be guilty.

Serious state security charges against civilians, including those relating to the monarchy, Islam, or territorial integrity (i.e., the country's sovereignty claim over Western Sahara), are typically tried in civilian courts. Cases regarding treason must be tried before a military court. While cases regarding territorial integrity can also be referred to a military court, the conditions under which a case may be moved to a military court are not transparent. It is also unclear from where such a decision originates (see the Western Sahara report). Judgments by military tribunals may be appealed. Depending on the military tribunal's decision, cases are sometimes moved to a civilian appellate court. NGOs and judicial reform advocates alleged that the government interfered with the judiciary, especially in political cases, sometimes undermining the fairness of the trial.

In 2008 73-year-old Colonel-Major Kaddour Terhzaz was arrested for allegedly threatening the country's security through divulging national defense information. The Permanent Military Court of the Moroccan Armed Forces in Rabat tried Terhzaz, found him guilty, and sentenced him to 12 years at the Sale prison. In 2009 the military court rejected a cassation of the verdict (a military court version of appeal). In May an attorney submitted one final brief requesting that the case be reopened to examine new evidence, but the tribunal rejected the brief. Terhzaz's family members and the AMDH claimed that before the initial trial, his defense attorney was not given adequate time to prepare for the case and that officials prevented his attorney from visiting him. Various NGOs stated that no witnesses were allowed to testify at his trial. Family members also reported that Terhzaz has been in solitary confinement since November 2009. As of November 2010 Terhzaz remained in solitary confinement. The government maintains that the Terhzaz case is a matter of national security, and the legal proceedings against him were fair and transparent.

Regarding the case of the seven Sahrawi activists arrested in October 2009 on charges of "intelligence cooperation with a foreign entity" and "incitement to disturb public order" after a trip to the Sahrawi refugee camps near Tindouf and Algiers in Algeria, all seven activists continued to face charges of incitement to disturb public order at year's end; the intelligence cooperation charge was dismissed. Four of the activists were provisionally released during the year, and three remained in prison in Casablanca. After several attempts at a trial were disrupted, the three were awaiting trial before a civilian court at year's end (see the Western Sahara report).

Trial Procedures

Defendants are presumed innocent. The law provides for the right to a fair public trial for all citizens; this did not always occur in practice, especially for those protesting the incorporation of Western Sahara into the country. Juries are not used, in accordance with the Napoleonic legal system.

Although the government claims that accused persons are brought to trial within two months, prosecutors may request as many as five additional two-month extensions of pretrial detention. Technically an accused person may be kept in detention for as long as one year prior to trial. There were several reports that authorities routinely held detainees beyond the one-year limit.

Defendants have the right to be present at their trial and to timely consultation with an attorney, although these rights were not always enforced in practice. Attorneys were not appointed in all cases or, if provided, were poorly paid or provided in an untimely fashion, often resulting in inadequate representation. According to law, defendants in criminal and human rights cases have access to government evidence against them. In practice judges sometimes prevented or delayed access. Under the law, defense attorneys may question witnesses. Some judges reportedly denied defense requests to question witnesses or to present mitigating witnesses or evidence.

Individuals are arraigned before a court of first instance. If the judge determines that a confession was obtained under duress, the law requires that it be excluded from evidence. Human rights NGOs charged that judges often decided cases based on forced confessions, especially in cases of Sahrawis or individuals accused of terrorism. Police statements about detainees were used in place of defendants' confessions.

The law extends rights regarding trial procedures to all citizens. Family courts generally adjudicated divorce and child custody cases for Muslim citizens according to the 2004 family law. A parallel family legal system handled matters for Jewish citizens in accordance with traditional Jewish law. Designated juvenile judges have jurisdiction over cases relating to alleged offenses by minors between the ages of 12 and 18. However, NGOs reported that judges' ignorance of the statutes and their lack of training on human and children's rights meant that provisions affecting children were not used and many minors received prison time for minor offenses.

Political Prisoners and Detainees

Legislation does not define or recognize the concept of a political prisoner. The government did not consider any of its prisoners to be political prisoners and stated that

all individuals in prison in the country had been convicted or had been charged under criminal law and were awaiting trial. However, several NGOs, including the AMDH, Sahrawi organizations, and Amazigh (Berber) activist groups asserted that the government imprisoned persons for political activities or beliefs under cover of criminal charges.

Civil Judicial Procedures and Remedies

Individuals had access to civil courts for lawsuits relating to human rights violations and filed such lawsuits; however, the courts were not entirely independent or impartial in civil matters due to extrajudicial influence and corruption. There are administrative as well as judicial remedies for alleged wrongs.

A national ombudsman resolves civil matters when the judiciary is unable to do so and has gradually expanded the scope of its activities. As of July 31, the ombudsman received 2,476 complaints; it judged 1,835 to be valid and referred those cases to other public administrations as appropriate. The CCDH did not take direct action on specific cases but continued to serve as a conduit through which citizens expressed complaints about government malfeasance or human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution states that an individual's home is inviolable, and that a search may take place only with a search warrant; however, authorities sometimes ignored these provisions in practice. The law stipulates that a prosecutor may issue a search warrant on good cause, particularly in cases of suspected terrorism, but the government did not always observe these rights. Plainclothes security officers who did not identify themselves or present search warrants conducted home searches.

As in previous years, authorities reportedly searched and shut down activities in the homes of members of the Justice and Charity Organization, an Islamist charitable and sociopolitical group the government tolerated but did not officially recognize. Members used their homes for "open houses" where they held politically oriented meetings. On May 20 and 29, authorities detained for questioning 342 male and female JCO members in the towns of Oujda, Tangiers, and Zaio. As in years past, during Ramadan authorities carried out raids, detained at least 21 JCO members, and forcibly dispersed meetings at private residences in several cities. JCO members claimed the DGST was responsible for the harassment. In almost every case, authorities detained, questioned, and later released JCO members without charges.

Sahrawi activists reported that when NGOs held meetings at members' houses, both plainclothes and uniformed police occasionally intervened (see the Western Sahara report).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law generally provides for freedom of speech and of the press; however, the government continued to restrict freedom of the press through the legal system. Government-provided figures for this year showed that six journalists or media outlets faced criminal or civil charges, down from 56 such cases in 2009 and 42 in 2008. These numbers included cases the government initiated as well as private citizens' libel complaints. Numerous human rights groups criticized the steady stream of criminal prosecutions, newspaper closings, and libel suits.

The law prohibits citizens from criticizing Islam or the institution of the monarchy. It is also illegal to voice opposition to the government's official position regarding territorial integrity and Western Sahara. The press, however, reported on controversial and culturally sensitive topics involving the military, national security, and sexuality.

The antiterror law and the press code impose financial penalties on journalists and publishers who violate restrictions related to defamation, libel, and insults, including critical discussion of the monarchy, state institutions, territorial integrity, and Islam. Prison sentences may be imposed on those convicted of libel.

The press code lists threats to public order as one of the criteria for censorship. The government also has the ability to revoke licenses and to suspend and confiscate publications.

Politically diverse newspapers and weeklies published articles critical of high-ranking officials and policies. Although authorities overlooked most of these instances, a few publications paid significant financial penalties when articles came close to the "red lines" of monarchy or the Western Sahara. The government levied substantial fines that publishers accused of violating the law could not afford to pay. In some cases, these substantial fines appeared to be designed to bankrupt the publisher and force it to close. Many journalists also noted that there was great inconsistency in the government's responses to sensitive articles that touched on the "red lines," and they had no way to know when they might face sanction.

In January the Ministry of Communication announced it would expand the scope of regulations regarding foreign television stations and begin require foreign stations to receive ministry approval on a monthly basis (rather than annually as before) to report on or record individuals outside Rabat. Initially the new restrictions were aimed at Al Jazeera. The requirements have also affected the television channels Al Hurra, Al Arabiya, and BBC.

On January 27, governmental judicial liquidators took control of newsweekly Le Journal Hebdomadaire after a Casablanca commercial appeals court declared on January 25 that the publication's former publishing group, Media Trust, and its current one, Trimedia, were bankrupt. According to credible sources, the publication owed a debt of five million dirhams (\$599,161). Le Journal incurred some of this debt in September 2009 when the Supreme Court ordered the publication to pay 2,652,022 dirhams (\$317,797) in damages for a libel suit concerning its sources of funding for an article on the Western Sahara by the European Strategic Intelligence and Security Center, a Brussels-based think tank. On April 18, a Rabat appeals court upheld the amount of damages awarded. However, international NGOs including HRW and Reporters without Borders (RSF), as well as local civil society members, observed that the government continually found reasons to fine the magazine and discouraged companies from advertising with it. The government claimed it was following the law by forcing a judicial liquidation since the company's debt exceeded 14,025,755 dirhams (\$1,680,738). According to the government, in 2004 Media Trust and Trimedia stopped paying salaries to employees and stopped paying debts to banks, the National Fund for Social Security, and the Treasury.

On March 8, authorities arrested Mohammed Attaoui – a correspondent for the Arabic-language daily Al Mounataf, president of a local environmental NGO, and an employee of the Tounfite municipality – for possession of hashish and extortion. The government alleged that Attaoui threatened to denounce a local civil servant in the press and demanded a 1,000 dirhams (\$120) bribe to stay silent. On March 22, authorities charged Attaoui with extortion and a court sentenced him on the same day to two years in prison. RSF and many local media outlets reported that his arrest was related to a February 16 article denouncing Taoufite community leaders' corruption and illegal cedar trafficking. At year's end Attaoui was awaiting his appellate hearing.

On June 3, the High Authority of Audiovisual Communication suspended Radio Mars for 48 hours and fined the station 57,000 dirhams (\$6,830) after a guest interviewee, Hicham Ayouch, jokingly remarked that he would like to become the president someday, a perceived challenge to the institution of the monarchy.

Independent Arabic-language newspapers Al-Jarida Al-Oula, Al-Ahdath Al-Magreb, and Al-Massae, which were fined 3.3 million dirhams (\$395,446) in June 2009 for insulting a foreign head of state, appealed their cases in late 2009; the court upheld the original finding against them.

The government banned the importation of foreign media when they were considered to undermine the sanctity of the nation or public order. For example, throughout the week of December 14, the government blocked the distribution of leading international newspapers Al-Quds Al-Arabi, El Pais, and Le Monde for printing Wikileaks-related articles critical of the government.

The government's case against Ahmed Benchemsi, the publisher of Tel Quel and Nichane magazines who was charged in 2009 with failing to show "due respect" to the king, remained pending at year's end.

The government closed its case against Arabic-language weekly Al Michael director Idriss Chahtane, who received a one-year prison sentence and a 10,000 dirhams (\$1,198) fine for reporting false information on the king's health. The king pardoned Chahtane on June 11 after he had served eight months of his sentence.

The Ministry of Communications issued directives and guidance, and it subsidized publications including those critical of the government. Direct government subsidies varied according to the percentage of the population reading the publication. The placement of government-directed advertising influenced print media outlets' revenue and may have influenced their coverage.

The government censored the media directly and indirectly through licensing and advertising. The government registered and licensed domestic newspapers and journals. Journalists and publishers exercised self-censorship in response to the threat of government pressure or closure.

Authorities temporarily suspended publications that the government judged offensive. Authorities restricted the importation of and censored the February 25 edition of the French weekly Le Nouvel Observateur because it contained information on the case of Colonel Kaddour Terhzaz (see section 1.e.). The weekly was later distributed without the Terhzaz story.

There were no private television stations. The government-owned Societe Nationale de la Radiodiffusion et de la Television, which wholly or partly owned and operated several local television and radio stations. It also partially owned the 2M television and radio network. The government purchased a majority stake in formerly private Medi-Sat

television this year in an effort to save it from bankruptcy. Independent radio stations require licenses, and a government committee monitored radio broadcasts to assure adherence to license agreements. The government owned or partially owned the only television stations whose broadcasts could be received in most parts of the country without decoders or satellite dishes.

In 2008 the government suspended Al-Jazeera's broadcasting license, forcing it to cease broadcasting its nightly Maghreb news bulletin from Rabat. The Ministry of Communications continued to refuse to issue accreditation documents to two journalists, Anaz Bensalah and Mohamed Bakkali, who work for the Al-Jazeera television channel. Authorities provided no reason for this decision. The two journalists filed suit against the ministry in September alleging arbitrary suspension of their accreditation and seeking to have their accreditation restored. Hassan Al-Rachidi, whose press credentials were suspended, paid 49,000 dirhams (\$5,872) in fines.

Authorities subjected some journalists to harassment and intimidation during the year.

On June 4, authorities entered and searched the Casablanca residence of journalist Zineb el Rhazoui without a warrant. El Rhazoui claimed that the authorities seized a hard drive, computer, memory card from a camera, and some personal effects, which they alleged that Ali Amar, who was at the residence at the time of the search, had stolen. El Rhazoui and Amar were then detained for 12 hours and released. Amar was arrested again on June 7, charged with theft, and held for 24 hours. On July 1, the Ain Sbaa Court of First Instance found Amar guilty of theft and sentenced him to a three-month suspended sentence and fines of 40,500 dirhams (\$4,853). Journalists and NGOs criticized the government's handling of this case, alleging that authorities had targeted El Rhazoui and Amar because they were journalists who had worked for Le Journal Hebdomadaire, which authorities permanently closed in January. Amar also published a book in April 2009 in France that was critical of the Moroccan king, and El Rhazoui was the cofounder of a group that gained notoriety in September 2009 after authorities prevented its members from violating a law that prohibits breaking the Ramadan fast in public.

In a case dating from September 2009, Rabat police questioned 10 journalists from three Arabic-language newspapers that had published articles about the king's health. Authorities released eight of the journalists, but courts convicted two, Ali Anouzla and Bouchra Eddou of Al-Jarida al-Oula, of defamation. In December 2009 the Rabat appellate court confirmed the verdict, and on June 30, the Supreme Court rejected Anouzla and Eddou's final appeal. Al-Jarida al-Oula suspended publication in May 2009

due to financial problems, but its owner announced early in the year his intention to create a new weekly Arabic magazine.

Books were subject to seizure or were forbidden entry and sale. During the year several books concerning the monarchy and some foreign magazines were not permitted to enter the country.

Internet Freedom

There are neither specific laws nor a body of judicial decisions concerning Internet content or access. The government did not generally restrict access to the Internet. Individuals and groups were generally able to engage in peaceful exchanges of views via the Internet, including by e-mail. The International Telecommunication Union reported there were 41.3 Internet users per 100 inhabitants in 2009. The government did not attempt to collect the personally identifiable information of persons over the Internet in connection with citizens' peaceful expression of political, religious, or ideological opinion or beliefs.

In December 2009 bloggers Hazzam El Bachir, Boubaker Al-Yadib, and Abdelaziz Salami and Internet café owner Abdellah Boukfou alleged that police arrested them for their involvement in a student protest in Taghjiit. According to government reports, El Bachir and Boukfou participated in an unauthorized demonstration, destroyed public and private property, and seriously injured police officers on duty during the demonstration. Authorities further alleged that both men were in possession of publications aimed at inciting violence and racial discrimination. In December 2009 a court in Guelmim sentenced El Bachir to four months in prison, Boukfou to 12 months, and each to a fine of 500 dirhams (\$60). An appeals court reduced El Bachir's sentence to two months on February 8, and he was released the same day based on time served. The same appeals court reduced Boukfou's sentence to eight months, and he was released on August 4. On February 2, a Guelmim tribunal sentenced Al-Yadib and Salami to six months in prison and a 500 dirhams (\$60) fine; both were released after serving their full sentence.

Academic Freedom and Cultural Events

By law and in practice, the government reserved the right to restrict presentations or discussions questioning the legitimacy of the monarchy, Islam, or the status of Western Sahara, and it did so on some occasions. The government generally tolerated political and religious activism on university campuses. Islamist groups wielded considerable influence on campuses. In some cases they controlled student unions and acted to constrain academic freedom by intimidating or harassing students or professors. The Ministry of Interior approved the appointments of university rectors.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association within the limits provided by law. In practice the government sometimes used administrative delays and other methods to suppress or discourage demonstrations. However, both authorized and unauthorized sit-ins, demonstrations, and protests occurred frequently throughout the country and were almost always tolerated, unless they turned violent. The government also prohibited or failed to recognize associations it deemed unqualified for NGO status.

Freedom of Assembly

The law conditions the right to freedom of public assembly on acquiring Ministry of Interior permission. However, authorities frequently allowed those who did not receive permission to nevertheless hold an assembly. Some NGOs complained that the approval process was often inconsistent. During the year police forcibly disrupted some demonstrations and mass gatherings. However, the media and NGOs made few reports of violent police actions against demonstrators and of police disrupting peaceful demonstrations. In one case, the Ministry of Interior refused to grant the domestic NGO Transparency Maroc a permit to hold a public gathering to present an anticorruption prize. The ministry did so through administrative means and without resorting to violence.

Freedom of Association

The constitution and the law provide for freedom of association, although on some occasions the government has declined to officially recognize NGOs. The establishment and functioning of associations are governed by a 1958 decree. According to the government, approximately 100,000 NGOs and associations were registered.

New NGOs are required to register with the Ministry of Interior. A proposed organization must submit its objective, bylaws, address, and photocopies of members' identification cards to the ministry. In practice the government has denied official recognition to NGOs that advocate against the monarchy, against Islam as the state religion, or against territorial integrity. The ministry issues a receipt to the organization that signifies formal approval. If the organization does not receive a receipt within 60 days, it is not formally registered. Many organizations the government chose not to recognize functioned without the receipts, and the government tolerated their activities. Several organizations, including the ASVDH and the JCO, have won administrative court judgments confirming that their applications for registration conform to the law; however, administrative courts have no enforcement powers beyond ruling that

authorities exceeded their powers and cannot force government officials to recognize NGOs.

Organizations supporting self-determination for Western Sahara were not permitted to register, including the ASVDH and the Sahrawi Collective of Human Rights Defenders. Unregistered organizations cannot access government funds or legally accept contributions. The ASVDH remained unregistered despite a 2005 Agadir administrative court decision requiring authorities to register it.

During the year authorities continued to monitor JCO activities and, on occasion, disrupted them (see section 1.c.).

c. Freedom of Religion

For a complete description of religious freedom, please see the Department of State's [*2010 International Religious Freedom Report*](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation. These rights were generally respected in practice, although the government restricted movement in areas regarded as militarily sensitive, including the demilitarized zone in Western Sahara.

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The Ministry of Interior restricted the freedom of civil servants to travel outside the country, including teachers and military personnel. Civil servants and soldiers must obtain written permission from their ministries to leave the country.

The law provides for forced exile; however, there were no instances of forced exile in the country during the year.

The government encouraged the return of Sahrawi refugees if they acknowledged the government's authority over Western Sahara. The government continued to make travel documents available to Sahrawis, and there were fewer cases of Sahrawis being prevented from traveling (see the Western Sahara report).

Protection of Refugees

The government has not yet established a national asylum procedure; it defers to the UNHCR as the sole agency in the country entitled to grant refugee status and verify asylum cases.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Refugees recognized by the UNHCR are not returned under such circumstances, although the government does not process or recognize their asylum claims. These refugees were therefore unable to obtain residence permits that would officially allow them access to the national health care system and the legal right to work; however, the government generally permitted refugees to work upon presentation of a valid UNHCR refugee card. As of September the UNHCR reported approximately 750 refugees and 340 asylum seekers in the country.

There were credible reports of government authorities expelling illegal migrants into the desert along the border with Algeria. NGOs reported that authorities left some migrants without food and water; however, unlike in previous years, there were no reports of migrant deaths as a result. The International Organization for Migration reported 1,119 cases of migrants' voluntary return to their country of origin during the year.

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

The law provides for regular, free elections based on universal suffrage. Citizens directly elect municipal councils and the lower chamber of parliament, and they indirectly elect the upper chamber of parliament and the regional councils through representatives. Citizens did not have the right to change the country's monarchical form of government.

The king may dissolve parliament at will and as head of state appoints or dismisses the prime minister, who is the titular head of government. The constitution authorizes the prime minister to nominate all government ministers, although the king also may nominate ministers and has the power to replace any minister. The king also appoints the constitutional council, which determines whether laws are constitutional.

The constitution may not be changed without the king's approval. The constitution provides that neither the monarchical system nor measures related to the practice of Islam may be revised. Only the king has the power to put constitutional amendment proposals to a national referendum. The king or parliament may propose amendments, which must pass both houses with a two-thirds majority. Once a royal decree has been

issued, the amendment may be sent to a national referendum; the king has the authority to bypass any national referendum.

Elections and Political Participation

Electoral law and regulations give the Ministry of Interior authority over elections, from drawing electoral districts to counting votes. Redistricting, which occurs before every nationwide election and addresses population changes, took place before the June 2009 local government elections. Districts contained significantly different numbers of voters, with rural districts having many fewer voters.

In the 2007 legislative elections, the king mandated the royally chartered and appointed CCDH to supervise and facilitate the work of domestic and international observers. In the June 2009 communal elections, the CCDH again organized a wide range of domestic observers, and all political parties considered the elections free, fair, and transparent.

International and domestic observers assessed the voting and noted the government's effective administration of the 2007 election process. According to the Ministry of Interior, voter turnout was 52 percent. Independent media made numerous reports alleging preelection vote buying by political parties and some instances of official misconduct at the district level. The CCDH, the government, and observers acknowledged that all parties likely engaged in such misconduct.

Domestic observers and some political party leaders recommended the creation of an independent electoral commission rather than Interior Ministry administration.

Political parties faced government-imposed restrictions. The Ministry of Interior must approve political parties, and legislation placed conditions on the establishment and functioning of political parties. The law requires parties to hold annual national congresses and to include women and youth in the leadership structures. Public funding is based on a party's total representation in parliament and the total number of votes it received nationally. Only registered members of a particular party may make private contributions. The Ministry of Interior can disband a party if it does not conform to the provisions stated in the law. To create a new party, organizers must submit to the ministry a declaration signed by at least 300 cofounding members from at least eight of the 16 regions of the country.

Prime Minister Abbas El Fassi's 33-member cabinet included three female ministers and two female secretaries of state. There were 34 female members of the 325-member lower house of parliament. There were no women on the Supreme Court.

Women's representation in local government and political parties' decision-making structures increased dramatically in 2009 and continued to increase during the year. Before the June 2009 elections, women held fewer than 1 percent of elected positions at the local level, and only two women served as mayors. Following a 2008 agreement between the government and political parties, a minimum of 12 percent of the local council seats (approximately 3,000 elected positions) were reserved for women. More than 20,000 female candidates ran for office, with 3,421 winning seats (13 percent of the total). Twelve women were selected in subsequent indirect elections to head local councils as mayors or mayor equivalents, including the mayor of Marrakesh.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. It was common knowledge that corruption was a serious problem in the executive, including the police, legislative, and judicial branches of government. There were reports of government corruption during the year, and the World Bank's Worldwide Governance Indicators indicated that corruption was a problem.

The judiciary's lack of independence and susceptibility to influence were widely acknowledged, including by the king. In August 2009 the king called for judicial system reform, including greater judicial independence and corruption prevention. Since 2007 the law has required judges, ministers, and members of parliament to submit financial disclosures.

In 2008 the government formed the Central Commission for the Prevention of Corruption (ICPC). In July 2009 the ICPC released its first report, stating that it had received 21 valid corruption complaints. At year's end the ICPC published investigations on corruption in the health and transport sector. The ICPC has initiated work on several draft anticorruption laws and in January instituted an ethics and corruption oversight body for the Customs Administration. On October 21, an interministerial government commission approved a two-year anticorruption program. As a result of this plan, the ICPC, in coordination with the General Confederation of Enterprises of Morocco (the country's largest business association) and the National Agency for Small and Medium Enterprises developed an Internet portal for enterprises to submit complaints about corruption and other problems. Through this Internet site as well as other means, the ICPC collects complaints of corruption and submits them to the Ministry of Justice. However, the ICPC does not have the authority to require response from government institutions on anticorruption cases. Officials attributed the low number of complaints in part to the lack of legislation protecting plaintiffs and witnesses in corruption cases.

Subsequently, the ICPC launched an Internet portal for the civil society to identify instances of corruption, organized a regional conference of anticorruption authorities with the participation of the Organization for Economic Cooperation and Development, created a corruption database, launched a nationwide awareness-raising campaign, and developed curriculum about ethics and civism for usage in schools across the country. In addition to the commission, the ministry and the government accountability court had jurisdiction over corruption issues.

The government investigated the mayor of Meknes on charges of mismanaging funds, resulting in his removal from office in January 2009.

In January authorities arrested 100 officials throughout the country for corruption, malfeasance, or abuse of office. The arrests capped a year-long audit by the Ministry of Interior's inspector general and the Government Accountability Court. At year's end 117 officials had been charged with corruption.

In July 2009 the High Judiciary Council sanctioned 70 judges on corruption-related charges, according to NGOs. According to observers, there was widespread petty corruption in the police force, especially below senior levels. The government claimed to investigate corruption and other instances of police malfeasance through an internal mechanism. In August 2009 the Royal Gendarmerie launched an internal anticorruption awareness campaign and established a unit to track down corrupt agents (see section 1.d.).

There is no freedom of information law. In practice the government did not grant access to official information to citizens and noncitizens, including foreign media.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government's attitude toward international human rights organizations varied, depending on the sensitivity of the issues. Domestic and international human rights groups generally operated in the country without government restriction, except those that advocated in favor of independence for Western Sahara, and these groups investigated and published findings on human rights cases. Government officials were generally cooperative and responsive to their views, except on Western Sahara.

Domestic and independent human rights NGOs that the government recognized included the OMDH and the Moroccan League for the Defense of Human Rights (LMDH). Since 2000 the government has subsidized these two NGOs. However, the LMDH, which is a part of the Istiqlal party, was no longer active; the OMDH and AMDH were considered the main

human rights NGOs. The AMDH did not cooperate officially with the government but usually shared information informally with both the government and government-affiliated organizations. The government sometimes met with and responded to inquiries and recommendations from the OMDH and AMDH. Other groups that worked with the government to try to improve human rights conditions or investigate alleged abuses included Friends of the Center for Reform and the Protection of Youth, more commonly known as Association Mama Assia, which focused on working with imprisoned youth. The government also cooperated with the Forum for Truth and Justice, Transparency International, the OMP, and the local branch of AI.

International NGOs such as HRW and AI cooperated with the government on several human rights projects and generally reported unrestricted operation.

The government generally cooperated with international governmental organizations and permitted visits. For example, the government hosted the third meeting of the Reflection Group on the Strengthening of the Human Rights Council in Rabat on May 27-28.

The UN Working Group on Enforced or Involuntary Disappearances (UNWGEID) met for its 88th session in June 2009 in Rabat. During its session, the working group reviewed 200 cases of enforced disappearances around the world, as well as past cases from 35 countries. The UNWGEID also analyzed the IER, to collect lessons learned for other countries.

The last visit by any UN special rapporteur was the 2006 visit of the special rapporteur on the right to education.

The CCDH advised the king on human rights issues. A nonjudicial ombudsman considered allegations of governmental injustices, but in practice the CCDH filled many of the roles of national social ombudsman. The UNWGEID criticized the CCDH's pace in implementing the institutional changes recommended by the IER, but human rights NGOs and the public generally viewed the organization as a credible and proactive government advocate for institutional protection of human rights and vehicle to seek redress in individual cases.

A parliamentary human rights committee exists but takes action only to investigate significant events. During the year it created a special parliamentary commission composed of both majority and minority political party representatives to investigate the Agdim Izik camp dismantlement in November in Western Sahara (see the Western Sahara report). The commission's report had not been released by year's end.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, or social status. In practice societal discrimination against women continued to be a problem, particularly in rural areas.

Women

The law punishes men convicted of rape with prison terms of five to 10 years; when the conviction involves a minor, the prison sentence ranges from 10 to 20 years. Sexual assault can result in a prison sentence of up to one year and a fine of 15,000 dirhams (\$1,797). Spousal rape is not a crime. However, the domestic advocacy group the Democratic League for Women's Rights (LDDF) reported that in eight out of 10 cases of violence against women, the perpetrator is the husband.

Women's rights organizations pointed to numerous articles of the law on rape that they see as perpetuating unequal treatment for women and insufficient protection despite family law revisions. Defendants in rape prosecutions bear the burden of proving their innocence. Sexual assaults often were unreported. Victims' families may offer rapists marriage as an alternative to preserve family honor; a prosecution for statutory rape may be cancelled if the defendant agrees to marry the victim.

The number of instances of rape in the country was not available at year's end; in 2008, the last year for which any rape statistics were available, the UN reported 1,130 instances of police-recorded rape in the country. Reports by women's shelters were limited in scope regarding the scale of violence against women and noted the government's failure to implement existing legislation. According to women's rights organizations, the government had failed to follow through on a campaign launched in 2006 to prevent violence against women.

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. Physical abuse was legal grounds for divorce, although few women reported abuse to authorities. The law is lenient toward husbands who commit crimes against their wives. Police rarely became involved in domestic disputes. The penal code stipulates two types of domestic violence. High-level misdemeanors occur when the victim suffers injuries that result in 20 days of disability from work. Low-level misdemeanors occur for victims who suffer disability for less than 20 days. However, NGOs reported that the courts rarely prosecuted perpetrators of low-level misdemeanors. A local NGO, the Global Women's Institute, reported that often laws are not implemented due to societal concerns regarding

breaking up a family and due to the conservative mentality of some police and court officials.

Observers criticize the lack of specific legislation protecting women and girls against violence. The UN Committee on the Elimination of Discrimination Against Women reiterated these concerns after the country's third and fourth periodic reports were submitted in 2008.

The government operated hotlines for victims of domestic violence in 20 centers nationwide. Three NGOs also operated counseling centers for legal and social services. The Anaruz Network operated 31 call-in listening centers, and the LDDF operated 12 centers. Counseling centers existed exclusively in urban areas. Services for victims of violence in rural areas were limited to local police. The Oxygen Association, a local NGO based in Ouarzazate Province, ran a confidential listening center, literacy program, and legal aid program. During the year the Oxygen Association conducted surveys that revealed that many battered women were between 15 and 18 years old and often did not report abuse. Data from the province indicated that half the province's population considered spousal violence a private matter.

In February 2009 the Union for Women's Action (UAF), an NGO working against discrimination against women, and the Anaruz Network launched an awareness campaign for victims of violence in 16 municipal districts of Casablanca. During the summer, the UAF trained 1,200 of the 3,000 women who were elected to municipal councils in 2009. Training focused on coalition-building and lobbying to help female politicians who face resistance from male colleagues.

Many recognized NGOs worked to advance women's rights and promote women's issues. Among these were the Democratic Association of Moroccan Women (ADFM), Union for Women's Action, LDDF, and Moroccan Association for Women's Rights. All advocated enhanced political and civil rights for women. There were numerous NGOs that provided shelters for battered women, promoted literacy, and taught women basic hygiene, family planning, and child care.

Sexual harassment in the workplace is a criminal offense, but only when committed by a superior, and it is defined as an abuse of authority. Authorities did not effectively enforce laws against sexual harassment. According to the government, although the law allows victims to sue employers, only a few did so since most feared losing their job as a result or worried about the difficulty of proving the violation. On May 2, Casablanca police allegedly briefly detained journalist Zineb El Rhazoui and others in the Alternative Movement for Individual Liberties to prevent them from conducting a sit-in to raise awareness about sexual harassment.

Contraception is legal, and most forms were widely available. Individuals and couples were able to decide freely and responsibly the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. The Ministry of Health ran two programs: one with mobile clinics providing maternal and child health and family planning services in remote rural areas and the other involving systematic home visits to encourage the use of contraception and to provide family planning and primary health care services. Emergency contraception (EC) became available in late 2008. In practice NGOs report that women often faced obstacles in obtaining EC from pharmacies. Skilled attendance at delivery and in postpartum care was available for women who could afford it. According to statistics compiled by the World Health Organization, UN Children's Fund (UNICEF), UN Population Fund, and World Bank, there were approximately 110 maternal deaths per 100,000 live births in the country in 2008. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV/AIDS.

Women's inheritances, which are determined by Sharia for Muslims, vary depending on circumstances, but are less than men's. Under Sharia, daughters receive half of what their brothers receive, and if a woman is the only child, she receives half and other relatives receive the other half. A sole male heir would receive the entire estate. Inheritance laws were not changed during the 2004 reform of the family code. Muslim women have the right to pass nationality to their children. Previously, nationality was passed only through the father. Citizenship can only be transferred to a child if both parents are Muslim and if their marriage is recognized by the law.

The Ministry of Interior decreed in 1995 and 2004 that women are entitled to collective lands, which make up one-third of the country's territory. While ministry decrees carry the force of law, implementation has met considerable local resistance from men. Despite considerable lobbying by women's NGOs, implementation of these property laws remains poor and inconsistent. In July 2009, 900 women from tribes around the country protested male-dominated transfer and compensation practices for collectively used tribal lands. The ADFM reported that local authorities, in agreement with tribal representatives, secretly negotiated to provide compensation to men only and failed to publish the list of beneficiaries. In 2008 women of the Saknia tribe in Kenitra Province were excluded from collectively used lands benefits. In September 2009, on the eve of the celebration of the National Day of Moroccan Women, the courts and Ministry of Justice announced that the minister of interior had recognized that the tribal women had the same rights as men to benefit from the communal land cessions. In August, however, the ADFM reported that implementation stalled. According to the ADFM, if the legislation were to be implemented, up to 2.5 million women could benefit.

The 2004 family code (Moudawana) changed the marriage age for women from 15 to 18 years, placed the family under the joint responsibility of both spouses, and rescinded the wife's duty of obedience to her husband. The Moudawana removed the requirement for woman to have a marital tutor as a condition of marriage, made divorce available by mutual consent, and placed legal limits on polygamy.

Implementation of the controversial family law remained a concern because it is largely dependent on the judiciary's willingness to enforce it, and many judges did not agree with its intent. Corruption among working-level court clerks and a lack of knowledge about its provisions among lawyers were also obstacles to greater enforcement of the law.

There were few legal obstacles to women's participation in business and other economic activities. Women were able to travel, receive loans, and start businesses without their husband's or father's permission. According to 2009 statistics provided by the Moroccan Association of Women Entrepreneurs, more than 5,000 female entrepreneurs operated businesses in the country's formal economic sectors; in addition nearly 2.7 million women worked outside the home, although 75 percent of these women worked in the informal sector. Studies showed that inadequate higher education for women was an impediment for female entrepreneurs in the country. The government reported that between 2008 and 2009, approximately 656,000 citizens benefitted from government literacy programs, and statistics indicated that 80 percent of program beneficiaries were women. Only slightly more than 40 percent of urban women – and 25 percent of rural women – were literate, further hindering their opportunities for economic participation.

Children

Since 2007 the law has permitted female citizens to pass nationality to their children. Previously, nationality was passed only through the father.

Girls continued to lag behind boys in literacy and school attendance beyond the primary level.

Although NGOs, human rights groups, media outlets, and UNICEF claimed that child abuse was widespread, there were no conclusive government statistics on the extent of the problem. Anecdotal evidence also showed that abuse of child domestic servants was a problem.

During the year the Ministry of Social Development, Family, and Solidarity operated child protection units in Casablanca and Marrakech. The units coordinated their work and

shared statistics with other local agencies, monitored child abuse, offered counseling and legal guidance, and promoted children's rights.

The legal age of marriage is 18 years, but parents may secure a waiver from a judge for underage marriage. The judiciary approved the vast majority of petitions for underage marriages, and approximately 31,000 such marriages took place in 2008. An NGO reported that in many cases, a couple was already effectively in a marriage by consensus of their families when a request for underage marriage came before a judge for approval. In 2008 the LDDF issued a report criticizing the government for the relative ease with which an underage marriage waiver can be obtained.

Children were exploited through prostitution within the country and were victims of sex tourism.

The government maintained accords with Spain and Italy to repatriate unaccompanied minors, although this did not take place in practice. Repatriation remained slow due to the lack of agreement by local families to allow the minors to return home as well as the small number of spaces in reception centers for minors with no place to return.

The country became a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction with an effective date of June 1. For information on international parental child abduction, please see the Department of State's annual report on compliance at

http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html

as well as country-specific information at

http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

Community leaders estimated that the size of the country's Jewish population was 4,000 members. Jews generally lived in safety, and the government provided them appropriate security. There were no reports of anti-Semitic acts, publications, or incitements to violence.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual [*Trafficking in Persons Report*](#).

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual and mental disabilities in employment, education, and access to health care; however, the government generally did not effectively enforce these provisions. The law provides for regulations and building codes that assure access for persons with disabilities, but the government did not effectively implement the laws and programs. Although building codes require accessibility for all persons, the codes were rarely enforced. In many cases, builders and building inspectors were unaware of laws requiring accessibility. There is no legislation mandating public accessibility to information and communications. Persons with disabilities had equal access to information and communications; however, special communication devices for the blind and deaf were generally not widely available.

The Ministry of Social Development, Family, and Solidarity has responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society by implementing a quota of 7 percent for persons with disabilities in vocational training in the private and public sectors. In 2008 the government created 217 integrated classes for children with disabilities. In practice integration was largely left to private charities. Typically, families supported persons with disabilities, although some survived by begging.

National/Racial/Ethnic Minorities

The official language is Arabic. Both French and Arabic are used in the news media and educational institutions. Educational reforms in the past decade emphasized the use of Arabic in secondary schools.

Approximately 60 percent of the population claimed Amazigh heritage, including the royal family. Amazigh cultural groups contended that their traditions and language were being lost rapidly to Arabization. The government provided television programs in the three Berber Amazigh dialects of Tarifit, Tashelhit, and Tamazight (the dialect spoken by the Amazigh Berbers). The government also offered Berber Amazigh language classes in the curriculum of 3,470 schools; the language offered varied according to the main dialect spoken in each region. Programs in one of the three Berber Amazigh dialects were increasingly available on both radio and television. The government also implemented compulsory Berber Amazigh instruction for students at the Ministry of Interior School for Administrators in Kenitra.

Although the country is majority Amazigh, rural areas that are predominantly Amazigh are the poorest in the country. Illiteracy in some areas runs as high as 80 percent, and authorities often do not provide basic governmental services.

During the year authorities began to register traditional Amazigh names of children; they had previously declined to register non-Arab names.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The penal code criminalizes homosexual activity, but these provisions were infrequently enforced. Homosexual conduct was addressed in the media and in public with more openness than in previous years.

Consequent to the illegality of homosexual activity, there were no reports of societal discrimination, physical violence, or harassment based on sexual orientation, nor were there reports of official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Sexual orientation occasionally constituted the basis for societal violence, harassment, blackmail, or other actions, generally at a local level.

Other Societal Violence or Discrimination

There were no reports of societal violence against individuals living with HIV/AIDS, but there was a stigma attached to being tested for HIV/AIDS. Persons living with HIV/AIDS in the country faced discrimination and had limited treatment options.

Section 7 Worker Rights

a. The Right of Association

The constitution permits workers to form and join trade unions. In practice the laws were not implemented in some sectors as well as in some geographic areas. The law provides workers with the right to strike except for certain categories of government employees, including members of the armed forces, police, and judiciary. Domestic and agricultural workers are not covered by the labor code and do not have the right to form unions. Although most union federations were allied with political parties, unions were free from government interference. Approximately 5.5 percent of the country's workers were organized into unions. Any group of eight workers may organize a union, and a worker may change union affiliation easily.

The law provides for government intervention in strikes when national security, domestic stability, or vital economic interests are threatened. Employers cannot initiate criminal prosecutions against workers for participating in strikes. Although the constitution provides for the right to strike, the trade unions complained that at times

the government has used article 288 of the penal code to prosecute workers for striking and to suppress strikes. Article 288 provides for a criminal punishment for those who use fraud or violence to instigate a strike.

The law concerning strikes requires compulsory arbitration of disputes, prohibits sit-ins, calls for a 10-day notice of a strike, and allows for hiring replacement workers. The government can intervene in strikes, and a strike cannot take place around issues covered in a collective contract for one year after the contract comes into force. The government has the authority to disperse demonstrations in public areas where strikes have not been authorized and to prevent the unauthorized occupancy of private space.

Unions may not prevent nonstrikers from working and may not engage in sabotage. Any striking employee who prevents a replacement worker from working is subject to a seven-day suspension. A second offense within one year is punishable by a 15-day suspension.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is protected by law, and the government generally upheld this right. Less than 6 percent, or 600,000, of the 11.3 million-strong workforce, belonged to a union. A worksite may contain several independent locals or locals affiliated with more than one labor federation. Only unions that have 35 percent of the workforce as members may be recognized as negotiating partners.

Collective bargaining was prevalent in many sectors of the economy. According to the labor code, the wages and employment conditions of unionized workers should be agreed in discussions between employer and worker representatives; however, frequently employers unilaterally set wages for the majority of unionized and nonunionized workers. Labor disputes arose in some cases as the result of employers failing to implement collective bargaining agreements and withholding wages. The country's five largest unions negotiate with the government about national level labor issues. At the sectoral level, any trade union may negotiate with private employers concerning minimum wage, compensation, and other concerns.

Employers wishing to dismiss workers are legally required to notify the provincial governor through the labor inspector's office. When the employer plans to replace dismissed workers, a government labor inspector provides replacements and mediates the cases of workers who protest their dismissal.

The law specifically prohibits antiunion discrimination and prohibits companies from dismissing workers for participating in legitimate union-organizing activities; the law was

followed in practice. Family courts have the authority to reinstate arbitrarily dismissed workers and can enforce rulings that compel employers to pay damages and back pay. Unions may sue to ensure that the government enforces labor laws, and employers may sue unions when they believe unions have overstepped their authority.

There are no special laws or exemptions from standard labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced, compulsory, and clandestine labor, but there were reports that such practices occurred. Girls from rural areas are forced to work as maids in urban areas, and boys experience forced labor as apprentices in the artisan and construction industries and in mechanic shops. In practice the government did not inspect the small workshops and private homes where the majority of such employment occurred, given the low number of inspectors and the low level of resources inspectors had at their disposal to investigate. Also see the Department of State's annual *Trafficking in Persons Report*.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace and prohibits forced or compulsory labor; however, the government did not effectively implement these laws, except in organized labor markets, primarily as a result of limited resources.

According to the labor law, the minimum age for employment in all sectors is 15 years. Children younger than 16 years of age are prohibited from working more than 10 hours per day, with a break of at least one hour. Children younger than 16 are not permitted to work between the hours of 9 p.m. and 6 a.m. in nonagricultural work or between 8 p.m. and 5 a.m. in agriculture; however, seasonal agriculture work is excluded from the law. The law prohibits employment of children younger than 18 in stone quarries, mines, or any other positions the government considers hazardous.

Noncompliance with child labor laws was common, particularly in agriculture and in private urban residences where children worked as domestic employees. In 2006 domestic and international NGOs reported that as many as 87 percent of the country's underage workers worked on family farms. According to government statistics, during the first half of the year, labor inspectors issued 142 warnings and 45 fines to businesses for employing children between the ages of 15 and 18. In 2009 15 businesses were fined for employing children under the age of 15.

In practice some children were apprenticed before the age of 12, particularly in small family-run workshops in the handicraft industry. Children also worked in the informal sector in textiles, carpets, and light manufacturing. Children's safety and health conditions and wages were often substandard. The labor code does not cover domestic labor and, therefore, does not prohibit the employment of child maids or domestics. The government's statistical agency, the High Commission for Plans, published a report in 2009 estimating that approximately 170,000 female children between the ages of seven and 15 worked illegally as child domestics.

Credible reports of physical and psychological abuse of domestic servants were common. Some orphanages were accused of complicity in the practice. The public generally accepted the concept of adoptive servitude, and parents of children involved were frequently complicit and typically received compensation for their children's work. Most child domestics received food, lodging, and clothing instead of monetary payment. The government put in place programs to combat and discourage these practices.

According to reports, police, prosecutors, and judges rarely enforced legal provisions on child abuse or on "forced labor in cases involving child domestics," and few parents of children working as domestics were willing or able to pursue legal avenues that were likely to provide any direct benefit.

The government prosecuted some instances in which employers abused child domestics. In August a woman in Casablanca was sentenced to one year in prison after it was discovered that she repeatedly beat and abused her 12-year-old domestic. In 2009 an Oujda court sentenced the wife of a judge to three years in prison for the abuse of a child domestic.

The Ministry of Employment is responsible for implementing and enforcing child labor laws and regulations. The law provides for legal sanctions against employers who recruit children under the age of 15, with fines ranging from 27,000 to 32,000 dirhams (\$3,235 to \$3,835). Legal remedies to enforce child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of legal residence in the country for five to 10 years. In practice the government did not systematically enforce these sanctions due to a lack of resources.

The formal and informal sectors continued to flout the application of the legal minimum employment age. According to Justice Ministry officials, no one has been convicted for employing a child domestic. Labor inspectors responsible for enforcing the labor code do not have jurisdiction to inspect private residences. The informal sector, where the majority of children work, was not monitored by the Ministry of Labor's small cadre of

labor inspectors. There were no labor inspectors dedicated solely to child labor issues, and there were no reports of trainings specific to child labor.

Under the 2006-15 National Plan of Action for Children, the government expanded coordination with local, national, and international NGOs on education and training programs during the year. The Ministry of Employment and Professional Training, led by the Office of the Director of Work, in conjunction with NGOs, oversaw programs to deal with the issue of child labor. The programs sought to decrease incidents of child labor through awareness raising, financial assistance to needy families, and lowering obstacles to school attendance.

See also the Department of State's annual *Trafficking in Persons Report*.

e. Acceptable Conditions of Work

The minimum wage was 10 dirhams (\$1.20) per hour in the industrialized sector and 52.50 dirhams (\$6.30) per day for agricultural workers. Informal businesses hired approximately 60 percent of the labor force and often ignored the minimum wage requirements. Neither minimum wage provided a decent standard of living for a worker and family, even with government subsidies. In many cases, several family members combined their incomes to support the family. Most workers in the industrial sector earned more than the minimum wage. Including traditional holiday-related bonuses, workers generally were paid the equivalent of 13 to 16 months'salary each year.

The law provides for a 44 to 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. Employers did not observe these provisions universally, and the government did not enforce them effectively in all sectors. The labor code does not cover domestic workers, who are primarily citizens of the country.

Occupational health and safety standards were rudimentary, except for a prohibition on the employment of women and children in certain dangerous occupations. Labor inspectors attempted to monitor working conditions and investigate accidents, but they were too few in number and lacked sufficient resources. Although workers in principle had the right to remove themselves from work situations that endangered health and safety without jeopardizing their continued employment, there were no reports of workers attempting to exercise this right.