

# MOROCCO 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Morocco is a monarchy with a constitution under which ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers. The king may dismiss ministers, dissolve parliament, and call for new elections.

International and domestic observers judged the November 2011 parliamentary elections credible and relatively free from irregularities. On January 3, the king approved and swore in a new government, led for the first time by the Islamist Party of Justice and Development (PJD), which won a plurality of seats in the November elections. Security forces reported to civilian authorities.

Spurred by a relatively mild version of the Arab Spring social upheaval, the country underwent a four-month constitutional reform process culminating in the July 2011 adoption of a revised constitution. However, there was little or no progress by year's end in passing the organic laws (fundamental laws forming the foundation of government rules) necessary to implement the advances, such as gender equality and parity, provided for in the constitution. While the constitution marginally increased the authority of parliament, it also clearly safeguarded the essential powers of the king as the supreme arbiter among political forces.

The most significant, continuing human rights problems were the lack of citizens' right to change the constitutional provisions establishing the country's monarchical form of government, corruption in all branches of government, and widespread disregard for the rule of law by security forces.

A variety of sources reported other human rights problems. These included police use of excessive force to quell peaceful protests, resulting in hundreds of injuries; torture and other abuses by the security forces; incommunicado detention; poor prison and detention conditions; political prisoners and detainees; infringement of freedom of speech and the press; lack of freedom of assembly; restrictions on the right to practice one's religion; lack of independence of the judiciary; discrimination against women and girls; trafficking in persons; and child labor, particularly in the informal sector.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

In contrast with 2011, there were no reports that the government or its agents committed arbitrary or unlawful killings. There were no charges or further developments in investigations of the deaths of Kamal Ammari and Karim Chaib, both of whom died after being severely injured by police while participating in February 20 Movement protests.

### **b. Disappearance**

The government stated that it followed the law in all cases and that there were no cases of disappearance during the year.

Regarding the unresolved cases of disappearance dating back to the 1970s and 1980s, the National Council on Human Rights (CNDH), created and funded by the government, continued to investigate claims of enforced and involuntary disappearances and, when warranted, recommended reparations in the form of money, health care, employment, or vocational training. During the year the government paid 43 million dirhams (\$5.1 million) to 345 beneficiaries. The CNDH also began shifting its activities to community reparation projects and supported 107 of these--such as women's empowerment, income generation, and preservation of the environment--in 13 provinces, but not in the Western Sahara. The CNDH continued to review open claims for reparation and occasionally received new claims, especially in Western Sahara.

Human rights groups representing Sahrawis, an ethnic minority living throughout the country and constituting the majority of the population of Western Sahara at the time of the alleged disappearances, voiced concern over the slow pace at which the CNDH was addressing outstanding and new claims. An association of victims and their families claimed at least 114 cases remained unresolved and accused the government and the CNDH of failing to acknowledge additional cases of disappearances that occurred between 1956 and 1999, especially from Western Sahara.

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

The constitution and the law prohibit such practices, and the government denied it used torture. However, numerous credible accounts of cruel, inhuman, or degrading treatment of prisoners and detainees confirmed the existence of such practices.

On October 30, the CNDH reported that it had observed a “persistence of abuses by the staff of visited prisons against inmates,” further indicating that prison staff beat prisoners with sticks and hoses, hung them on doors with handcuffs, beat the soles of their feet, slapped them, pricked them with needles, burned them, kicked them, forced them to undress in view of other prisoners, and used insults and malicious language against them. The CNDH noted that abuses persisted in most of the prisons it visited, except for Inezgane and Dakhla, “where only isolated cases were witnessed.” Numerous nongovernmental organization (NGO) reports and media articles reinforced these points with accounts of members of security forces torturing and abusing individuals in their custody, particularly during pretrial detention.

The law against torture 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 public prosecutors, judges, and tribunals requested expert medical examinations for 32 individuals, compared with 31 requests in 2011. The media and human rights NGOs documented prominent cases of authorities’ failure to implement provisions of the antitorture law.

On September 22, after an eight-day visit, UN Special Rapporteur on Torture Juan E. Mendez stated that he had received credible testimonies of “undue physical and mental pressure of detainees in the course of interrogations.” He noted that “acts of torture and ill-treatment during the detention and arrest process” were “frequently linked to large demonstrations, a perceived threat to national security, or terrorism.” There were numerous incidents of security forces’ use of excessive force against demonstrations by the February 20 Movement and by groups of unemployed university graduates (see section 2.b.). For example, on September 12, a Casablanca court sentenced five activists who had been arrested at a July 22 protest against high prices to between eight and 10 months in prison for, among other charges, “unauthorized gathering and insulting the police.” According to the international NGO Human Rights Watch (HRW), on September 22, the activists denied the charges and said that police had tortured them.

Many civil society actors claimed that torture occurred at a police administrative facility in Temara, where police maintained detention cells.

There were many well-documented cases of judges urging rape victims to marry their assailants, an act allowing rapists to avoid punishment under the penal code.

Several of the cases ended with the victims committing suicide (see section 6, Women). The government pledged to reform the relevant law.

### **Prison and Detention Center Conditions**

Prison conditions remained poor and generally did not meet international standards.

Physical Conditions: Prisons were overcrowded, resulting in poor hygiene and inadequate nutrition for prisoners. There was no information concerning the availability of potable water. According to the CNDH, prison facilities did not provide adequate access to health care and did not accommodate the needs of prisoners with disabilities. Human rights NGOs, a parliamentary commission, and the Moroccan Observatory of Prisons (OMP), an umbrella grouping of lawyers promoting better prison conditions, continued to report that prisons were overcrowded, prone to violence, and failed to meet local and international standards. The government stated that its 71 prisons held 69,054 inmates as of August 30.

In a July 16 report on the conditions at Oukacha Prison in Casablanca, a parliamentary investigative committee reported overcrowding (7,572 persons incarcerated in a facility with a planned capacity of 5,000 inmates), favoritism involving easier conditions for “VIP” drug lords and pervasive corruption throughout the prison administration, as well as sexual aggression and drug trafficking. In July the Moroccan Organization for Human Rights (OMDH), a local NGO, released an investigative report on six prisons and reported that each of the prisons had significant overcrowding and lacked educational programs focusing on rehabilitation and reinsertion of prisoners into society.

The government reported that 106 inmates, 90 of whom were hospitalized, died in prison. Due to lack of information, local human rights NGOs were unable to comment on these numbers. The government acknowledged that providing adequate care was difficult in overcrowded conditions.

Administration: 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 Ministry of Justice directs the development and reform of penal policy. Recordkeeping on prisoners was adequate. The CNDH acted as an ombudsman for human rights and continued to

expand the scope of its activities. The CNDH received complaints from prisoners and from individuals writing on behalf of imprisoned members of their family (see section 1.e.). In several instances the CNDH intervened directly with authorities to seek royal pardons or address poor detention conditions.

Authorities did not implement alternatives to imprisonment for nonviolent offenders.

Relatives and friends were permitted to visit prisoners; however, there were reports of this privilege being denied in some instances. Family members of prisoners accounted for the vast majority of prison visits, made more difficult by transfers to far-away prisons for disciplinary reasons.

Government policy permits NGOs that provide social, educational, or religious services to prisoners to enter prison facilities, but it does not permit NGOs with only a human rights mandate to visit prisons except with special authorization. Prisoners and detainees could practice their religions. The OMP and members of government-recognized NGOs, including the OMDH and the Sahrawi Association of Victims of Grave Human Rights Abuses (ASVDH), visited prisoners regularly to distribute food and personal items and check on their well-being as “friends or family” rather than as representatives of human rights NGOs. According to the DGAP, 165 visits by domestic NGOs and 54 visits by the CNDH occurred during the year.

There was no information available on whether prisoners were able to submit complaints to judicial authorities without censorship or whether authorities investigated and made public credible allegations of inhumane conditions and treatment.

The government reserved three detention facilities, known officially as reform and education centers, exclusively for juveniles up to the age of 20. Several other adult prison facilities have dedicated areas for juvenile inmates. The government originally intended these to provide education and rehabilitation for juvenile inmates, and NGOs provided most of these services. Although the law calls for their separation, authorities sometimes held juveniles with adults, particularly in pretrial detention and in police stations due to the lack of juvenile prison facilities. According to the government, in October 5,845 juveniles under the age of 20 were imprisoned. Human rights groups reported that other minors, older inmates, and prison guards abused young offenders, including sexually. Government figures

indicated that fewer than 3 percent of prisoners were women, and there was less overcrowding in the women's sections of the gender-segregated facilities.

Some human rights activists asserted the prison administration reserved harsher treatment for Islamists, and the October 30 CNDH report confirmed the "abusive use of administrative transfer as a disciplinary measure" for Salafi jihadist detainees. The government denied allegations that it accorded different levels of treatment to any inmates.

Prisoners frequently employed hunger strikes to demand improved prison conditions or protest lengthy pretrial detentions. Most of these ended within several days due 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 insufficient, and families and friends regularly supplemented prisoners' diets.

Monitoring: The government did not permit independent nongovernmental human rights observers or local human rights groups to make prison-monitoring visits. Judicial authorities made at least 488 visits for various oversight reasons. The DGAP reported 63 regional government commissions and one parliamentary commission visited prisons during the year. NGOs reported that although international NGOs visited prisons in previous years, the DGAP's director general discouraged such visits, and they ceased during the year. The International Committee of the Red Cross did not request to visit prisoners.

Improvements: During the year the government opened seven new prisons in Sale, Tetouan, Meknes, Tiflet, Khouribga, Oued Zem, and Beni Mellal. The government closed three dilapidated prisons with poor sanitation.

The government continued vocational and educational training programs in prisons. The Mohammed VI Foundation for the Reinsertion of Prisoners provides educational and professional training to young inmates on the verge of release. The foundation continued to run reform and education centers in 47 of the country's 71 prisons and worked with 9,400 prisoners. The 6,000 graduates' 3 percent recidivism rate contrasted with the national average of 40 percent.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention, although there were reports that police used both practices, and police did not always observe due

process. According to local NGOs and associations, police did not consistently identify themselves when arresting suspects or obtain warrants. Police reportedly held some detainees beyond statutory time limits before charging them.

### **Role of the Police and Security Apparatus**

The security apparatus includes several police and paramilitary organizations with overlapping authority. The National Police manage internal law enforcement and report to the Ministry of Interior. The Auxiliary Forces also report to the Ministry of Interior and support gendarmes or police. The Royal Gendarmerie, which reports to the Administration of National Defense, is responsible for law enforcement in rural regions and on national highways. Both the Royal Gendarmerie and the judicial police report to the royal prosecutor. The Department of Royal Security is a branch of the National Police and reports to the king.

Civilian authorities maintained effective control over the security forces, but impunity was pervasive in the absence of effective mechanisms to investigate and punish abuse and corruption. There was no systematic prosecution of security personnel who committed human rights abuses or data available on investigations or prosecutions. Corruption and impunity reduced police effectiveness and respect for the rule of law. Although police informally estimated there were more than 100 cases of police misconduct prosecuted during the year, there were no official data available about the types of prosecutions or convictions. Systemic higher-level corruption, as well as pervasive petty corruption, undermined law enforcement and the effectiveness of the judicial system. Authorities did not investigate many incidents of alleged abuse and corruption, and cases often languished in the investigatory or trial phases.

### **Arrest Procedures and Treatment While in Detention**

Police may arrest an individual after a general prosecutor issues an oral or written warrant, but warrants were sometimes issued after the arrest. Warrants generally were issued based on evidence and exclusively by authorized officials. The law permits authorities to deny 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 abuse or torture was most likely to occur.

A prosecutor may renew the initial detention period twice by written authorization, for a total detention time of up to 12 days. In addition, authorities may prevent communication between a detainee and a lawyer for up to two days after the initial detention period expires (see section 1.d.).

Some judges were unaware that the law permits provisional release or provides the possibility of alternative sentencing. The law does not require written authorization for release from detention. In some instances judges released defendants on their own recognizance.

According to the law, all defendants have the right to 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 period of incommunicado detention in nonterrorism cases unless arresting authorities applied for and received an extension from a magistrate; police did not consistently abide by this provision. Because authorities sometimes delayed notifying the family, lawyers were not informed promptly of the date of arrest and were not able to monitor compliance with detention limits and treatment of the detainee. Under a separate military code, military authorities may detain members of the military without a warrant or public trial.

Arbitrary Arrest: It was common practice for security forces to arrest a group of individuals, take them to a police station, question them for several hours, and release them without charge.

Pretrial Detention: Although the government claimed that accused persons were generally brought to trial within two months, prosecutors may request as many as five additional two-month extensions of pretrial detention. Consequently, pretrial detentions may last as long as one year. There were reports that authorities routinely held detainees beyond the one-year limit. Government officials attributed these delays to inefficiency and lack of resources in the court system. According to the government, as of October 1, pretrial detainees made up approximately 41 percent of the 69,054 inmates in prison. The parliamentary committee that investigated the conditions at Oukacha Prison (see section 1.c.) reported that 80 percent of Oukacha inmates were in pretrial detention. In some cases detainees received a sentence shorter than the time they spent in pretrial detention. NGOs continued to report that more than half of incarcerated minors

were in pretrial detention. In some cases minors were detained for as long as eight months prior to trial.

Amnesty: The king granted 3,578 pardons during the year.

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but the courts were not independent and were weakened by corruption and extrajudicial influence. NGOs, lawyers, and government officials widely acknowledged that corruption and extrajudicial influence on the courts was common.

### **Trial Procedures**

Defendants are presumed innocent. The law provides for the right to a fair public trial with the right of appeal for all citizens; this did not always occur, especially for those protesting the incorporation of Western Sahara into the country. Juries are not used. Attorneys have indicated that while clients frequently maintained their innocence, judges passed over the question of culpability and focused on sentencing.

Defendants have the right to be present at their trial and to timely consultation with an attorney, although these rights were not always respected. Attorneys were not appointed in all cases or, if provided at public expense, were poorly paid or not provided in a timely fashion, often resulting in inadequate representation. Many NGOs employed attorneys for minors, who frequently did not have the means to pay, but such resources were limited and specific to larger cities. By law defendants in criminal and human rights cases have access to government evidence against them, but judges sometimes prevented or delayed access. Under the law, defense attorneys may question witnesses. Despite the provisions of the law, some judges reportedly denied defense requests to question witnesses or present mitigating witnesses or evidence.

The law forbids judges from admitting confessions made under duress; however, both NGOs and UN Special Rapporteur Mendez charged that judges, at their discretion, decided cases based on forced confessions. NGOs alleged this was especially frequent in cases against Sahrawis or individuals accused of terrorism, and Mendez noted treatment amounting to torture was frequently linked to charged events, such as large demonstrations, a perceived threat to national security, or terrorism. Police statements about detainees' statements were sometimes used in

place of defendants' confessions when there was a possible question of duress. Mendez also concluded that judges and prosecutors continually rejected or refused to open inquiries into complaints of torture. His investigation also found that a serious lack of medical forensic and psychiatric expertise made it practically impossible to gather credible evidence of mistreatment that would be admissible in court.

### **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 had been convicted or had been charged under criminal law. Criminal law in the country, however, covers nonviolent advocacy and dissent, such as insulting police in songs or "defaming Morocco's sacred values" by denouncing the king and regime during a public demonstration. In addition, NGOs, including the Association for Human Rights (AMDH), Sahrawi organizations, and Amazigh activist groups, asserted that the government imprisoned persons for political activities or beliefs under cover of criminal charges. For example, police arrested Tangier-based opposition blogger Said Ziani on July 31 on drug trafficking charges. On August 29, Ziani received a sentence of three months in prison. The arrest was the third in a series of drug-trafficking charges against opposition bloggers.

The AMDH published a report claiming there were at least 40 political prisoners as of April. Courts meted out jail terms and fines to a number of participants in February 20 Movement demonstrations. In particular, six members of the movement were convicted on September 12 of unauthorized gathering and insulting and assaulting police at a July 22 demonstration. Five received sentences of to eight to 10 months in prison (with a six-month suspended sentence for one defendant), and the court fined each of the defendants 500 dirhams (\$60) and awarded 5,000 dirhams (\$600) to each of the police officers who claimed injuries, to be paid by the defendants. The verdicts were based on reportedly forced confessions and a written complaint by a police officer. No witnesses testified at the trial, nor did the prosecution produce any material evidence.

### **Civil Judicial Procedures and Remedies**

Although individuals have access to civil courts for lawsuits relating to human rights violations and filed lawsuits in practice, such lawsuits were frequently unsuccessful due to the courts' lack of independence or impartiality due to

extrajudicial influence and corruption. There are administrative as well as judicial remedies for alleged wrongs.

A National Ombudsman's Office helps to resolve civil matters when the judiciary is unable to do so and has gradually expanded the scope of its activities. By October 1, the Office of the Ombudsman had received 8,664 complaints; it judged 1,214 to be valid and referred the cases to other public administrations as appropriate. The CNDH continued to serve as a conduit through which citizens could express complaints about human rights violations.

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

While the constitution states that an individual's home is inviolable and that a search may take place only with a search warrant, authorities at times entered homes without judicial authorization, monitored private communications or movements without legal process, and employed informers.

Authorities reportedly searched and shut down activities in the homes of members of the Justice and Charity Organization (JCO), an Islamist charitable and sociopolitical group the government tolerated but did not officially recognize. Members used their homes for politically oriented meetings. JCO members claimed the Ministry of Interior's General Directorate of Territorial Surveillance harassed attendees and sealed off homes used for meetings so that residents could no longer access them. In almost every case, authorities detained, questioned, and 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 press, although the government continued to use the legal system to restrict freedom of expression, particularly in the press and social media. Government-provided figures for the year showed that 45 journalists or media outlets faced criminal or civil charges, a decrease from previous years. 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 of journalists and publishers as well as libel suits.

Freedom of Speech: The law criminalizes and the government actively prosecutes statements criticizing Islam, the institution of the monarchy, state institutions such as the military, and the government's official position regarding territorial integrity and claim to the Western Sahara.

For example, after being arrested on March 29, rapper and February 20 Movement supporter Mouad Belghouat, also known as "Lhaqed," who had been sharply critical of the monarchy in his songs, was sentenced to a one-year prison term on May 11 for insulting public employees in his song "Dogs of the State." The charges related not only to the lyrics of the song but also to a video montage at one of his live performances that showed a donkey's head superimposed on a police officer. In September 2011 he had been arrested and charged with assaulting a promonarchy demonstrator, although numerous eyewitness accounts held that Belghouat had been incited to fight and that authorities used the fight as an excuse to arrest him. After spending four months in preventive detention, he was sentenced to time served, fined 500 dirhams (\$60), and released on January 12.

Freedom of Press: The antiterror law and press code include provisions that permit the government to jail and impose financial penalties on journalists and publishers who violate restrictions related to defamation, libel, and insults. Prison sentences may be imposed on those convicted of libel. Consequently, the press reported gingerly on controversial and culturally sensitive topics involving the military and national security. While February 20 Movement organizers reported a relaxing of both self-censorship and government restrictions on sensitive topics in 2011, this easing reversed during the year. On May 29, police arrested and charged blogger Mohamed Sokrate with drug possession and trafficking as he left an Internet cafe. According to NGOs and media, the charges were politically motivated and false. Sokrate was sentenced to a two-year prison term in a Marrakech court two weeks after the arrest. Sokrate was a frequent critic of the government and a member of the February 20 Movement who defended secularism and civil liberties in his postings. The broadcast media, subject to the same restrictions but mostly wholly or in part government-owned, conformed to the government's views. Privately owned newspaper, magazine, and book publishers exhibited more freedom of expression.

On April 28, authorities released Rachid Niny, former editor in chief of the Arabic-language daily *Al Massae*, from prison in Casablanca after serving a one-year

sentence for “denigration of a judicial ruling” and “knowingly publishing information about a nonexistent crime.” According to many prominent observers, Niny’s arrest and conviction were politically orchestrated due to his criticism of the government’s application of antiterror laws, including alleging the existence of a secret detention and torture center, as well as his critical coverage of corruption involving high-level government officials. International human rights organizations were critical of the government’s choice of the penal code to prosecute Niny rather than the press law.

Violence and Harassment: Authorities subjected some journalists to harassment and intimidation.

Censorship or Content Restrictions: The government rarely censored the domestic press; however, it exerted pressure by pursuing legal cases that resulted in serious financial problems for proprietors due to heavy fines and suspensions of publication, while subsidizing more pliant publications. The consequences intimidated editors and journalists into self-censoring. The press code lists threats to public order as one of the criteria for censorship. Publications and broadcast media must also obtain government accreditation, and the government has the ability to deny and revoke accreditation as well as to suspend or confiscate publications.

On October 4, authorities withdrew the accreditation of Omar Brouksy, an Agence France Presse journalist, following an article in which Brouksy referred to rapid emergence of the Party of Authenticity and Modernity and the closeness of its leadership to the palace. Authorities charged Brouksy with violating press codes that require journalists to “respect national sovereignty, professional rules, and the laws in effect.”

Several French magazines were banned due to caricatures of the king, the royal family, or the Prophet Mohammed. Authorities banned distribution of the February 26 issue of the Spanish daily *El Pais* for publishing excerpts from *The Predator King*, a book published in Paris that asserted the king’s use of his privileged position resulted in an alleged five-fold increase in his personal fortune since his 1999 accession. The Ministry of Communication deemed the excerpts “defamatory, without evidence, and harmful to ‘His Majesty’ and to the country’s institutions.”

Libel Laws/National Security: The antiterror law provides for the arrest of journalists and the filtering of Web sites deemed to “disrupt public order by intimidation, terror, or violence.”

### **Internet Freedom**

The government applied laws and restrictions governing speech and the press to the Internet. There are neither specific laws nor a body of judicial decisions concerning Internet content or access. The government generally did not restrict access to the Internet. Individuals and groups generally were careful to respect official boundaries and were able to engage in peaceful exchanges of views via the Internet, including by e-mail. According to the International Telecommunication Union, in 2011 there were 1.83 broadband subscriptions per 100 inhabitants, and 51 percent of the population used the Internet.

It was generally assumed that the government collected personally identifiable information over the Internet in connection with citizens’ peaceful expression of political, religious, or ideological opinion or beliefs, although the government denied that it did so. A case in point was the February 16 prosecution and one-year prison sentence meted out to Walid Bahmane, an 18-year-old student who “shared” a caricature of King Mohammed VI on his Facebook page. On March 27, an appeals court added six months to Bahmane’s prison term on the charge of attacking the country’s sacred values.

### **Academic Freedom and Cultural Events**

By law and in practice, the government has the right to criminalize presentations or debate questioning the legitimacy of the monarchy, Islam, state institutions, or the status of Western Sahara; however, the government generally tolerated political and religious activism contained to university campuses. Islamist groups wielded considerable influence on campuses, where, in some cases, after winning student union elections, they constrained academic freedom by intimidating or harassing students or professors. The Ministry of Interior approved appointments of university rectors.

### **b. Freedom of Peaceful Assembly and Association**

The constitution provides for freedom of assembly and association subject to restrictions, provided by law.

## Freedom of Assembly

The law conditions the right to assemble publicly on acquiring Ministry of Interior permission. Some NGOs complained that authorities did not apply the approval process consistently. The government used administrative delays and other methods to suppress or discourage unwanted peaceful assembly as well as excessive force to disperse demonstrations. Protests occurred on a nearly weekly basis throughout the year and authorities tolerated most demonstrations by unemployed university graduates and unions, even if they were unauthorized. NGOs reported that both plainclothes and uniformed state security agents monitored human rights events.

Violence erupted between security forces and protesters in at least 23 instances documented in the media. For example, on January 4, the most violent protests of the year began in Taza and reignited there on February 1. The February 1 protest, referred to as Black Wednesday by the media, began as a sit-in led by the Association of Unemployed Graduates and became violent as demonstrators blockaded the neighborhood with piles of burning tires to prevent authorities from entering. As police attempted to break the blockade by driving vehicles into the demonstration, approximately 150-160 demonstrators and police were injured. After surrounding the area, authorities blocked Internet connections and cut off telephone lines before beginning to club protesters. Further confrontations on March 17 at another protest in Taza resulted in the death of 18-year-old activist Nabil Zouhri in a fall during police pursuit. Police violently dispersed other protests throughout the year, particularly in Casablanca, Oujda, Bni Bouayach, and Rabat where, on August 22, police beat several persons, including a journalist, at a demonstration against the oath of allegiance sworn by government officials before the royal family.

Responding to these events, on September 25, Justice Minister Mustapha Ramid recognized in the Arabic-language daily *Akhbar al-Youm* that there had been "several cases of abuse" by police at recent protests and that the government must review the way in which security forces intervene to "ensure that it conforms with the law." Ramid also accused the protesting activists themselves of "abuse," by occupying major arteries in main cities and blocking traffic.

## Freedom of Association

The constitution and the law provide for freedom of association, although the government placed severe restrictions on this freedom. The government prohibited

or failed to recognize political opposition groups by deeming them unqualified for NGO status. According to HRW's *World Report 2012*, "Morocco boasts of thousands of independent associations, but government officials arbitrarily impede the legalization of many, undermining their freedom to operate."

The Ministry of the Interior required NGOs to register, but there was no comprehensive national register publicly available. A prospective 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, Islam as the state religion, or 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.

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

Authorities continued to monitor JCO activities.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

In-country Movement: The law provides for freedom of internal movement. Authorities generally respected this right, although the government restricted movement in areas regarded as militarily sensitive, including the demilitarized zone in Western Sahara.

Foreign Travel: The law provides for freedom of foreign travel, and this right was generally respected. Civil servants and soldiers must obtain written permission from their ministries to leave the country.

Exile: While the law provides for forced exile, there were no instances of forced exile. Abdelkrim Mouti reportedly remained in political exile in Libya. Mouti has lived abroad since 1975, claiming authorities prevented his return by denying him a passport. Convicted in absentia in 1980 for killing a prominent politician, he maintained his innocence. During the year the government stated that Mouti was free to return, but it would not guarantee his exoneration from his sentence.

Emigration and Repatriation: 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 no reported cases of Sahrawis being prevented from traveling (see the Western Sahara report).

### **Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (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 UNHCR registered 750 refugees and 2,292 asylum seekers. The increase in asylum seekers, nearly six-fold compared with 2011, was mainly due to 839 Syrian and 128 Malian citizens who entered the country during the year.

Access to Asylum: The country has not adopted national refugee legislation, nor has it established asylum procedures meeting international standards. It defers to the UNHCR as the sole agency in the country entitled to grant refugee status and verify asylum cases. In this void the UNHCR conducted refugee status determinations and expected to continue this work in the future even as it sought increased involvement by the government.

At year's end two asylum seekers stranded at the Casablanca International Airport since November continued to be denied access to UNHCR staff.

Refugee Abuse: Refugees and asylum seekers as well as migrants were particularly vulnerable to abuse. UN Special Rapporteur Mendez noted during his September visit that "severe beatings, sexual violence, and other forms of ill-

treatment” against migrants appeared to be on the rise. There were frequent reports of security forces brutalizing sub-Saharan migrants and of abuse by criminal gangs involved in human trafficking. There were credible reports of government authorities expelling irregular migrants, particularly at the border town of Oujda but also into the desert along the border with Algeria. While NGOs reported authorities left some migrants without food and water, unlike in previous years, there were no known reports of migrant deaths as a result.

The UNHCR reported 227 arrests of asylum seekers during the year, an increase of 250 percent compared with 2011. The migrant rights group Antiracism Group for the Protection of Foreigners and Migrants (GADEM) reported an increase in the number of arrests of illegal migrants during October and November as well as an increase in violence and aggression by both the government and the migrant populations. On October 20, Camara Laye, a Guinean migrant and Coordinator of the Council of Sub-Saharan Migrants in Morocco, was arrested on charges of possessing unauthorized alcohol and cigarettes. On November 9, Laye was granted a provisional release, the day after a press conference and sit-in organized by AMDH and six other civil society organizations. The media frequently noted societal violence directed at migrants, including, for example, a shopper in Rabat who killed a Malian in May for refusing to give up his place in line at a grocery store.

Access to Basic Services: Refugees were unable to obtain residence permits that would allow them access to the national health-care system and continued to have little access to the judicial system.

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

Citizens do not have the right to change the constitutional provisions establishing the country’s monarchical form of government. The law provides for, and citizens participated in, regular, free elections based on universal suffrage for the parliament’s Chamber of Representatives and municipal councils. The parliament’s Chamber of Counselors and the regional councils are indirectly elected through representatives.

The king may dissolve parliament in consultation with the prime minister. As head of state, he appoints the head of government. The king presides over the Council of Ministers--the supreme decision-making body--except in cases when he delegates that authority to the head of government. Constitutional changes

outlining this division of responsibility came into effect in July 2011, but the decision-making authority of the prime minister and parliament remained unclear.

Implementation of recent constitutional changes requires the king's assent and parliamentary passage of 19 organic laws. By September one law had been passed--the Appointments Law. Previously, all appointments of national-level officials in public institutions and enterprises were at the discretion of the palace. The new law provides that approximately 500 nominations be within the authority of the government and 37 "strategic" nominations within the authority of the palace. Matters of security, strategic policy, and religion remain the purview of the king, who presides over the Supreme Security Council and the Ulema Council (Council of Senior Religious Scholars). The 2011 Constitution obliges the king to choose the prime minister from the party with the most elected seats in the Chamber of Representatives, a change from previous practice when the king had total discretion over whom to choose. The constitution authorizes the prime minister to nominate all government ministers, although they serve at the king's pleasure since he has the power to dismiss them. Royal advisors worked closely in undefined coordinating roles with government ministries.

The constitution may not be changed without the king's approval. The king, the head of government, or parliament may propose amendments to the constitution, but only the king has the power to put proposals for constitutional amendments to a national referendum.

### **Elections and Political Participation**

Recent Elections: In the November 2011 legislative elections, which saw a turnout of approximately 45 percent of the registered electorate, the Islamist PJD won 107 of the 395 seats at stake in 92 constituencies. Of the 395 seats, 60 were reserved for women and 30 for individuals under the age of 40.

The law mandates that the CNDH supervise and facilitate the work of domestic and international observers. Accordingly, the CNDH fielded an estimated 3,500 domestic observers. The CNDH also accredited more than 300 international observers. The major political parties and the vast majority of the 3,500 domestic observers considered the elections free, fair, and transparent. Most international observers considered them credible elections in which voters were able to choose freely and deemed the process relatively free of government irregularities.

Political Parties: Political parties faced fewer government-imposed restrictions under the new constitution. The Ministry of Interior applied new laws that made it easier for political parties to register. A political party may not legally challenge the institution of the monarchy, Islam as the state religion, or the country's territorial integrity.

Participation of Women and Minorities: Female politicians featured prominently in the press on a variety of matters but were almost completely excluded from senior decision-making positions. The PJD-led government appointed only one woman, the minister of social and women's affairs, to the 31-member cabinet, although several of the king's senior advisors were women. The November 2011 elections saw an increase in the number of women in the Chamber of Representatives from 34 to 67; a quota to provide women a position in the government produced 60 of those elected on a separate electoral list.

#### **Section 4. Corruption and Lack of Transparency in Government**

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 branch--including the police--as well as the legislative and judicial branches of government. There were reports of government corruption, but no notable prosecutions.

In July Justice Minister Mustapha Ramid called for an investigation into alleged payments made between the former finance minister and secretary general of a national political party, Salaheddine Mezouar, and the national treasurer, Noureddine Bensouda. The investigation, however, resulted in two whistleblowers from the national treasury being charged with divulging secret documents. The case remained open at year's end.

The king, who has called for judicial system reform since 2009, acknowledged the judiciary's lack of independence and susceptibility to influence. Many members of the well-entrenched and conservative judicial community were loath to adopt new procedures. Judges, ministers, and members of parliament are legally required to submit financial disclosure statements.

The Central Commission for the Prevention of Corruption (ICPC) is the agency responsible for combating corruption but without the authority to require responses from government institutions. On November 2, the ICPC delivered to the prime

minister its 2010-11 report, which noted that the anticorruption situation had not improved significantly and that governmental policy continued to lack a strategic dimension and effective commitment. Officials attributed the low number of complaints in part to the lack of legislation protecting plaintiffs and witnesses in corruption cases. In 2010 the ICPC set up an Internet portal for civil society and small businesses to identify instances of corruption.

In addition to the ICPC, the Ministry of Justice and the government accountability court had jurisdiction over corruption issues, but pursued no high-profile cases. The inspector general of the Justice Ministry investigated 107 ethics complaints against judges, which resulted in the referral of three judges to the Supreme Judicial Council for disciplinary measures.

According to observers, there was widespread corruption in the police force. The government claimed to investigate corruption and other instances of police malfeasance through an internal mechanism.

There is no freedom of information law, but the new constitution provides for citizen access to information held by public institutions. In practice, the government rarely granted access to official information to citizens and noncitizens, including the foreign media. On November 12, in a move aimed at increasing transparency and reducing suspicion of illicit patronage, the government published a list of transport license holders and another list of sand quarry operators.

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

Groups investigated and published findings on human rights cases; however, the government's responsiveness to, cooperation with, and restrictions on domestic and international human rights organizations varied, depending on its evaluation of the political orientation of the organization and the sensitivity of the issues. Anything touching on the subject of Western Saharan human rights was viewed with particular suspicion, such as travel to the Western Sahara or contacts with human rights activists. From August 24 to 31, representatives of the Robert F. Kennedy Center for Justice and Human Rights made a high-profile visit to Morocco, Western Sahara, and Polisario camps in Tindouf, Algeria, and met with officials and activists (see Western Sahara report).

The government recognized domestic human rights NGOs with national coverage. Recognized NGOs were eligible to and generally did receive some government funding. The OMDH and AMDH were the largest 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 occasionally met with and responded to inquiries and recommendations from the OMDH and AMDH as well as Transparency Maroc and OMP, the umbrella organization dealing with prison conditions.

Government Human Rights Bodies: There were three governmental human rights entities. The CNDH served as the principal advisory body to the king and government on human rights. Most human rights NGOs and the public generally viewed the CNDH as a credible and proactive government advocate protecting human rights and a vehicle to seek redress in individual cases. The CNDH filled many of the roles of a national social ombudsman. The Mediator Institution, which replaced the Office of Grievances, acted as a more general ombudsman and considered allegations of governmental injustices with the power to carry out inquiries and investigations, propose disciplinary action, or refer cases to the public prosecutor. The mission of the Interministerial Delegation for Human Rights is to promote the protection of human rights across all ministries, serve as a government interlocutor with domestic and international NGOs, and interact with relevant UN bodies regarding international human rights obligations.

In the case of allegations of serious human rights abuses, the parliament may create a special committee to investigate, as was done concerning prison conditions.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution prohibits discrimination based on race, gender, disability, language, social status, faith, culture, regional origin, or any other personal circumstance; however, there was discrimination based on each of these factors. New constitutional provisions provide for gender equality and parity, although parliament has yet to pass implementing legislation.

### **Women**

Rape and Domestic Violence: 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. A sexual assault conviction may result in a prison sentence of up to one year and a fine of 15,000 dirhams (\$1,780). The

government generally did not enforce the law. The vast majority of sexual assaults were not reported to police for social reasons. The police selectively investigated cases; among the minority brought to trial, successful prosecutions were rare.

Spousal rape is not a crime. Domestic violence was widespread. Various domestic advocacy groups, such as the Democratic League for Women's Rights (LDDF), reported that in eight of 10 cases of violence against women, the perpetrator was the husband.

Numerous articles of the penal code pertaining to rape perpetuate unequal treatment for women and provide insufficient protection despite family law revisions. Statistics on rape or sexual assault were believed to be unreliable due to underreporting. However, a government planning survey revealed that 63 percent of women reported suffering an act of violence in the preceding 12 months.

One particularly high-profile case was that of 16-year-old Amina Filali, who committed suicide on March 10 after having been forced by social and familial pressure to marry a man who had raped her in September 2011. NGOs reported at least five similar cases in 2011. Filali's death provoked a significant public debate over article 475 of the penal code, which provides for charges to be dropped against a rapist if the victim agrees to marry the perpetrator. The case also called into question the application of law concerning child marriage. As Filali was under the age of 18, the law allows a judge to authorize a minor to marry on the conditions that the minor and her guardian both sign the request; the judge conduct an inquiry into the health of the minor and her social situation; and the judge explain the rationale for approving the marriage. The minister of justice declared that both the judge and the prosecutor had properly applied the law.

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. By law high-level misdemeanors occur when a victim suffers injuries that result in 20 days of disability leave from work. Low-level misdemeanors occur when victims suffer disability for less than 20 days. NGOs reported that the courts rarely prosecuted perpetrators of low-level misdemeanors and that police generally treated domestic violence as a social rather than a criminal matter.

Physical abuse was legal grounds for divorce, although few women reported abuse to authorities, with most known domestic violence mediated within the family. Women choosing legal action generally preferred pursuing divorce in family courts rather than criminal prosecutions.

The law is lenient toward husbands who commit crimes against their wives. Police rarely became involved in domestic disputes. Several women's NGOs reported that laws were not often enforced due to societal pressures not to break up a family and to the conservative mentality of some police and court officials.

The government operated hotlines for victims of domestic violence. A small number of groups, such as the Antitrust Network and the LDDF, were also available to provide assistance and guidance to victims. Counseling centers existed exclusively in urban areas, and services for victims of violence in rural areas were generally limited to local police. Women's shelters were not government-funded, but a few NGOs made efforts to provide shelter for victims of domestic abuse. There were reports, however, that these shelters were not accessible to persons with disabilities. Courts had "victims of abuse cells" that bring together prosecutors, lawyers, judges, women's NGO representatives, and hospital personnel to review domestic and child abuse cases in order to provide for the best interests of women or children according to proper procedure. Article 496 of the penal code, which criminalizes hiding married women, was used against domestic violence shelters in the past, but there were no reported cases of its use against officially recognized shelters during the year.

Many domestic NGOs worked to advance women's rights and promote women's issues. Among these were the Democratic Association of Moroccan Women, the Union for Women's Action, the LDDF, and the Moroccan Association for Women's Rights. All advocated enhanced political and civil rights for women. NGOs also promoted literacy and taught women basic hygiene, family planning, and childcare.

Sexual Harassment: Sexual harassment in the workplace is a criminal offense, but only when committed by a superior and 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 proving the charge. NGOs reported widespread sexual harassment was one of several causes of the low rate of women's labor force participation.

Reproductive Rights: Contraception is legal, and most forms were widely available. Individuals and couples were able to decide freely 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 provide family planning and primary health-care services. However, NGOs reported that women often faced obstacles obtaining emergency contraception from pharmacies. Skilled attendance at delivery and postpartum care were available for women who could afford it, with approximately 74 percent of overall births attended by skilled health personnel. The most recent UN statistics showed that there were approximately 100 maternal deaths per 100,000 live births in the country in 2010 and that 52 percent of women between the ages of 15 and 49 used a modern method of contraception in 2010. The major factors influencing maternal mortality and contraceptive prevalence rates were female illiteracy, lack of knowledge about availability of services, cost of services, social pressure against contraceptive use, and transportation to health centers and hospitals for those in rural areas.

Discrimination: The constitution provides women equal rights in civil, political, economic, cultural, and environmental affairs--an improvement from the previous constitution, which provided only political equality. The constitution mandated the creation of a new body, the Authority for Equality and the Fight against all Forms of Discrimination, to monitor equality issues. Implementing legislation for the body had not been adopted by year's end.

Numerous problems related to discrimination against women remained. A woman's share of an inheritance, determined by Sharia (Islamic law) for Muslims, varies depending on circumstances but is less than a man's. Under Islamic law 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. The reform of the family code did not change the inheritance laws, and the new constitution does not specifically address inheritance law.

According to Ministry of Interior decrees, women are entitled to a share of collective lands, which make up one-third of the country's territory. While ministry decrees carry the force of law, implementation met considerable resistance from men. Despite considerable lobbying by women's NGOs, enforcement of these property laws remained inconsistent, although the Ministry of Interior further pressed for local enforcement of women's collective lands rights. A ministry circular published March 30 requires all local authorities to follow the law (in general, a male child is entitled to two-thirds, while a female child receives one-third), rather than custom and tradition. The government followed up with

training for local authorities on the implementation of the land allocation process. Women's NGOs reported that the situation improved over the course of the year but wanted the government to codify women's rights in formal legislation.

The 2004 family code changed the minimum age of marriage for women from 15 to 18 (with the exception that a judge may approve underage marriage with parental permission), placed the family under the joint responsibility of both spouses, and rescinded the wife's duty of obedience to her husband. The law removed the requirement for women to have a marital tutor as a condition of marriage, made divorce available by mutual consent, and placed legal limits on polygamy. The penal code criminalizes "knowingly hiding or subverting the search for a married woman who is evading the authority to which she is legally subject," which has been used to involuntarily return women to abusive homes.

Implementation of the reformed family law remained a concern largely because of the judiciary's lack of willingness to enforce it, as many judges did not agree with it. Corruption among working-level court clerks and lack of knowledge about its provisions among lawyers were also obstacles to greater enforcement of the law. Widespread women's illiteracy also limited women's ability to navigate the legal system.

There were few legal obstacles to women's participation in business and other economic activities. According to a 2011 government report, the rate of participation in the formal labor force for women was only 25.5 percent, and a typical female worker earned 17 percent of what a man earned. The majority of women were illiterate, and rural women faced restrictions for social and cultural reasons. Women were not represented in leadership positions in trade unions. Most women were able to travel, receive loans, and start businesses without the permission of their husbands or fathers.

## **Children**

Birth Registration: The law permits both parents to pass nationality to their children. There were nonetheless cases in which authorities denied identification papers to children because they were born to unmarried parents. In cases of undocumented children, magistrates and attorneys advocated for the children, but the process of obtaining necessary identification papers was lengthy and arduous. Undocumented children could not register for school.

Education: Girls continued to lag behind boys in school attendance beyond the primary level. According to the most recent UN statistics, 56 percent of women were illiterate.

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

The government maintained 20 child protection centers, five specifically for girls. The centers were originally intended to provide an alternative to prison for underage delinquents; however, the centers were used to house delinquents, homeless children, victims of domestic violence, drug addicts, and other “children in distress” who had not committed a crime. Some centers housed minors convicted of homicide alongside minors who were victims of domestic abuse. This mingling of children in conflict with the law and children in distress also occurred during other stages of the process. The Ministry of Youth and Sports managed the centers.

Child Marriage: The legal age for marriage is 18, but parents, with informed consent of the minor, may secure a waiver from a judge for underage marriage. The judiciary approved the vast majority of petitions for underage marriages. In 2011 the Social Development Ministry reported there were more than 33,000 underage married girls. Child marriage remained a concern, especially in rural areas, as highlighted by the case of Amina Filali (see section 6, Women). UNICEF reported 11 percent of women under the age of 20 were or had been married.

Sexual Exploitation of Children: Children were exploited through prostitution and were victims of sex tourism. Penalties for sexual exploitation of children range from two years to life imprisonment and fines from approximately 9,550 dirhams (\$1,130) to approximately 344,000 dirhams (\$40,760). Moreover, persons convicted of sexual exploitation may lose their national rights and right of residence for a period ranging between five and 10 years.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State’s report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.htm](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm)

l, as well as country-specific information at [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

### **Anti-Semitism**

Community leaders estimated the size of the Jewish population at approximately 4,000 members. Jews generally lived in safety, and the government provided them appropriate security. There were no reports of anti-Semitic acts.

Some vendors at the annual government-sponsored book fair in Casablanca February 10-19 offered publications that were anti-Semitic. There was no indication that the government promoted these works.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **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 also provides for regulations and building codes that assure access for persons with disabilities, although the government did not effectively implement these laws and regulations. While building codes enacted in 2003 require accessibility for all persons, the codes exempt most pre-2003 structures and were rarely enforced for new construction. Government policy provides that persons with disabilities should have equal access to information and communications, but special communication devices for the blind and deaf were 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 public sector and 5 percent in the private sector. Both sectors were far from achieving such quotas. Since 2008 the government has opened some 400 integrated classes for children with learning disabilities, but integration was largely left to private charities. Families typically supported persons with disabilities, although some survived by begging.

### **National/Racial/Ethnic Minorities**

Many of the poorest regions in the country, particularly the Middle Atlas region, are predominantly Amazigh and have illiteracy rates as high as 80 percent. Basic governmental services in this mountainous and underdeveloped region were not extensive.

Official languages are Arabic and, with the new constitution, Amazigh. While Arabic predominates, French and Amazigh were available in the news media and, to a much lesser extent, educational institutions. No progress was made toward passing a law to implement the 2011 constitutional provision making Amazigh an official language.

Approximately 60 percent of the population, including the royal family, claimed some Amazigh heritage. Amazigh cultural groups contended their traditions and language were rapidly being lost to Arabization. The government increasingly provided television programs in the three Amazigh dialects of Tarifit, Tashelhit, and Tamazight. The government also offered Amazigh language classes in the curriculum of 3,470 schools. A lack of qualified teachers hindered otherwise expanding Amazigh language education, which the palace-funded Royal Institute of Amazigh Culture was addressing through the creation of university-level teacher training. Instruction in learning the Amazigh language is mandatory for students at the Ministry of Interior School for Administrators in Kenitra.

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

The penal code criminalizes consensual same-sex sexual activity, but these provisions were infrequently enforced. Questions of sexuality, sexual orientation, and gender identity were addressed in the media and in public with more openness than in previous years.

Sexual orientation or gender identity constituted a basis for societal violence, harassment, blackmail, or other actions, generally at a local level, although with reduced frequency. There were infrequent reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity. The government deems lesbian, gay, bisexual, or transgender (LGBT) orientation or identity illegal; therefore, there were no official reports of discrimination based

on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care.

On June 29, a foreign travel agency cancelled a proposed first-ever port call in the country by an LGBT tourist group, citing authorities' stated concerns about the safety of the passengers. Authorities initially gave permission for the ship to dock in Casablanca, but two days before its anticipated arrival, police informed the local cruise coordinator that the ship could not dock in the country. Minister of Tourism Lahcen Haddad later denied that the passengers were prohibited from debarking or that the government had discriminated against them based on sexual orientation.

### **Other Societal Violence or Discrimination**

There were no known 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. The Joint UN Program on HIV/AIDS reported some health-care providers were reluctant to treat persons with HIV/AIDS due to fear of infection.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution provides workers with the rights to form and join unions, strike, and bargain collectively, with some restrictions. Certain categories of government employees, including members of the armed forces, police, and some members of the judiciary are prohibited from forming and joining unions and from conducting strikes. Domestic workers are not covered by the labor code and are prohibited from unionizing. The number of strikes rose dramatically from 241 in 2010 to more than 450 in 2011, according to the Social and Economic Council. The council attributed the rise to an increase in social confrontations as well as to the changed political landscape following the Arab Spring.

According to the labor code, the wages and employment conditions of unionized workers should be agreed in discussions between employer and worker representatives. The law allows several independent unions to exist, but the code requires 35 percent of the total employee base to be associated with a union in order for it to be considered representative and able to engage in collective bargaining. The law prohibits antiunion discrimination and prohibits companies from dismissing workers for participating in legitimate union-organizing activities.

Courts have the authority to reinstate workers dismissed arbitrarily and may enforce rulings that compel employers to pay damages and back pay.

The law concerning strikes requires compulsory arbitration of disputes, prohibits sit-ins, calls for a 10-day notice of a strike, and allows for the hiring of replacement workers. The government may intervene in strikes, and a strike may not take place over matters covered in a collective contract for one year after the contract comes into force. The government has the authority to disperse demonstrators in public areas where strikes have not been authorized and to prevent the unauthorized occupancy of private space. Unions may neither engage in sabotage nor prevent nonstrikers from working.

The government did not always enforce labor laws due to a lack of sufficient inspection personnel and resources. Enforcement procedures were subject to lengthy delays and appeals.

Freedom of association and the right to collective bargaining were generally respected. However, the effective scope of collective bargaining was limited. Employers frequently set wages unilaterally for the majority of unionized and nonunionized workers. The country's five largest unions negotiated with the government on national-level labor issues. At the sectoral level, trade unions negotiated with private employers concerning minimum wage, compensation, and other concerns.

Labor disputes were common and were in some cases the result of employers failing to implement collective bargaining agreements and withholding wages. Trade unions complained that the government at times used article 288 of the penal code to prosecute workers for striking and to suppress strikes. Although most union federations were strongly allied with political parties, unions were generally free from government interference.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. Labor inspectors did not inspect small workshops and private homes where the majority of such practices occurred, as the law does not allow labor inspections in private homes. Their small numbers, the broad geographic dispersion of sites, and the low level of resources at their disposal also limited inspectors' effectiveness.

Forced labor, especially of children, was reported. Many families from rural areas sent girls to work as maids in urban areas, and boys experienced forced labor as apprentices in the artisan and construction industries and in mechanic shops (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment in all sectors is 15. Children younger than 16 are prohibited from working more than 10 hours per day and employers must give them 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. The overwhelming majority of child laborers worked in rural agriculture, according to the government's statistical agency, the High Planning Commission. 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. The labor code, however, does not cover domestic labor and therefore does not prohibit the employment of child maids or domestic workers.

The Ministry of Employment and Professional Development 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 (\$3,200 to \$3,790). Punishment for violations of the child labor laws includes 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.

The ministry did not systematically enforce sanctions against child labor due to a lack of resources. According to various reports, police, prosecutors, and judges rarely enforced legal provisions 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. However, on April 12, a court convicted and sentenced an employer to 10 years in prison for beating a child maid to death. In addition, an undetermined number of Filipina maids filed suits against their former employers for trafficking-like abuses, and some were awarded compensation.

According to Justice Ministry officials, there were no convictions during the year for employing a child domestic. Labor inspectors responsible for enforcing the labor code do not have jurisdiction to inspect private residences. The ministry's small cadre of labor inspectors did not monitor the informal sector. Forty-three of the 51 national labor inspectorates had an inspector trained in child labor issues. These inspectors received up to 14 weeks of training from the International Labor Organization's International Program on the Elimination of Child Labor. During the year, child labor focal point inspectors received additional training under an international agreement with Spain.

Noncompliance with child labor laws was reported in agriculture and private urban residences, where parents placed children as young as six to work as domestic servants.

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 Development, led by the Office of the Director of Work in conjunction with NGOs, oversaw programs dealing with child labor. The programs sought to decrease the incidence of child labor by raising awareness of the problem, providing financial assistance to needy families, and lowering obstacles for at-risk children to attend school.

Reducing child labor was the focus of a number of government projects designed to increase the training of stakeholders involved in enforcement efforts, improve legislation, reduce poverty, increase school retention in rural areas, and provide increased child protective services. From 2002 through 2010, through its joint efforts with the International Labor Organization, the International Program on the Elimination of Child Labor, UNICEF, and others, the Ministry of Employment reported that it removed 16,283 children from work by providing viable alternatives and took preventive action to assist 24,560 children.

Child labor occurred overwhelmingly in rural areas, which in 2011 accounted for 91.7 percent of child workers, 93.6 percent of whom worked in agriculture, primarily on family farms. According to 2011 government statistics, labor inspectors issued 63 formal notices, filed nine offenses, and prepared four statements of fact relating to businesses employing children between the ages of 15 and 18. In the first three months of the year, inspectors recorded 41 offenses and infractions related to child labor.

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, weaving carpets, and light manufacturing. Children's safety and health conditions and wages were often substandard. In a 2012 report, the High Planning Commission estimated that approximately 10,000 children between the ages of seven and 15 worked in urban areas in 2011, largely in the service sector.

Credible reports, such as HRW's 2012 *Lonely Servitude*, reported the physical and psychological abuse of domestic servants. Employers paid parents for their children's work. Most child domestics received food, lodging, and clothing instead of monetary compensation or were paid significantly below the minimum wage.

During the year the High Planning Commission reported a significant reduction in child labor over the past decade, claiming that in 2011 there were approximately 123,000 children between the ages of seven to 15 actively working, compared with 517,000 children in the same age group in 1999.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The minimum wage was 97 dirhams (\$11.50) per day in the industrialized sector and 63 dirhams (\$7.50) per day for agricultural workers. The World Bank absolute poverty level threshold wage was 70 dirhams (\$8.30) per day.

The law provides for a 44- to 48-hour maximum workweek with no more than 10 hours in a 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. The law prohibits excessive overtime. The labor code does not cover domestic workers, who are primarily female citizens.

In December, a group of Filipina domestic workers openly complained of sexual exploitation from abusive employers who frequently confiscated their passports and paid them salaries of less than 2,500 dirhams (\$296) per month.

Occupational health and safety standards are rudimentary, except for a prohibition on the employment of women and children in certain dangerous occupations. The law prohibits persons under the age of 18 from hazardous work in 33 areas, which

include working in mines, handling dangerous materials, transporting explosives, and operating heavy machinery.

Many employers did not observe the legal provisions for conditions of work, and the government did not always implement or effectively enforce basic provisions of the labor code, such as payment of the minimum wage and other basic benefits under the National Social Security Fund. The country's labor inspectors attempted to monitor working conditions and investigate accidents, but lack of resources prevented effective enforcement of labor laws, and penalties were generally not sufficient to deter violations.

Informal businesses employed approximately 60 percent of the labor force and often ignored minimum wage requirements. 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 received the equivalent of 13 to 16 months' salary each year.

According to NGOs, no major workplace accidents occurred during the year.