

MOROCCO 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Morocco is a constitutional monarchy with a parliamentary national legislative system under which ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers. The king shares executive authority with Head of Government (prime minister) Saadeddine El Othmani. According to the constitution, the king appoints the head of government from the political party with the most seats in parliament and approves members of the government nominated by the head of government. International and domestic observers judged the 2016 parliamentary elections credible and relatively free from irregularities.

The security apparatus includes several police and paramilitary organizations with overlapping authority. The National Police Force manages internal law enforcement in cities and reports to the Ministry of Interior. The Auxiliary Forces also report to the Ministry of Interior and support gendarmes and police. The Royal Gendarmerie, which reports to the Administration of National Defense, is responsible for law enforcement in rural regions and on national highways. The judicial police (investigative) branches of both the Royal Gendarmerie and the National Police report to the royal prosecutor and have the power to arrest individuals. Civilian authorities maintained effective control over security forces. Members of the security forces committed some abuses.

The Kingdom of Morocco claims the territory of Western Sahara and administers the territory that it controls. The Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (POLISARIO), an organization that seeks the territory's independence, disputes Morocco's claim to sovereignty over the territory. Moroccan and POLISARIO forces fought intermittently from 1975, when Spain relinquished colonial authority over the territory, until a 1991 cease-fire and the establishment of a UN peacekeeping mission. After resignation of Personal Envoy of the Secretary General Horst Kohler in May 2019, the UN Security Council returned to one-year renewals of the UN Mission for the Referendum in Western Sahara. As of December, the UN secretary-general had not yet appointed a new

MOROCCO

personal envoy and the mission mandate was extended for another year.

Significant human rights issues included: torture by some members of the security forces, although the government condemned the practice and made efforts to investigate and address any reports; allegations that there were political prisoners; serious restrictions on free expression, including criminalization of libel and certain content that criticized Islam, the monarchy, and the government's position regarding territorial integrity; substantial interference with freedom of assembly and association; corruption; and criminalization of lesbian, gay, bisexual, transgender, or intersex conduct.

There were few examples of investigations or prosecutions of human rights abuses by officials, whether in the security services or elsewhere in the government, which contributed to impunity.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities during the year.

According to the annual report from the UN Working Group on Enforced Disappearances, from May 2018 to May 2019, the country had 153 outstanding cases of forced disappearances between 1956 and 1992, seven fewer than at the beginning of the reporting period. The National Council on Human Rights (CNDH), a publicly funded national human rights institution, reported that as of July, six cases of forced disappearances between 1956 and 1992 remain unresolved. The CNDH continued to cooperate with the UN Office of the High

MOROCCO

Commissioner for Human Rights (OHCHR) on unresolved cases of disappearance.

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

The constitution and the law prohibit such practices, and the government denied it authorizes the use of torture. To combat degrading treatment and punishment in prisons, on March 19, parliament passed a law to fund doctors for training in forensics to identify signs of torture and abuse. As of August 11, the Prison Administration (DGAPR) reported that the Fes Court of Appeals received two cases of torture in 2019. In both cases prisoners alleged they were beaten and insulted in al-Hoceima. The government launched an investigation that concluded both allegations were unfounded. In April the CNDH issued a report confirming security officials had subjected an inmate at the Souk Larbaa Prison in Kenitra Province to torture and degrading treatment. The DGAPR initiated an investigation into the claims that continued at year's end. During the year there were 20 complaints of torture or degrading treatment filed with the Prosecutor General's Office. The office closed 15 cases, and one remained under investigation at year's end.

From January to June, the National Police Force's (Direction Generale de la Surete Nationale--DGSN) internal mechanism for investigation of torture and degrading treatment investigated four cases involving six police officials. The DGSN reprimanded and imposed administrative sanctions on two officials, and transferred two cases involving the other four officers to the Prosecutor General's Office. The Prosecutor General's Office initiated legal proceedings in at least one of the cases.

The CNDH reported it opened investigations into 28 complaints of torture or degrading treatment between January 1 and August 31.

In the event of an accusation of torture, the law requires judges to refer a detainee to a forensic medical expert when the detainee or lawyer requests it or if judges notice suspicious physical marks on a detainee. In some cases judges have refused to order a medical assessment when a detainee made an allegation of abuse. The UN Working Group on Arbitrary Detention, human rights nongovernmental organizations (NGOs), and media documented cases of authorities' failure to

MOROCCO

implement provisions of the antitorture law, including failure to conduct medical examinations when detainees alleged torture.

Reports of torture have declined over the last several years, although Moroccan government institutions and NGOs continued to receive reports about the mistreatment of individuals in official custody. Reports of mistreatment occurred most frequently in pretrial detention. There were also accusations that security officials subjected Western Sahara proindependence protesters to degrading treatment during or following demonstrations or protests calling for the release of alleged political prisoners.

In March the CNDH released a report on 20 allegations by Hirak protesters that they were tortured during detention; the report determined that these allegations, highlighted in a February 19 report by Amnesty International, were unfounded.

In January the spouse of Abdelqader Belliraj, who was serving a life sentence on terrorism-related charges, told Human Rights Watch (HRW) that Belliraj has been deprived of contact with other inmates since 2016 and was kept in confinement 23 hours a day. HRW called these measures inhumane. According to media reports, the DGAPR disputed the validity of the allegations, stating Belliraj received an hour break each day that allowed for interactions with other inmates and was allowed family visits. Belliraj claimed he was convicted based on confessions obtained under police torture.

According to media, the Marrakech branch of the auxiliary forces suspended two officers after they appeared in a video violently arresting a suspect on May 6.

According to the *Conduct in UN Field Missions* online portal, there were no allegations submitted from January to August of sexual exploitation and abuse by Moroccan peacekeepers deployed to UN peacekeeping missions. Morocco and the United Nations were jointly investigating three allegations in 2019 of sexual exploitation and abuse by Moroccan peacekeepers deployed to UN peacekeeping missions; one case alleged transactional sex with an adult, and two cases alleged rape of a child. As of September, all three investigations remained underway. In

MOROCCO

one of the alleged rape cases, identification of the alleged perpetrator was pending.

Prison and Detention Center Conditions

Prison conditions improved during the year but in some cases did not meet international standards.

Physical Conditions: The Moroccan Observatory of Prisons (OMP), an NGO focused on the rights of prisoners, continued to report that some prisons were overcrowded and failed to meet local and international standards. In newer prisons, pretrial detainees and convicted prisoners were held separately, but in older prisons the two groups remained together.

According to government sources and NGOs, prison overcrowding was also due in large part to an underutilized system of bail or provisional release, a severe backlog in cases, and lack of judicial discretion to reduce the length of prison sentences for specific crimes. Government sources stated that administrative requirements also prevented prison authorities from transferring individuals in pretrial detention or the appeals phase to facilities outside the jurisdiction where their trials were to take place.

According to a DGAPR report in May, the prison population dropped by 7 percent as a result of royal pardons and the Prosecutor General's Office conducting virtual trials. Overcrowded prisons emerged as a key concern during the COVID-19 pandemic. On March 27, approximately 150 human rights associations and activists signed a petition calling for the DGAPR to release "prisoners of conscience," such as prisoners arrested during the 2016-17 Rif protests, female prisoners with children, and low-risk offenders, as well as those vulnerable to COVID-19 (detainees older than age 60 or ill). The so-called Rif prisoners were arrested for their involvement in a series of protests in the northern Rif region in 2016 and 2017. Found guilty of damaging public property, injuring law enforcement members, and threatening the stability of the state, approximately four were sentenced to up to 20 years in prison in 2018. On April 5, King Mohammed VI pardoned 5,654 detainees and gave orders to take necessary measures to strengthen the protection of detainees in prisons against COVID-19. In July a royal pardon of an additional 6,032 inmates and 105 others on bail included

MOROCCO

individuals who were vulnerable to the virus.

The law provides for the separation of minor prisoners from adult prisoners. In all prisons, officials classify youth offenders into two categories, both of which are separated from other prisoners: minors under 18 and youthful offenders 18 to 20 years old. According to authorities, minors are not held with prisoners older than 20 years. The DGAPR had three dedicated juvenile “centers for reform and education” but maintained separate, dedicated youth detention areas for minors in all prisons. The government reported that, in cases where a juvenile court judge ruled that detention was necessary, minors younger than 14 were detained separately from minors 15 to 18 years old. In cases where a minor is ordered to be detained, a judge must follow up on a monthly basis.

The DGAPR reported there was no discrimination in access to health services or facilities based on gender for female prisoners, who make up just over 2 percent of the prison population. Some officials reported that female inmates often had a harder time accessing gender-specific health specialists such as OB/GYNs, than a general physician. Local NGOs asserted that prison facilities did not provide adequate access to health care and did not accommodate the needs of prisoners with disabilities. The DGAPR reported that a nurse and a psychologist examined each prisoner on arrival and that prisoners received care upon request. The DGAPR reported conducting extensive COVID-19 tests and medical consultations in prisons.

The DGAPR provided fresh food to inmates at no cost, certified by the Ministry of Health as meeting the nutritional needs of the average adult male. According to the DGAPR, the penitentiary system accommodated the special dietary needs of prisoners suffering from illnesses and of prisoners with religious dietary restrictions.

NGOs frequently cited cases where prisoners protested the conditions of their detention with hunger strikes. According to Amnesty International, prisoners launched hunger strikes to protest prison conditions, including poor hygiene and sanitation, inadequate health care, overcrowding, and detention far from their families, as well as limited visiting rights and access to education. Prisoners Nabil Ahamjik and Nasser Zefzafi went on a hunger strike on February 22 over

MOROCCO

allegations of abuse and mistreatment in prison. They demanded better prison conditions, adequate medical care, and visitation rights. Both ended their hunger strike on March 17. According to the OMP, however, most hunger strikes were in protest of judiciary processes and sentences rather than detention conditions. The CNDH and the DGAPR regularly addressed requests for transfer based on family proximity, and the DGAPR sometimes granted such requests. At other times, the DGAPR informed the detainee that the requested transfer was not possible, often because of overcrowding at the requested location.

Some human rights activists asserted that the prison administration reserved harsher treatment for Islamists who challenged the king's religious authority and for those accused of "questioning the territorial integrity of the country." The DGAPR denied that any prisoners received differential treatment and asserted that all prisoners received equal treatment in accordance with the law.

Families of detainees from Western Sahara charged that they faced unusually harsh prison conditions. The DGAPR contested this claim and asserted that prisoners in Western Sahara and Sahrawi prisoners in the rest of Morocco received the same treatment as all other prisoners under its authority.

According to the Robert F. Kennedy Human Rights Center, as of May 15, journalist and Sahrawi activist Mohamed al-Bambary was detained with 45 other prisoners in a cell that was 25 feet by 18.5 feet. The journalists and activists were detained because of their involvement in a movement questioning the territorial integrity of Morocco.

Administration: While authorities generally permitted relatives and friends to visit prisoners, there were reports that authorities denied visiting privileges in some instances. The DGAPR assigned each prisoner to a risk classification level, which determined visiting privileges. According to its prisoner classification guide, the DGAPR placed restrictions on the level of visits, recreation, and types of educational programming for higher-risk prisoners. At all classifications, prisoners may receive visits, although the length, frequency, and number of visitors may vary. Most prisons assigned each prisoner a designated "visit day" to manage the number of visits to the prison. The DGAPR authorizes religious observances and services provided by religious leaders for all prisoners, including religious

MOROCCO

minorities. In an effort to limit the spread of COVID-19 during the pandemic, DGAPR suspended family and lawyer visits but increased phone time privileges for inmates.

The CNDH and the DGAPR investigated allegations of inhumane conditions. The CNDH and the DGAPR effectively served the function of an ombudsman, and a system of “letterboxes” operated in prisons to facilitate prisoners’ right to submit complaints regarding their imprisonment. Detainees could submit complaints without censorship to the DGAPR Delegate General’s Office for processing, as well as to the CNDH.

Independent Monitoring: The government permitted some NGOs with a human rights mandate to conduct unaccompanied monitoring visits. Government policy also permitted academics, as well as NGOs that provided social, educational, or religious services to prisoners, to enter prison facilities. According to prison officials, academics and various NGOs conducted 79 visits through June. The OMP conducted 53 monitoring visits through June. The CNDH conducted two monitoring visits during the year.

Between January 1 and August 31, the CNDH’s three commissions in the south carried out nine visits to prisons including two visits in Laayoune-Sakia and Smara to focus on the prevention of COVID-19 in prisons. The CNDH observed the DGAPR took a number of steps to prevent the spread of COVID-19 in prisons, including the establishment of a digital platform to provide remote psychological support to prison staff and detainees, limiting the number of family visits and raising awareness through an information campaign among detainees. The Laayoune branch of the CNDH conducted monitoring visits and found the local prison in Dakhla remained overcrowded and insufficiently equipped to provide appropriate living conditions to the detainees. The objectives of the visits were to prevent practices likely to lead directly or indirectly to any form of torture and mistreatment, to verify whether the preventive measures recommended by the public authorities against COVID-19 are in place in compliance with international standards and to engage in a constructive dialogue with the authorities responsible.

Improvements: To alleviate overcrowding and improve overall conditions, the DGAPR reported there were six prisons currently under construction and prison

MOROCCO

extensions. The DGAPR opened a new prison in Berkane.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge in court the lawfulness of his or her arrest or detention. Observers indicated that police did not always respect these provisions or consistently observe due process, particularly during or in the wake of protests. According to local NGOs and associations, police sometimes arrested persons without warrants or while wearing civilian clothing. Individuals have the right to challenge the legal basis or arbitrary nature of their detention and request compensation by submitting a complaint to the court. The UN secretary-general's report on Western Sahara in September noted the OHCHR received reports of human rights violations perpetrated by government officials against Sahrawis, including arbitrary detention.

In Western Sahara, human rights organizations continued to track alleged abusers who remained in leadership positions or who had been transferred to other positions. International and local human rights organizations claimed that authorities dismissed many complaints of abuse and relied only on police statements. Government officials generally did not provide information on the outcome of complaints. The CNDH and DGAPR provided human rights training for prison officials and members of the security forces in Western Sahara.

On March 12, HRW published a report of police violence against two Western Sahara activists, Walid el-Batal and Yahdhih el-Ghazal in Smara, in June 2019. According to HRW's report, Moroccan security forces attempted to prohibit the men from attending an event for activist Salah Labsir who was serving a four-year prison sentence on charges for premeditated violence against police and the destruction of public goods. A video of the incident showed a dozen individuals in civilian clothing forcibly dragging two men from their truck and assaulting them with batons. Two Moroccan police vehicles were in the background of the scene, and the batons matched the style of police-issued equipment while one man wore a police helmet, leading HRW to determine the perpetrators were plainclothes police officers. Ghazal informed HRW that "they beat and tortured us there, and then they took us to the police station. They beat us there. And we passed out--I passed

MOROCCO

out; when I woke up I found myself in the hospital.” Court documents showed that el-Batal and el-Ghazal were taken to a hospital after their arrest. Moroccan authorities claimed the men were brought to the hospital because of injuries they sustained in colliding with police barriers and resisting arrest. The OHCHR requested an investigation into el-Batal’s case, raising concerns over human rights abuses. The public prosecutor opened an investigation, which resulted in the indictment of five police officers for police brutality. The investigation continued at year’s end.

Arrest Procedures and Treatment of Detainees

By law police may arrest an individual after a general prosecutor issues an oral or written warrant. 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 during the initial 24 hours of detention for all other charges, with an optional extension of 12 hours with the approval of the Prosecutor’s Office. Authorities did not consistently respect these provisions. Reports of abuse generally referred to these initial detention periods, when police interrogated detainees. The government continued to require new police officers to receive security and human rights training facilitated in partnership with civil society.

In ordinary criminal cases, the law requires police to notify a detainee’s next of kin of an arrest immediately after the above-mentioned period of incommunicado detention, unless arresting authorities applied for and received an extension from a magistrate. Police did not consistently abide by this provision. Authorities sometimes delayed notifying the family or did not inform lawyers promptly of the date of arrest, and the families and lawyers were not able to monitor compliance with detention limits and treatment of the detainee.

The law states, “in the case of a flagrant offense, the Judicial Police Officer has the right to keep the suspect in detention for 48 hours. If strong and corroborated evidence is raised against this person, [the officer] can keep them in custody for a maximum of three days with the written authorization of the prosecutor.” For common crimes, authorities can extend this 48-hour period twice, for up to six days in detention. Under terrorism-related laws, a prosecutor may renew the initial detention by written authorization for a total detention time of 12 days. According

MOROCCO

to the Antiterrorism Act, a suspect does not have a right to a lawyer during this time except for a half-hour monitored visit at the midpoint of the 12-day period. Observers widely perceived the law on counterterrorism as consistent with international standards.

At the conclusion of the initial detention period in police custody, a detainee must be presented to a prosecutor, who may issue provisional charges and order additional investigation by an investigatory judge in preparation for trial. The investigative judge has four months, plus a possible one-month extension, to interview the individual and determine what charges, if any, to file for trial. An individual may be detained in investigatory detention or at liberty during this phase. At the end of five months (if an extension is granted), the investigative judge must either file charges, decline to file charges and drop the case, or release the individual pending an additional investigation and a determination of whether to file. Authorities generally followed these timelines.

NGO sources stated that some judges were reticent to use alternative sentences permitted under the law, such as provisional release. The law does not require written authorization for release from detention. In some instances judges released defendants on their own recognizance. A bail system exists; the deposit may be in the form of property or a sum of money paid to the court as surety to ensure the defendant's return to future court proceedings. The amount of the deposit is subject to the discretion of the judge, who decides depending on the offense. Bail may be requested at any time before the judgment. According to the law, defendants have the right to attorneys; if a defendant cannot afford private counsel, authorities must provide a court-appointed attorney when the criminal penalty exceeds five years in prison. Authorities did not always provide effective and timely counsel.

Arbitrary Arrest: Security forces often detained groups of individuals, took them to a police station, questioned them for several hours, and released them without charge.

Under the penal code, any public official who orders an arbitrary detention may be punished by demotion and, if it is done for private interest, by imprisonment for 10 years to life. An official who neglects to refer a claimed or observed arbitrary or

MOROCCO

illegal detention to his superiors may be punished by demotion. During the year no security officials were investigated for arbitrary arrest associated with enforcement of the shelter-in-place protocol due to COVID-19 restrictions. There was no information available as to whether these provisions were applied during the year.

Pretrial Detention: Although the government claimed that authorities generally brought accused persons to trial within two months, prosecutors may request as many as five additional two-month extensions of pretrial detention. Pretrial detentions can last as long as one year. Government officials attributed delays to the large backlog of cases in the justice system. The government stated that a variety of factors contributed to this backlog, including a lack of resources devoted to the justice system, both human and infrastructure; the lack of plea bargaining as an option for prosecutors, lengthening the amount of time to process cases on average; the rare use of mediation and other out-of-court settlement mechanisms allowed by law; and the absence of legal authority for alternative sentencing. The government reported that, as of May, approximately 6.5 percent of detainees were in pretrial detention awaiting their first trial. In some cases detainees received a sentence shorter than the time they spent in pretrial detention, particularly for misdemeanors.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and, as in previous years, NGOs asserted that corruption and extrajudicial influence weakened judicial independence. The Supreme Judicial Council, mandated by the constitution, manages the courts and day-to-day judicial affairs in place of the Ministry of Justice. The president of the Court of Cassation (the highest court of appeals) chairs the 20-member body. Additional members include the president of the First Chamber of the Court of Cassation; the prosecutor general (equivalent of the attorney general); the mediator (national ombudsman); the president of the CNDH; 10 members elected by the country's judges; and five members appointed by the king. While the government's stated aim in creating the council was to improve judicial independence, its effect on judicial independence was not clear since its inception as an independent entity in late 2017. According to media reports and human rights activists, outcomes of trials in which the government had a strong interest, such as those touching on Islam as it related to political life and national

MOROCCO

security, the legitimacy of the monarchy, and Western Sahara, sometimes appeared predetermined.

On November 4, the Court of Cassation reviewed the appeals to the 2017 verdict against 23 Sahrawi individuals arrested during the 2010 dismantling of the Gdeim Izik Camp. The sentences issued ranged from time served to life imprisonment. The individuals had been previously convicted in a military trial in 2013. A 2015 revision of the Code on Military Justice eliminated military trials for civilians, and in 2016 the Court of Cassation ruled on appeal that the group should receive a new civilian trial. Two were given reduced sentences (from 25 years to 4.5 years and 6.5 years) and were released, joining two others whose 2013 sentences of time served were confirmed by the civilian court. Two other individuals also received reduced sentences (from 30 years to 25 years and from 25 years to 20 years). On November 9, HRW noted concerns that an earlier verdict was reached based on information obtained under torture.

Trial Procedures

The law provides for the right to a fair and public trial with the right of appeal, but this did not always occur. The law presumes that defendants are innocent. Defendants are informed promptly of potential charges after the initial arrest and investigation period. Defendants are then informed of final charges at the conclusion of the full investigatory period, which may last several months. Trials are conducted in Arabic, and foreigners have the right to request interpretation if they do not speak Arabic.

Defendants have the right to be present at their trial and to consult in a timely manner with an attorney. Defendants have the right to refuse to participate in their trial, and a judge may decide to continue the proceedings in the defendant's absence while providing a detailed summary to the defendant. Authorities often denied lawyers timely access to their clients and, in some cases, lawyers met their clients only at the first hearing before the judge. Authorities are required to provide attorneys in cases where the potential sentence is greater than five years, if the defendant is unable to afford one. Publicly provided defense attorneys were often poorly paid and neither properly trained in matters pertaining to juveniles nor provided to defendants in a timely fashion. The appointment process for public

MOROCCO

defenders was lengthy, often resulting in a defendant arriving to trial before a court-appointed attorney was designated. In these cases the judge may ask any attorney present to represent the defendant. This practice often resulted in inadequate representation. Many NGOs provided attorneys for vulnerable individuals (minors, refugees, victims of domestic violence), who frequently did not have the means to pay. Such resources were limited and specific to larger cities.

The law permits defense attorneys to question witnesses. Despite the provisions of the law, some judges reportedly denied defense requests to question witnesses or to present mitigating witnesses or evidence.

The law forbids judges from admitting confessions made under duress without additional corroborating evidence, government officials stated. NGOs reported that the judicial system often relied on confessions for the prosecution of criminal cases, and authorities pressured investigators to obtain a confession from suspects in order for prosecution to proceed. HRW and local NGOs charged that judges, at their discretion, sometimes decided cases based on forced confessions. According to the government, in order to move away from a confession-based judicial system, cases based solely on confessions and without any other substantiating evidence are not accepted by the courts.

According to the DGSN, during the year the forensics unit in partnership with international technical experts trained 85 judges and public prosecutors on forensics evidence for prosecutions. Since 2016 the National Police have had evidence preservation centers throughout the country to secure evidence collected at crime scenes and to ensure compliance with chain of custody procedures. According to the Ministry of Justice, legal clerks manage the evidence preservation centers and coordinate the court's and the defense's access to evidence.

Political Prisoners and Detainees

The law 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 it had charged or convicted all individuals in prison under criminal law. Criminal law covers nonviolent advocacy and dissent, such as insulting police in songs or

MOROCCO

“defaming Morocco’s sacred values” by denouncing the king and regime during a public demonstration. NGOs, including the Moroccan Association for Human Rights (AMDH), Amnesty International, and Sahrawi organizations, asserted the government imprisoned persons for political activities or beliefs under the cover of criminal charges.

The HRW annual report highlighted, “authorities continued to selectively target, prosecute, jail and harass critics, and enforce various repressive laws, notably pertaining to individual liberties.”

In December 2019 police in Rabat arrested Ben Boudouh, also known as Moul al-Hanout (grocery store owner), for “offending public officials” and “incitement to hatred.” Boudouh posted a live video on his Facebook page criticizing the king for allowing corruption. On January 7, the court of first instance of Khemisset, sentenced Ben Boudouh to three years in prison for “insulting constitutional institutions and public officials.” Ben Boudouh was in Tiflet Prison at year’s end. Amnesty International claimed the charges against Ben Boudouh were politically motivated.

Security forces arrested Soulaïmane Raïssouni, journalist and editor in chief of newspaper *Akhbar al-Yaoum*, in Casablanca on May 22 on an allegation he sexually assaulted a young man. On May 25, an investigating judge charged him with “violent and indecent assault and forced detention” and ordered his detention in Oukacha Prison. The arrest of Soulaïmane generated criticism from civil society groups and activists, who asserted the arrests were politically motivated.

Civil Judicial Procedures and Remedies

Human rights and proindependence groups considered a number of imprisoned Sahrawis to be political prisoners. This number included the 19 Gdeim Izik prisoners who remained in prison as well as members of Sahrawi rights or proindependence organizations.

Although individuals have access to civil courts for lawsuits relating to human rights violations and have filed lawsuits, such lawsuits were frequently unsuccessful due to the courts’ lack of independence in politically sensitive cases or lack of impartiality stemming from extrajudicial influence and corruption. The

MOROCCO

Supreme Judicial Council is tasked with ensuring ethical behavior by judicial personnel (see section 4). There are administrative as well as judicial remedies for alleged wrongs. Authorities sometimes failed to respect court orders in a timely manner.

The Institution of the Mediator (national ombudsman) helped to resolve civil matters that did not clear the threshold to merit involvement of the judiciary, including cases involving civil society registration issues. Although it faced backlogs, it gradually expanded the scope of its activities and subjected complaints to in-depth investigation. The mediator retransmitted to the CNDH for resolution cases specifically related to allegations of human rights abuses by authorities. The CNDH continued to be a conduit through which citizens expressed complaints regarding human rights abuses.

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

While the constitution states 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, employed informers, and monitored, without legal process, personal movement and private communications--including email, text messaging, or other digital communications intended to remain private.

On June 22, Amnesty International published a report claiming authorities had used NSO spyware to target journalist Omar Radi's phone from January 2019 to January 2020. Starting on June 26, the judicial police, gendarmerie, and prosecutors summoned Radi for 12 interrogation sessions of six to nine hours each regarding multiple accusations, including allegedly providing "espionage services" to foreign governments, firms, and organizations. On July 29, police arrested Radi on charges of "indecent assault with violence; rape; the receipt of foreign funds for the purpose of undermining state's domestic security; and initiation of contacts with agents of foreign countries to harm the diplomatic situation of the country." According to HRW, the rape and indecent assault charges against Radi were based on a complaint filed July 23 by one of Radi's colleagues. His trial commenced on

December 24.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution and law generally provide for freedom of expression, including for the press, although they criminalize and restrict some freedom of expression in the press and social media--specifically criticism of Islam, the institution of the monarchy, or the government's positions regarding territorial integrity and Western Sahara. Such criticism can result in prosecution under the penal code, with punishments ranging from fines to prison time, despite the freedom of expression provided for in the press code. The press code applies only to journalists accredited by the department of communication, under Ministry of Culture, Youth, and Sports, for speech or publications in the line of work; private speech by accredited journalists remains punishable under the penal code.

According to the Freedom House 2020 *Freedom in the World* report, the press enjoyed a significant degree of freedom when reporting on economic and social policies, but authorities used an array of financial and legal mechanisms to punish critical journalists. International and domestic human rights groups criticized criminal prosecutions of journalists and publishers as well as libel suits, claiming that the government principally used these laws to restrict independent human rights groups, the press, and social media.

According to the UN secretary-general's report on Western Sahara in September, the OHCHR remained concerned by reports alleging excessive surveillance of human rights defenders and journalists in Western Sahara. The report added that the OHCHR continued to receive reports of harassment and arbitrary arrests of journalists, bloggers, and human rights defenders covering human rights violations. Amnesty International stated Sahrawi human rights activists remained subject to intimidation, questioning, arrest, and intense surveillance that occasionally amounted to harassment.

Freedom of Speech: The law criminalizes criticism of Islam, of the legitimacy of the monarchy, of state institutions, of officials such as those in the military, and of the government's positions regarding territorial integrity and Western Sahara. The

MOROCCO

government sometimes prosecuted persons who expressed criticism on these topics. Amnesty International and HRW highlighted dozens of cases in which freedom of expression was restricted. During the year the government displayed intolerance for individuals critical of the monarch, local authorities and Islam. According to the government, 359 individuals were specifically charged for criminal speech, including defamation, slander, and insult (see Libel/Slander Laws and National Security).

On January 16, the Laayoune Court of Appeals sustained a court of first instance conviction for Hamza Sbai but reduced the prison sentence from 36 months to eight months. Sbai was convicted under the penal code for his rap video posted on YouTube, titled *We Understand*. According to the Ministry of Interior, he was sentenced by the court in December 2019 to three years of prison and a fine for “insulting constitutional institutions.” Sbai was transferred from a prison in Laayoune to Bouizakarne in January and was released on August 28.

On March 23, parliament passed a law declaring a health emergency and setting a penalty of a three-month prison sentence for anyone disobeying “orders and decisions taken by public authorities” and for anyone “obstructing” through “writings, publications or photos” those decisions. As of May, 91, a total of 623 individuals were briefly detained or fined for breaking the new state of emergency law, of whom 558 remained in detention.

On March 28, the secretary general of the Presidency of the Public Prosecutor’s Office reported that police had arrested 56 individuals for publishing false information regarding COVID-19.

On May 5, local representatives of the Ministry of Interior in Tiflet reportedly assaulted two journalists while they were covering the COVID-19 lockdown’s impact on local market activity during Ramadan on behalf of a national Amazigh television station. Media reports indicated the officials verbally assaulted a female journalist before slapping her and pushing her to the ground, while her accompanying cameraman sustained a hand injury as he tried to prevent the authorities from confiscating his camera. On May 7, Reporters without Borders condemned the “unacceptable” assault and stated, “The coronavirus crisis must not be used as an excuse to harass journalists who are just trying to do their job.” On

MOROCCO

May 8, the ministry announced to the French Press Agency that it opened an internal investigation of the claims. The Ministry of Interior denied the claims of police intervention and allegations of assault against the journalist and cameraman.

In August, 400 artists and intellectuals wrote a manifesto denouncing police repression and defamation campaigns, exacerbated by the pandemic situation, citing “several cases of political imprisonment and harassment, including the arrest of journalists Omar Radi (see section 1.f.) and Hajar Raissouni (who was convicted of engaging in premarital sex and attempting to get an abortion before receiving a royal pardon in 2019), as well as repression against social movements.” When some decided to withdraw their signatures from the petition, other activists claimed they had been subjected to intimidation.

On April 27, authorities arrested Omar Naji, vice president of the AMDH Nador branch, and charged him with defamation and spreading false information after he posted on Facebook that local authorities were confiscating goods sold by local merchants in the informal economy. Naji was released on bail pending trial on June 2. The AMDH called Naji’s arrest an attack on freedom of expression, although Naji was found not guilty.

Freedom of Press and Media, Including Online Media: Independent media, as well as partisan media, were active and expressed a variety of views within the restrictions of the law. The press code limits punishments for accredited journalists to fines. As of September 6, two journalists were prosecuted under the press code during the year, compared with two in all of 2019.

Two publishing directors of news websites were brought before the crown prosecutor in Mohammedia for allegedly publishing “fake news” on COVID-19. Five other individuals were arrested for sharing the same news via their Facebook accounts.

In March international NGOs drew attention to the government’s suspension of print newspapers during the outbreak of COVID-19 to reduce contact and the spread of the virus.

In March, amid the COVID-19 pandemic, Mi Naima, a YouTuber with a large following, posted a video in which she claimed that COVID-19 did not exist. She

MOROCCO

was arrested and sentenced to one year in prison for “sharing fake news.”

On March 17, journalist Omar Radi was sentenced to a four-month suspended prison sentence and fine over a tweet in 2019 in which he criticized the judge who handed down prison sentences against activists of the Hirak movement (see section 1.f.).

On March 27, Kawtar Zaki and Abdelilah Sakhir, both of the online outlet Eljarida 24, received six-month suspended prison sentences and fines for publishing information from a parliamentary committee on corruption by elected officials. Hakim Benchamach, speaker of the upper chamber of parliament, filed the complaint that led to the case, according to Freedom House.

Actor Rafiq Boubker was prosecuted in May for blasphemy, insulting Islam, insulting a corporate body, and violating the state of emergency. In a video leaked on social media, an apparently intoxicated Boubker called an imam derogatory names and called on Moroccans to “pray with vodka”--leading to charges of “insulting the Islamic religion and undermining the sanctity of worship.” Boubker was arrested on the basis of complaints to the crown prosecutor. On July 14, the Ain Sebaa Court of First Instance in Casablanca was set to take place on November 10 but postponed for a later date.

Journalists continued to denounce the cumbersome administrative procedures and the long wait times to receive accreditation under the press code. Some members of the press claimed that journalists from outlets close to the government and palace received their credentials sooner than journalists from independent outlets. They claimed journalists waiting for their credentials had to operate without a press card in an ambiguous legal status, as the protections of the press code are only available to accredited journalists.

The government also enforced strict procedures governing journalists’ meetings with NGO representatives and political activists. Foreign journalists needed, but did not always receive, approval from the Ministry of Culture, Youth, and Sports before meeting with political activists.

The trial for seven members of the Moroccan Association for Investigative Journalism, including Hicham Mansouri, Maati Monjib, and Hisham Almiraat, has

MOROCCO

been repeatedly postponed since 2015; the individuals had not been sentenced at year's end. According to the Ministry of Justice, Mansouri, Monjib, and Almiraat were suspected of accepting foreign funds intended for acts threatening the internal security and territorial integrity of the country. The seven individuals were charged for posing a threat to the internal security of the country, fraud, managing an association exercising unauthorized acts, and accepting unauthorized foreign funds. On December 29, Maati Monjib was arrested on charges of embezzlement. He had been under a new investigation since October 7 on accusations of money laundering against him. His trial was scheduled to begin in January 2021.

Violence and Harassment: Authorities subjected some journalists to harassment and intimidation, including attempts to discredit them through harmful rumors about their personal lives. Journalists reported that selective prosecutions served as a mechanism for intimidation. According to Reporters without Borders, the government intimidated activists and journalists, often putting them on trial for matters seemingly unrelated to journalism or political activities.

According to media reports, authorities rejected one international journalist's accreditation request during the year because he lacked a valid permit. The government stated that foreign media representatives who comply with local laws are allowed to perform their duties without interference and that allegations that authorities expelled foreign journalists were unsubstantiated.

Censorship or Content Restrictions: Self-censorship and government restrictions on sensitive topics remained serious hurdles to the development of a free, independent, and investigative press. Publications and broadcast media require government accreditation, and the government may deny and revoke accreditation as well as suspend or confiscate publications that breach public order or criticize Islam, the institution of the monarchy, or the government's positions on territorial integrity. While the government rarely censored the domestic press, it exerted pressure through written and verbal warnings and by pursuing legal cases that resulted in heavy fines and suspended publication. Such cases encouraged editors and journalists to self-censor and host opposition news sites on servers outside the country to avoid being shut down by the authorities. According to Freedom House, personal attacks and derogatory comments received by activists and opinion makers online, often in response to their criticism of government

MOROCCO

policies, also contributed to self-censorship.

Libel/Slander Laws: The press code includes provisions that permit the government to impose financial penalties on accredited journalists and publishers who violate restrictions related to defamation, libel, and insults. A court may impose a prison sentence if an accredited journalist is unable or unwilling to pay the fine.

Individuals not registered as journalists may be charged for defamation, libel, and slander under the criminal code, as can accredited journalists for their private actions.

Between November 2019 and January, NGOs reported 10 individuals were arrested for “offending public officials and institutions.”

National Security: The antiterrorism law provides for the arrest of individuals, including journalists, and filtering websites deemed to “disrupt public order by intimidation, terror, or violence.” The law assigns legal liability to the author and anyone who in any way helps the author to disseminate information deemed as a justification for acts of terrorism, which would include site owners and internet service providers. While the law was designed to combat terrorism, authorities retain the discretion to define terms such as “national security” and “public order,” under the penal code for which the government can seek fines of up to 200,000 s (\$21,000) for publishing content online seen as disruptive to public order, with the maximum fine of 500,000 s (\$52,000) if the content offends the military. Online speech offenses related to the monarchy, Islam, and Western Sahara, as well as threats to national security can carry prison sentences of two to six years.

Internet Freedom

The government did not disrupt access to the internet, but it did apply laws governing and restricting public speech and the press on the internet. The press code stipulates that online journalism is equivalent to print journalism. Laws on combatting terrorism permit the government to filter websites. According to Freedom House’s 2020 *Freedom on the Net* report, the government did not block or filter any political, social, or religious websites during the year. Nonetheless, security officials pressured activists to delete sensitive content. The same report

MOROCCO

indicated there has been an influx of progovernment online outlets that published false and defamatory news about dissidents. The report also noted there have been cases in which bloggers were arrested or imprisoned for content the government deemed politically sensitive. Social media and communication services, including YouTube, Facebook, and Twitter, were available in the country, as were international blog-hosting services. Freedom House claimed, however, that unfair disbursement of advertising money, strict self-censorship, and continuing trials of journalists have prevented the emergence of a vibrant online media environment. According to the government, funds for advertisements derive from the private sector, not from the public sector. The government also repeatedly reminded online journalists to obey the law. The government also prosecuted individuals for expressing certain ideological views online, particularly related to protests in the northern Rif region.

According to Freedom House, numerous accounts were created on Twitter and Facebook with the apparent purpose of harassing, intimidating, and threatening activists who criticize authorities. Activists believed these progovernment commentators were also equipped with direct or indirect access to surveillance tools, since they often obtained private information about other users.

Many contributors working for online news outlets and many online news outlets themselves were unaccredited and therefore not covered under the press code for their publications. They remained subject to provisions of the antiterrorism law and the penal code that permit the government to jail and impose financial penalties on anyone who violates restrictions related to defamation, libel, and insults.

On April 27, a draft bill seeking to limit social media commentary promoting boycotts and businesses was leaked. After the draft language sparked rapid and broad condemnation by civil society, the minister of justice on May 3 withdrew the bill from consideration and initiated consultations on the proposed legislation with the CNDH and civil society. On May 12, during a video conference on human rights, CNDH president Amina Bouayach said she considered the bill significantly “outdated” and “unsuitable for Morocco,” reiterating that the CNDH had a clear stance on free speech online and viewed social media as “an incubator of

MOROCCO

freedoms.”

According to various NGOs, the government frequently hacked Sahrawi citizen journalists’ and bloggers’ social media accounts.

Academic Freedom and Cultural Events

The law permits the government to criminalize presentations or debate questioning the legitimacy of Islam, the legitimacy of the monarchy, state institutions, and the status of Western Sahara. The law restricts cultural events and academic activities, although the government generally provided more latitude to political and religious activism confined to university campuses. The Ministry of Interior approves appointments of university rectors.

b. Freedoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The law provides for the right of peaceful assembly. The government generally allowed authorized and unauthorized peaceful demonstrations to occur. Under the law groups of more than three persons require authorization from the Ministry of Interior to protest publicly. Some NGOs complained that the government used administrative delays and other methods to suppress or discourage unwanted peaceful assembly. Security forces intervened on occasion to disband both authorized and unauthorized protests when officials deemed the demonstration a threat to public security. Amnesty International reported continued arbitrary restrictions on the rights to freedom of peaceful assembly and association, particularly of individuals supporting independence for Western Sahara.

Several proindependence organizations and some human rights NGOs in Western Sahara stated that in recent years the submission of applications for permits to hold demonstrations declined because police rarely granted them. In most cases the organizers proceeded with planned demonstrations in the absence of authorization, and there was no discernible difference in security forces’ reaction to authorized or unauthorized protests. Violent confrontations between security forces and

MOROCCO

protesters were less common than in previous years, according to several local NGOs, although violent dispersals occurred on occasion. Security force practices were similar to those in internationally recognized Morocco; however, in Western Sahara there was often a higher ratio of members of security forces to protesters.

On March 23, the government implemented a royal decree concerning the state of health emergency, making a violation of public authority confinement measures punishable with one to three months' imprisonment, a fine of up to 1,240 s (\$130), or both; the decree also makes the use of social media or broadcast networks to spread misinformation about COVID-19 or incite criminal activity punishable with up to one year in prison. The UN high commissioner for human rights noted that security forces "used excessive force to make people abide by lockdowns and curfews." According to a report by Amnesty International published in June, a total of 91,623 individuals were prosecuted from March to May for breaking the state of emergency. At least 588 persons remained in detention for breaking the state of emergency, according to the May 22 official statement of the public prosecutor's office.

Some NGOs complained that authorities did not apply the approval process for holding a demonstration consistently and used administrative delays and other methods to suppress or discourage unwanted peaceful assembly. HRW's *World Report 2020* highlighted interference with associations that expressed views critical of the monarch and events organized by the AMDH. Police allowed many protests demanding political reform and protesting government actions, but often forcibly dispersed peaceful protests, arrested protesters and protest leaders, or prevented demonstrations from occurring. According to the government, approximately 4,400 protests took place from January to July. While most protests proceeded peacefully, on several occasions violence erupted between protesters and police.

Security forces were generally present both in and out of uniform at protests, particularly if the protest was expected to address a sensitive issue. In general, officers were under orders to observe and not intervene, unless the demonstration became unruly, threatening to bystanders, or overflowed into public highways. In those cases, under standard operating procedures, officers were required to give the crowd three warnings that force would be used if they did not disperse. Security

MOROCCO

forces would then attempt to force protesters to leave the area, using riot shields to push standing protesters into a designated area or carrying seated protesters to the designated area.

Security force tactics did not differ significantly whether the protest was authorized or unauthorized, although the decision on whether to intervene sometimes depended on whether the protest was authorized. According to the government, if officers intervened in a protest, a police judiciary officer not involved in the intervention and under the supervision of the attorney general must produce a statement documenting the circumstances of the case, the number of victims, and the material damage due to the operation. The police judiciary officer must address the statement to the Attorney General's Office with a copy to the governor of the territorial jurisdiction where the incident transpired. The government organized training on human rights-based methods to manage crowds throughout the year.

In February the CNDH released a report about security force actions to disperse the 2017 Hirak protests and largely upheld police action on the basis that the protests had gradually escalated towards violence. NGOs and the CNDH continued to monitor the Rif Hirak prisoners sentenced by the Casablanca Court of Appeal in April 2019.

On January 28, two participants from a "Philosophy in the Street" event promoting freedom of expression were arrested and later released in Rabat. Event organizers stated this was the first time members from the group had been arrested as part of a public meeting. On July 22, one of the activists was tried for public intoxication and fined 500 s (\$50).

The CNDH's Laayoune and Dakhla regional commissions monitored 24 demonstrations from January to July. Security forces dispersed several demonstrations by force, with clashes resulting in injuries on both sides.

In July, CNDH's Laayoune Commission was approached by an association of migrants about a clash between law enforcement officials and a group of 78 sub-Saharan migrants in an irregular situation, who were held in a reception center and tried to leave it without authorization. The commission visited the scene of the

MOROCCO

clashes and monitored the exchange of violence between police and this group of immigrants who stormed the outer door of the accommodation center in a bid to break the health state of emergency, which led the police officer present to shoot two rubber bullets in the air as a warning; a third rubber bullet hit a migrant. The situation was contained, while a police officer and four migrants were admitted to hospital with minor bruises. The judicial police of Laayoune opened a preliminary investigation.

Freedom of Association

The constitution and the law provide for freedom of association, although the government sometimes restricted this freedom. The government prohibited or failed to recognize some political opposition groups by deeming them unqualified for NGO status. While the government does not restrict the source of funding for NGOs operating in the country, NGOs that receive funding from foreign sources are required to report the amount and its origins to the government within 30 days from the date of receipt. The government denied official recognition to NGOs it considered to be advocating against Islam as the state religion or questioning the legitimacy of the monarchy or the country's territorial integrity. Authorities obstructed the registration of a number of associations perceived to be critical of the authorities by refusing to accept their registration applications or to deliver receipts confirming the filing of applications (see section 5).

Amnesty International reported that Moroccan authorities routinely rejected the registration applications of Sahrawi human rights groups.

The Ministry of Interior required NGOs to register before being recognized as legal entities, but there was no comprehensive national registry publicly available. A prospective organization must submit its objectives, bylaws, address, and photocopies of members' identification cards to local officials of the ministry. The local officials of the ministry issue a receipt to the organization that signifies formal approval. Organizations without receipts are not formally registered. According to the law, however, any association not denied registration that did not receive a receipt within 60 days of submitting the required documentation has the right to engage in activities. These same organizations reported extended delays in

MOROCCO

receiving correspondence from the ministry on the receipt issue.

Unregistered organizations could not access government funds or legally accept contributions. On February 13, a group of human rights organizations gathered to denounce the ministry's refusal to issue receipts of registration to certain organizations that cover human rights. The organizations stated local officials' refusal to issue receipts is a violation of article five of Law 75, which governs the right of association. One of the organizations, the Moroccan Federation of Human Rights, reported the ministry has refused to issue it a registration receipt for the last five years.

On February 29, media reported the authorities prevented an NGO from conducting training on "national and international mechanisms to protect human rights activists" in Meknes. Media reported the hotel had received notice from authorities to cancel the activity. According to the government, the local authorities did not cancel the event, rather, the hotel refused to host the event after the organizers were unable to provide the necessary meeting permits.

The National Federation of Amazigh Associations, an organization supporting the inclusion of the Amazigh (Berber) population in public life, reported that, as of October, nine Amazigh organizations denied registration in 2017 continued to be denied registration during the year, including the federation itself (see section 6, National/Racial/Ethnic Minorities).

The Justice and Charity Organization, a Sunni Islamist movement that rejects the king's spiritual authority, remained banned but largely tolerated, although authorities continued to monitor its activities.

In October 2019 local authorities refused to accept the application of a religious freedom organization based in Casablanca, which attempted to register as an association.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at

MOROCCO

<https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, although it limited movement to areas experiencing widespread unrest. The government denied entry to individuals it believed threatened the stability of the country. The government continued to make travel documents available to Sahrawis to travel and encouraged the return of Sahrawi refugees from Algeria and elsewhere if they acknowledged the government's sovereignty over Western Sahara. Refugees wishing to return are required to obtain the appropriate travel or identity documents at a Moroccan consulate abroad, often in Mauritania. There were a few reported cases, however, of authorities preventing Sahrawis from traveling.

On January 2, the Moroccan authorities prevented representatives of Sahrawi NGOs from celebrating activist Aminatou Haidar's reception of the 2019 Right Livelihood Award. Authorities denied activists access to the venue and forced all those present to leave the headquarters of the Sahrawi Association of Victims of Grave Violations of Human Rights Committed by the State of Morocco in El-Ayoun.

In-country Movement: There were several reports of government authorities denying local and international organizations and press access to the Rif and Eastern regions. The government, however, maintained that no international organizations or press were denied access to the Rif region.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. 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 refugees, returning refugees, asylum seekers, and other persons of concern. The government also provided funding to humanitarian organizations to

MOROCCO

provide social services to migrants, including refugees.

The government has historically deferred to UNHCR as the sole agency in the country entitled to perform refugee status determinations and verify asylum cases. UNHCR referred cases that meet the criteria for refugee recognition to the government's interministerial Commission in Charge of Hearings for Asylum Seekers within the Bureau of Refugees and Stateless Persons.

Abuse of Migrants, Refugees, and Stateless Persons: Refugees, asylum seekers, and migrants were particularly vulnerable to abuse. Authorities continued cooperation with Spanish and EU authorities to thwart trafficking networks and arrest smugglers. A decrease in Europe-bound human smuggling and human trafficking coincided with increased border controls implemented during the COVID-19 pandemic.

CNDH regional branches reported receiving several complaints regarding the rights of migrants. There were reports of government authorities arresting or detaining migrants, particularly around the Spanish enclave cities of Melilla and Ceuta, and forcibly relocating them to other parts of the country to deter attempts to cross illegally into Spanish territory. Several NGOs reported the week of February 14 that authorities were forcibly removing groups of migrants from proximity to the coast and Spanish enclave cities to the southern region. One NGO alleged that security services moved approximately 10,000 sub-Saharan migrants from the north to the south of the country and deported another 3,000 migrants from Guinea-Conakry, Mali, or Cameroon to their home countries. The government maintained the return of third-country nationals to their country of origin was coordinated with diplomatic legations who endorsed these departures and issued the appropriate papers (see section 2.f, Durable Solutions).

On February 10, the international NGO Alarm Phone reported to the press that Morocco allegedly deported a Yemeni migrant to Algeria in mid-September 2019.

Access to Asylum: The law provides for the granting of refugee status. The government recognizes asylum status for refugees designated according to the UNHCR statute. The government continued to grant status to UNHCR-recognized refugees and temporary status to registered Syrians. There were 1,363 refugees

MOROCCO

registered in the country and six asylum seekers.

Access to Basic Services: Recognized refugees and migrants were generally able to work and access health care and education services, including publicly funded professional and vocational training. Requests on behalf of women and children receive automatic approval, with immediate access to education and health care. Asylum seekers were, however, sometimes unable to access the national health care system and continued to have little access to the judicial system until recognized as refugees.

Durable Solutions: The government facilitated voluntary returns in cooperation with UNHCR and, when necessary, the resettlement of recognized refugees to third countries. Since 2004 the government and the International Organization for Migration have cofunded the voluntary return of migrants to their countries of origin. According to the government, it assisted with the voluntary return to the country of origin of an average of 2,000 migrants between January 2019 and March 2020.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees. Syrians and Yemenis benefited from “exceptional regularization” outside the more permanent migrant regularization program.

Section 3. Freedom to Participate in the Political Process

The country is a constitutional monarchy under which ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers. The king shares executive authority with the head of government (prime minister). According to the constitution, the king appoints the head of government from the political party with the most seats in parliament and approves members of the government nominated by the head of government.

The law provides for, and citizens participated in, free and fair periodic elections held by secret ballot and based on universal and equal suffrage for parliament’s Chamber of Representatives and municipal and regional councils. Regional and professional bodies indirectly elected members of parliament’s less powerful

MOROCCO

Chamber of Counselors.

Elections and Political Participation

Recent Elections: In 2016 the country held direct elections for the Chamber of Representatives (the more powerful lower house of parliament). The major political parties and domestic observers considered the elections free, fair, and transparent. International observers considered the elections credible, noting voters were able to choose freely and the process was free of systemic irregularities. As stipulated by the constitution, the king tasked the Party of Justice and Development, which won the most seats in the newly elected chamber, to form a governing coalition and nominate new ministers.

Political Parties and Political Participation: A political party may not legally challenge Islam as the state religion, the institution of the monarchy, or the country's territorial integrity. The law prohibits basing a party on a religious, ethnic, or regional identity.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Voters elected a record number of women in the 2016 elections, although very few subsequently won leadership positions as ministers or parliamentary committee presidents.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively. Officials sometimes engaged in corrupt practices with impunity. There were reports of government corruption in the executive, judicial, and legislative branches during the year.

Corruption: Observers generally considered corruption a persistent problem, with insufficient governmental checks and balances to reduce its occurrence. There were reports of petty government corruption.

The National Authority for Probity, Prevention, and Fighting Corruption (INPPLC)

MOROCCO

is responsible for combating corruption. In addition to the INPPLC, the Ministry of Justice and the High Audit Institution (government accountability court) had jurisdiction over corruption issues, and the latter has authority to conduct investigations.

The Ministry of Justice ran a hotline for the public to report instances of corruption. As of August the government reported there were 9,550 calls to the hotline alleging corruption that resulted in 39 cases in court during the year. The government also reported 90 percent of the calls were inquiries about corruption cases in trial, rather than new reports of alleged corruption. The Prosecutor General's Office reported it registered 950 calls to its anticorruption hotline from private citizens during the year; the office stated there were convictions against the officials involved in 16 cases.

In January a "money for diplomas" scandal came to light in Tetouan at a public Abdelmalik Essaadi University. The university president declared the report an isolated incident and launched an internal investigation. The prosecutor for the case suggested that hundreds of diplomas were issued fraudulently.

On February 5, a court in Marrakesh sentenced Khalid Ouaya to 10 years in prison and one million s for receiving kickbacks from land deals. He was serving his prison sentence and awaiting trial by the court of appeals. On March 5, media reported a collusion scheme among judges, prosecutors, clerks, and bailiffs of the Casablanca Court of First Instance, legal representatives of public and private creditors, and service providers that filed thousands of suits against citizens without their knowledge. The Prosecutor General's Office reportedly opened an investigation into the case that continued at year's end.

The government claimed to investigate corruption and other instances of police malfeasance through an internal mechanism. Nevertheless, international and domestic human rights organizations claimed that authorities dismissed many complaints of abuse and relied only on police statements.

The judicial police investigated allegations, including those against security forces, and advised the court of their findings. Cases at times languished in the investigatory or trial phases. The government reported 45 cases in September

MOROCCO

where there was sufficient evidence pointing to police officers engaging in corruption, extortion, collusion with drug traffickers, or misappropriation of seized objects, and 16 police officers received disciplinary sanctions in connection to the cases.

Financial Disclosure: The law requires judges, ministers, and members of parliament to submit financial disclosure statements to the High Audit Institution, which is responsible for monitoring and verifying disclosure compliance. According to allegations from government transparency groups, however, many officials did not file disclosures. There are no effective criminal or administrative sanctions for noncompliance.

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

A variety of domestic and international 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.

The government did not approve AMDH appeals during the year to register multiple regional branches. The organization regularly faced difficulties renewing the registration of its offices.

During the year activists and NGOs reported continuing restrictions on their activities in the country (see section 2.b, Freedom of Association). According to the government, registered organizations are authorized to meet within their established headquarters, but any meetings outside that space, including privately owned establishments, were considered to be in public spaces and require authorization from the Ministry of Interior. Organizations stated that government officials told them their events were canceled for failing to follow required procedures for public meetings, although the organizations claimed to have

MOROCCO

submitted the necessary paperwork or believed the law did not require it.

Some unrecognized NGOs that did not cooperate officially with the government still shared information informally with both the government and government-affiliated organizations.

The United Nations or Other International Bodies: The government cooperated with the United Nations and permitted requested visits.

Nonetheless, in September the UN secretary-general urged the state and other parties to address outstanding human rights problems and enhance cooperation with the OHCHR. The report noted that the human rights situation in Western Sahara has been adversely affected by COVID-19, especially with regard to economic and social rights.

Government Human Rights Bodies: The CNDH is a national human rights institution established by the constitution that operates independently from the elected government. It is publicly funded and operates in conformity with the Principles of Paris, according to the Global Alliance of National Human Rights Institutions. The council filled the role of a national human rights monitoring mechanism for preventing torture. The CNDH oversees the National Human Rights Training Institute, which collaborated with international organizations to provide training to civil society, media, law enforcement, medical personnel, educators, and legal practitioners.

Via its regional offices in Dakhla and Laayoune, the CNDH continued a range of activities, including monitoring demonstrations, visiting prisons and medical centers, and organizing capacity-building activities for various stakeholders. It also maintained contact with unregistered NGOs. The CNDH also occasionally investigated cases raised by unregistered NGOs, especially those that drew internet or international media attention.

The Institution of the Mediator acted as a general ombudsman. It considered allegations of governmental injustices and has the power to carry out inquiries and investigations, propose disciplinary action, and refer cases to the public prosecutor.

The mission of the Interministerial Delegation for Human Rights (DIDH), which

MOROCCO

reports to the minister of state in charge of 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. The DIDH coordinates government responses to UN bodies on adherence to treaty obligations and serves as the principal advisory body to the king and government on human rights. The DIDH oversaw the launch during the year of the *National Plan of Action on Democracy and Human Rights* (PANDDH), approved by parliament in 2017 and the king in 2019. The PANDDH includes more than 400 measures to improve democracy, governance, economic, social, cultural, and environmental rights as well as reforms to institutional and legal frameworks.

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

Women

Rape and Domestic Violence: The law punishes individuals 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. Spousal rape is not a crime. Numerous articles of the penal code pertaining to rape perpetuate unequal treatment for women and provide insufficient protection. A 2018 law provides a stronger legal framework to protect women from violence, sexual harassment, and abuse. Under the law a sexual assault conviction may result in a prison sentence of six months to five years and a fine. For insults and defamation based on gender, an individual may be fined up to 60,000 s for insults and up to 120,000 s for defamation (\$6,300 to \$12,600). General insult and defamation charges remain in the penal code. A March reform of the law requires the DGSN, Prosecutor General's Office, Supreme Judicial Court, and Ministries of Health, Youth, and Women to have specialized units that coordinate with one another on cases involving violence against women. The Judicial Police reported gender-based violence response units opened in 132 police precincts across the country as of late 2019. These specialized units intake and process cases of gender-based violence and provide psychological support and other services to victims. In 440 precincts where gender-based violence response units have not been established, a regular

MOROCCO

police officer is designated to process the cases.

The National Union for Women in Morocco (UNFM) launched an online platform in January to provide support for victims of domestic abuse. The platform gave victims access to legal counsel, a network to find employment, and a social support network. The UNFM also offered temporary housing and vocational training for victims of domestic violence.

Later in the year, the COVID-19 pandemic saw a spike in domestic abuse as a result of isolation measures. The government and NGOs expanded programming and outreach that provided shelter, assistance, and guidance for survivors of domestic abuse. According to the Public Prosecutor's Office, the government adopted protective measures, such as shelters, for victims of domestic violence in the first half of the year. On May 28, the government adopted a bill to create a national registry for social support programs for women and children. Several NGOs adapted services provided to victims of domestic violence, providing hotlines, shelter, resources, guidance, and legal support.

There were reports, however, that these shelters were not accessible to persons with disabilities. Courts maintained "victims of abuse cells" that brought together prosecutors, lawyers, judges, women's NGO representatives, and hospital personnel to review domestic and child abuse cases to provide for the best interests of women or children.

According to local NGOs, survivors did not report the vast majority of sexual assaults to police due to social pressure and the concern that society would most likely hold the victims responsible. Some sexual assault victims also reported police officers at times turned them away from filing a police report or coerced them to pay a bribe to file the report by threatening to charge them with consensual sex outside of marriage, a crime punishable with up to one year in prison. Police selectively investigated cases; among the minority brought to trial, successful prosecutions remained rare.

The law does not specifically define domestic violence against women and minors, but the general prohibitions of the criminal code address such violence. Legally, high-level misdemeanors occur when a victim's injuries result in 20 days of

MOROCCO

disability leave from work. Low-level misdemeanors occur when a victim's disability lasts for less than 20 days. According to NGOs, the courts rarely prosecuted perpetrators of low-level misdemeanors. Police were slow to act in domestic violence cases, and the government generally did not enforce the law and sometimes returned women against their will to abusive homes. Police generally treated domestic violence as a social rather than a criminal matter. Physical abuse was legal grounds for divorce, although few women reported such abuse to authorities.

On January 21, media reported that 20 suspects kidnapped “Oumaima”, a 17-year-old girl, in the Moulay Rachid district (in Casablanca) and then gang raped and abused her for 25 days before she convinced a friend of the perpetrators to assist in her escape. According to the victim's mother, during confinement, the perpetrators forced the girl to ingest toxic substances to try to kill her. The girl was hospitalized after her escape. According to an NGO, three of the 20 suspects were arrested, and two of the three were later released on bail.

In February the Court of Appeal in Rabat sentenced the perpetrator of the summer 2019 rape and murder of Hanane al-Iraki to death; the principal defendant was convicted of premeditated murder on February 10. Six accomplices in the crime were sentenced to five years in prison. The conviction closed a case that surfaced in July 2019 when footage of the crime was published on the internet.

Sexual Harassment: Before the law on violence against women was passed in 2018, sexual harassment was only a crime if it was committed by a supervisor in the workplace. Under the 2018 law, sexual harassment is a crime punishable by up to six months in prison and a fine up to 10,000 s (\$1,000) if the offense takes place in a public space or by insinuations through texts, audio recording, or pictures. In cases where the harasser is a coworker, supervisor, or security official, the sentence is doubled. Prison sentences and fines are also doubled in cases where a spouse, former spouse, fiancé, or a family member perpetrates the harassment act, physical violence, or abuse or mistreatment or breaks a restraining order or if the crime is perpetrated against a minor. In the past authorities did not effectively enforce laws against sexual harassment. Civil society leaders stated they did not observe efforts by the government to enforce the 2018 law or provide training on the new law for

MOROCCO

judicial or law enforcement officials.

Reproductive Rights: Individuals and couples have the right to decide the number, spacing, and timing of their children. Individuals have the right to manage their reproductive health and had access to the information and means to do so, free from discrimination, coercion, or violence. Authorities generally did not discriminate against women in accessing sexual and reproductive health care, including for sexually transmitted infections. Contraception was legal, and most forms were widely available. According to the Population Reference Bureau, the country has invested in increasing the availability of voluntary family-planning services, expanding and improving maternal health care, and providing for access to obstetric care by eliminating fees.

The contraceptive pill was available over the counter, without a prescription. Skilled health attendance at delivery and postpartum care were available for women who could afford it, with approximately 75 percent of overall births attended by skilled health personnel.

While a 2018 law strengthened penalties for violence against women (see section 6, Women) and required certain government agencies to establish units to provide psychological support and other services to victims of gender-based violence, Human Rights Watch assessed at the time of the law's passage that it did not sufficiently define the government's role in providing services to victims. The government responded that it provides services to victims of sexual assault via the UN Population Fund.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: While the constitution provides women equal rights with men in civil, political, economic, cultural, and environmental affairs, laws favor men in property and inheritance. Numerous problems related to discrimination against women remained, both with inadequate enforcement of equal rights provided for by the laws and constitution and in the reduced rights provided to women in inheritance.

According to the law, women are entitled to a share of inherited property, but a

MOROCCO

woman's share of inheritance is less than that of a man. Women are generally entitled to receive half the inheritance a man would receive in the same circumstances. A sole male heir would receive the entire estate, while a sole female heir would receive half the estate with the rest going to other relatives.

In 2019 the government revised the structure and administration of communal lands, allowing female heirs to inherit, and be titled as owners of, those lands.

The family code places the family under the joint responsibility of both spouses, makes divorce available by mutual consent, and places legal limits on polygamy. Implementation of family law reforms remained a problem. The judiciary lacked willingness to enforce them, as many judges did not agree with their provisions. Corruption among working-level court clerks and lack of knowledge about its provisions among lawyers were also obstacles to enforcing the law.

The law requires equal pay for equal work, although in practice this did not occur.

Children

Birth Registration: The law permits both parents to pass nationality to their children. The law establishes that all children have civil status regardless of their family status. There were, nonetheless, cases in which authorities denied identification papers to children because they were born to unmarried parents, particularly in rural areas or in the cases of poorly educated mothers unaware of their legal rights.

Child Abuse: NGOs, human rights groups, media outlets, and UNICEF claimed child abuse was widespread. According to the government, in 2019 a total of 6,399 individuals were investigated for criminal offenses associated with 5,699 reported cases of child abuse. Prosecutions for child abuse were extremely rare. Some children rights NGOs expressed concerns over the lack of legislation to prosecute cases involving incest.

On January 28, the Taroudant Court of First Instance sentenced Boujemaa Bodhim, a teacher, to a six-month prison sentence, a four-month suspended sentence, and a

MOROCCO

fine for beating an eight-year-old student.

Child, Early, and Forced Marriage: The legal age for marriage is 18, but parents, with the informed consent of the minor, may secure a waiver from a judge for underage marriage. According to a statement released by the Prosecutor General's Office in July, the judiciary in 2019 approved 2,334 requests. Under the framework of the PANDDH, the CNDH maintained a national awareness-raising campaign against the marriage of minors.

Sexual Exploitation of Children: The age of consent is 18. The law prohibits commercial sexual exploitation, sale, offering or procuring for prostitution, and practices related to child pornography. Penalties for sexual exploitation of children under the criminal code range from two years' to life imprisonment and fines from 9,550 s (\$1,000) to 344,000 s (\$36,100).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The constitution recognizes the Jewish community as part of the country's population and guarantees each individual the freedom to "practice his religious affairs." Community leaders estimated the size of the Jewish population at 3,500. Overall, there appeared to be little overt anti-Semitism, and Jews generally lived in safety.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at

MOROCCO

<https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, and access to health care. The law also provides for regulations and building codes that provide for access for persons with disabilities. The government did not effectively enforce or implement these laws and regulations. While building codes enacted in 2003 require accessibility for all persons, the codes exempt most pre-2003 structures, and authorities rarely enforced them for new construction. Most public transportation is inaccessible to persons with disabilities, although the national rail system offers wheelchair ramps, accessible bathrooms, and special seating areas. Government policy provides that persons with disabilities should have equal access to information and communications. Special communication devices for persons with visual or audio disabilities were not widely available.

In March disability rights groups reported the government's COVID-19 hotline was not accessible to persons with disabilities.

The Ministry of Family, Solidarity, Equality, and Social Development 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 the quotas. The government maintained more than 400 integrated classes for children with learning disabilities, but private charities and civil society organizations were primarily responsible for integration.

Members of National/Racial/Ethnic Minority Groups

The majority of the population, including the royal family, claimed some Amazigh heritage. Many of the poorest regions in the country, particularly the rural Middle Atlas region, were predominantly Amazigh and had illiteracy rates higher than the national average. Basic governmental services in this mountainous and

MOROCCO

underdeveloped region were lacking.

On August 2, parliament approved an education bill that encourages instruction in Tifinagh and foreign languages in schools. Article 5 of the constitution identifies Arabic and Tamazight as the official languages of the state, although Arabic remained dominant. Tamazight is one of three national Amazigh dialects.

On September 3, the Council of Ministers established a commission tasked with monitoring the implementation of Tifinagh, the alphabet used in Tamazight language.

Amazigh cultural groups contended they were rapidly losing their traditions and language to Arabization. The government offered Tamazigh language classes in some schools. Although the palace-funded Royal Institute of Amazigh Culture created a university-level teacher-training program to address the shortage of qualified teachers, Amazigh NGOs contended that the number of qualified teachers of regional dialects of Amazigh languages continued to decrease. The government reported, however, that the number of teachers employed to teach the official national Amazigh language has increased. Instruction in the Amazigh language is mandatory for students at the Ministry of Interior's School for Administrators.

In March authorities in Casablanca refused to register the birth of a girl under an Amazigh name. The incident confirmed complaints of Amazigh NGOs about administrative discrimination. Two cases were filed regarding the incidents by two separate families, and an open letter was written to the head of government. According to the government, as of March 18, the registration for the Amazigh name for one of the two girls named in the two cases fully complied with the law, while it denied claims of a second case.

Amazigh materials were available in news media and, to a much lesser extent, educational institutions. The government provided television programs in the three national Amazigh dialects of Tarifit, Tashelhit, and Tamazight. According to regulations, public media are required to dedicate 30 percent of broadcast time to Amazigh language and cultural programming. According to Amazigh organizations, however, only 5 percent of broadcast time was given to Amazigh

MOROCCO

language and culture.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual activity, with a maximum sentence of three years in prison for violations. According to a report by the Prosecutor General's Office released in 2019, the state prosecuted 122 individuals in 2019 for same-sex sexual activity. Media and the public addressed questions of sexuality, sexual orientation, and gender identity more openly than in previous years. According to some human rights organizations, lesbian, gay, bisexual, transgender, and intersex (LGBTI) victims of violence in high-profile cases from previous years continued to be harassed when recognized in public.

On May 7, two Moroccan journalists based in France posted on social media that a young gay man in Sidi Kacem (a town in the Rabat-Sale-Kenitra region), was arrested on April 10 after he attempted to press defamation charges against an individual who outed him on Facebook. The young man was held in police custody for 48 hours for violating the state of emergency confinement measures, while he claimed he had a permit to leave his residence. On October 6, Sidi Kacem preliminary court sentenced activist and playwright Abdellatif Nhaila to four months' suspended sentence and 1,000 dirhams (\$10) fine for violating the state of emergency confinement measures.

In March and April, a transgender Moroccan LGBTI activist based in Turkey started a campaign encouraging the outing of closeted homosexuals in Morocco. As a result an international warrant for his arrest was issued. The investigation remained underway. The press reported numerous cases of harassment resulting from these outings, and some victims reported receiving death threats.

The AMDH and other individual liberties groups followed suit with a letter condemning the homophobic acts and demanding that authorities arrest those responsible for defamation. As of April 20, LGBTI groups indicated at least 50 individuals were targeted as a result of Instagram live video; of whom an estimated 21 were physically abused or rendered homeless and several others committed

MOROCCO

suicide.

Antidiscrimination laws do not apply to LGBTI persons, and the penal code does not criminalize hate crimes. There was a stigma against LGBTI persons, including some reports of overt discrimination based on sexual orientation or gender identity in employment, housing, and health care.

HIV and AIDS Social Stigma

Persons with HIV and AIDS faced discrimination and had limited treatment options. The Joint UN Program on HIV/AIDS (UNAIDS) reported that some health-care providers were reluctant to treat persons with HIV and AIDS due to fear of infection. According to UNAIDS, treatment coverage increased from 16 percent in 2010 to 48 percent in 2016, and the *National Strategic Plan 2017-2021* commits the country to reduce new infections among key and vulnerable populations, eliminate mother-to-child transmission of HIV, reduce AIDS-related deaths, confront discrimination, and strengthen governance for an efficient response.

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.

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. Trade unions complained that the government at times used the penal code to prosecute workers for striking and to suppress strikes.

The law prohibits certain categories of government employees, including members of the armed forces, police, and some members of the judiciary, from forming and joining unions and from conducting strikes. The law excludes migrant workers

MOROCCO

from assuming leadership positions in unions.

The government generally respected freedom of association and the right to collective bargaining. Employers limited the scope of collective bargaining, frequently setting wages unilaterally for most unionized and nonunionized workers. The law allows independent unions to exist but requires 35 percent of the employee base to be associated with a union to permit the union to be represented and engage in collective bargaining. Domestic NGOs reported that employers used temporary contracts to discourage employees from affiliating with or organizing unions. Unions can legally negotiate 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, in some cases, resulted from employers failing to implement collective bargaining agreements and withholding wages.

The law concerning strikes requires compulsory arbitration of disputes, prohibits sit-ins, and calls for a 10-day notice of a strike. The government may intervene in strikes. A strike may not occur over matters covered in a collective contract for one year after the contract commences. The government has the authority to disperse strikers in public areas not authorized for demonstrations and to prevent the unauthorized occupancy of private space. Unions may neither engage in sabotage nor prevent those individuals who were not on strike from working.

The government did not adequately enforce labor laws, particularly inspections. Inspectors reported that their role as mediators of labor conflicts significantly limited the amount of time they can spend proactively inspecting worksites, and remediating and uncovering violations. Inspectors do not have punitive power and cannot independently levy fines or other punishments. Only action by the public prosecutor that results in a judicial decree, can force an employer to take remedial actions. Penalties were considered insufficient to deter offenses. Enforcement procedures were subject to lengthy delays and appeals.

Most union federations affiliated with political parties, but unions were generally

MOROCCO

free from government interference.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor and prescribes penalties of a fine for the first offense and a jail term of up to three months for subsequent offenses; these penalties were not commensurate with those prescribed for analogous crimes such as kidnapping.

The domestic workers law provides protections to domestic workers, including limits on working hours and a minimum wage. Penalties for violating the law start with a fine and, in cases of repeated offenses, can include one to three months' imprisonment.

Labor inspectors did not inspect small workshops with fewer than five employees and private homes where many such violations occurred, as the law requires a warrant or permission of the owner to search a private residence. The law establishes a conciliation process for labor inspectors to handle disputes between domestic workers and their employers, but the law lacks time limits for a resolution. Labor inspectors reported their small numbers, scarce resources at their disposal, and the broad geographic dispersion of sites limited their ability to enforce the law effectively.

Reports indicated that forced labor, especially of children, occurred (see section 7.c.).

For more information see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law establishes a minimum age for employment and the government enforced the law. A law passed in 2016 that became effective in 2018 prohibits children younger than age 16 from working as domestic servants and strictly limiting the work of children younger than 18. The overwhelming majority of child laborers worked in rural areas, according to the government's statistical agency, the High Planning Commission. Punishments for violations of the child labor laws include

MOROCCO

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. Penalties were not sufficient to deter violations. The Ministry of Labor and Vocational Integration continued to conduct child labor inspections in the formal economy across the country, but the government reported it remained concerned about child labor violations in the informal sector, including potential forced child labor crimes. The government reported that, overall, labor inspections suffered from insufficient personnel and resources to address child labor violations, including potential child trafficking crimes, throughout the country. Furthermore, there was no national focal point to submit complaints about child labor or forced child labor and no national mechanism for referring children found during inspections to appropriate social services.

The labor code does not apply to children who work in the traditional artisan or handicraft sectors for businesses with fewer than five employees or to those who work on private farms or in residences. Some children became apprentices before they were 12, particularly in small, family-run workshops in the handicraft industry and in the construction industry and mechanic shops. Children also worked in hazardous occupations as designated by law (see section 7.e.). These included fishing and, in the informal sector, in textiles, light manufacturing, and traditional handicrafts. Children's safety, health conditions, and wages were often substandard.

The government adopted Law 51.17, which requires the government to enact compulsory education for children between the ages of four and 16 by 2025, and significantly increased the number of prosecutions related to the worst forms of child labor, from five cases in 2018 to 170 cases in 2019. The law prohibits the employment of children younger than age 16 in dangerous labor; however, it does not prohibit all of the worst forms of child labor. The law does not specifically prohibit the use, procuring, or offering of a child for illicit activities, in particular for the production and trafficking of drugs. In some cases employers subjected children to the worst forms of child labor, including commercial sexual exploitation (see section 6, Children); forced domestic work; and forced labor in the production of artisan products and construction.

Children in Western Sahara engaged in the worst forms of child labor, including

MOROCCO

agriculture and forced domestic work; they also produced artisanal handicrafts. Laws related to the minimum age for work and the use of children for illicit activities do not meet international standards and government programs that target child labor did not fully address the problem.

The Moroccan government continued to invest in education in Western Sahara through the Tayssir cash assistance program and continued to provide child protection services through the second phase of the National Initiative for Human Development Support Project. Residents of Western Sahara received more assistance per capita from this program than persons living in internationally recognized Morocco.

For more information see the Department of Labor's *Findings on the Worst Forms of Child Labor* <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The labor code prohibits discrimination against persons in employment and occupation based on race, religion, national origin, color, sex, ethnicity, or disability, including physical, sensory, intellectual, and mental disability. The law does not address age or pregnancy.

Discrimination occurred in all categories prohibited by law, Women are prohibited from working in occupations that present a risk of excessive danger, exceeds their capacity or is likely to undermine their morality, such as jobs in quarries and underground in mines, or engaging in work that exposes them to the risk of falling or slipping as well as work in a constant squatting or leaning position, work or activities using asbestos and benzene and any other activity exposing them to dangerous chemical agents.

Migrant worker organizations reported that some migrants, particularly those from sub-Saharan African countries, experienced discrimination in hiring, wages, or conditions of employment. These workers often reported employer noncompliance with low or unpaid wages, excessive hours of work, restricted movement, dangerous and difficult work conditions. Even after obtaining a residence card, their vulnerability was reinforced by lack of access to the formal economy, pushing

MOROCCO

them to the margins of society. Most lived in crowded rooms in dilapidated neighborhoods, while others slept on the streets, in cemeteries, and forests.

e. Acceptable Conditions of Work

The minimum wage was above the poverty line. The law provides for a 44- to 48-hour maximum workweek with no more than 10 hours work in a single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including limitations on night work for women and minors. The law prohibits excessive overtime. An April 2019 tripartite agreement between the government, employers, and unions stipulated a 10 percent minimum wage increase per month phased into two 5 percent increases. The first occurred in 2019, and the second was planned for July. In a July 27 press release, the General Confederation of Enterprises of Morocco called on companies “in difficulty” to postpone the wage increase to preserve jobs and avoid layoffs and suggested only companies in sectors not affected by the COVID-19 crisis should implement the second 5 percent wage increase.

Occupational health and safety standards, reviewed and enforced by the Ministry of Employment and Vocational Integration, are rudimentary, except for a prohibition on the employment of women and children in certain dangerous occupations. The law prohibits persons younger than age 18 from hazardous work in 33 areas, including working in mines, handling dangerous materials, transporting explosives, and operating heavy machinery.

Many employers did not observe the legal provisions regulating conditions of work. The government did not 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 reported that although they attempted to monitor working conditions and investigate accidents, they lacked adequate resources, preventing effective enforcement of labor laws.

There were no major workplace accidents during the year. There were, however, numerous media reports of accidents, sometimes fatal, on construction sites that lacked inadequate safety standards or safety equipment. In the formal sector, workers can remove themselves from situations that endangered health or safety

MOROCCO

without jeopardy to their employment, and authorities effectively protected employees in such situations.