

# MOROCCO 2018 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.

Civilian authorities maintained effective control over security forces.

Human rights issues included allegations of torture by some members of the security forces, although the government condemned the practice and made substantial efforts to investigate and address any reports; allegations that there were political prisoners; undue limits on freedom of expression, including criminalization of libel and certain content that criticized Islam, the monarchy, and the government's position regarding territorial integrity; limits on freedom of assembly and association; corruption; and criminalization of lesbian, gay, bisexual, transgender, or intersex (LGBTI) 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 the widespread perception of 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 2017 to May 2018, the UN Working Group referred 20 cases to the government of disappearances between 1956 and 1992. The National Council on Human Rights (CNDH), a publicly funded national human rights institution, continued to cooperate with the UN Office of the High Commissioner for Human Rights (OHCHR) on unresolved cases of disappearance dating to the 1950s through the 1990s. The CNDH continued to investigate individual claims, but since 2009 shifted its overall focus from individual claims to community reparation projects. According to the CNDH, the government allocated additional funds during the year to the CNDH for reparations to individuals (or their living beneficiaries) not previously compensated due to technical errors in the work of the now-defunct Truth and Reconciliation Commission. In addition to direct financial compensation, the government funded professional reinsertion and medical assistance programs as well as recovered stolen assets as reparations to individuals or their living family members that the commission identified. (For information on reparation claims in Western Sahara, see the Department of State's annual *Country Reports on Human Rights* for Western Sahara.)

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

The constitution and the law prohibit such practices, and the government denied it authorizes the use of torture. In May, during a television program, Human Rights Minister Mustafa Ramid acknowledged that, while the government did not condone torture, some incidents of torture still occurred in the country without government approval. He denied, however, its use was systematic or as prevalent as in the past. The law defines torture and stipulates that all government officials or members of security forces who “make use of violence against others without legitimate motive, or incite others to do the same, during the course of their duties shall be punished in accordance with the seriousness of the violence.”

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

In February 2017 a court of first instance (trial court) in Kenitra ruled to hold in preventative detention a royal gendarme accused of raping a detainee with a baton in the same month. According to the government, the individual remained in preventative detention pending a ruling by the court of appeals in Kenitra.

The National Police Force (DGSN) reported that, between September and December 2017, three police officers were implicated in three cases involving torture allegations and nine were implicated in five cases involving inappropriate use of violence; the outcomes of these cases were unknown. The three cases noted by the DGSN were likely among those included in the Minister of Justice Mohammed Aujjar's report to parliament in December 2017, which stated that, as of August 2017, 151 individuals reported experiencing torture and were examined by medical personnel and that two officials had since been prosecuted. The outcomes of the cases were unknown at year's end.

According to the DGSN, from January through August, the police internal mechanism for investigation of possible torture or mistreatment addressed 19 cases, six of which were dismissed due to unfounded allegations. In the remaining 13 cases, 20 officers were reprimanded for their actions through administrative sanctions. Four additional cases were brought before the court alleging 10 police officers were involved in torture and mistreatment. According to the Ministry of Justice, as of November, in accordance with the law against torture, judges made requests for the medical examination of 99 detainees who alleged torture; 77 of the examinations were in progress at year's end, while the results of the 22 completed examinations were unknown. It was unclear whether the cases reported by the DGSN were included in the Ministry of Justice's statistics through November. Judicial investigations into the allegations of torture were ongoing at year's end.

In February parliament unanimously voted to broaden the CNDH's mandate to include a National Preventative Mechanism (NPM), in line with the requirements of the Optional Protocol to the Convention against Torture. Consultations were underway to staff the NPM at year's end.

In March the DGSN issued instructions to police-affiliated provisional detention centers, such as local jails, reminding police detention officials that they must respect the law and human rights and refrain from any actions that denigrate or humiliate detainees or face sanctions. The DGSN also revised its curriculum to include additional human rights training.

In April a court of appeals upheld a court of first instance ruling against three prison officials implicated in three cases of torture of detainees after the CNDH referred the cases to the Ministry of Justice in October 2017. The court of appeals, however, altered the court of first instance sentences for each prison official from four months in prison to a four-month suspended sentence and a fine of 500 dirhams (\$52). In April the Prison Administration (DGAPR) also distributed guidelines to all prison personnel on preventing torture in custody, as part of a three-month training. The CNDH also organized training in April for members of the Royal Gendarmerie and provided them information on the national and international mechanisms for the prevention of torture.

According to the CNDH, in October the Ministry of Justice launched independent investigations into 2016 and 2017 complaints made by Hirak movement detainees alleging torture or mistreatment by police or prison officials. The CNDH had previously referred 35 individual forensic reports to the ministry from 19 detainees held in the Ain Sebaa prison and 16 in the Al Hoceima prison. According to the Ministry of Justice, after a court in September 2017 ordered investigations into allegations that police from the National Brigade of Judicial Police had abused 32 individuals detained in Al Hoceima, a judge requested medical exams for 22 of the detainees alleging torture. The forensic medical examiner concluded that three of the 22 individuals had been exposed to physical violence. The Ministry of Justice, however, did not take further action on the cases involving the three individuals. According to the ministry, the lawyers representing the three detainees visited the individuals 64 times and did not report allegations of torture.

According to the government, there were two new allegations submitted during the year of sexual exploitation and abuse by Moroccan peacekeepers deployed to UN peacekeeping operations for events that occurred in previous years. Morocco and the UN jointly investigated two other allegations submitted in 2017 against Moroccan peacekeepers and determined the allegations to be unsubstantiated.

### **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. Since 2008 the DGAPR has built 31 new prisons to international standards. In the new prisons,

pretrial detainees and convicted prisoners are held separately. As the DGAPR completed construction of each new prison, it closed older prisons and moved inmates to the new locations; during the year it closed two older prisons and opened four new ones. Older prisons remained overcrowded, however, resulting in authorities frequently holding pretrial detainees and convicted prisoners together. According to government sources and NGOs, prison overcrowding was 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.

In March the DGSN issued instructions to police-affiliated provisional detention centers, such as local jails, calling for adequate furnishing of facilities with mattresses, provision of medical care by police doctors for injured or ill detainees, and an invitation for officers to visit the detention area regularly.

The law provides for the separation of minors. 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 four 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 less than 14 years old were detained separately from minors 15 to 18 years old. In cases where a minor is ordered detained, a judge must follow up on a monthly basis.

A 2016 CNDH study noted less access to health facilities and vocational training opportunities for female prisoners, as well as discrimination by prison staff.

Local NGOs asserted that prison facilities did not provide adequate access to health care and did not accommodate the needs of prisoners with disabilities, although government sources stated that a nurse and a psychologist examined each prisoner on arrival and received care upon request. According to the DGAPR, prisoners received five general and one dental consultations with a medical professional per year, in addition to psychological or other specialist care, and that all care was provided free of charge.

The DGAPR provided food to inmates at no cost, certified by the Ministry of Health as meeting the nutritional needs of the average adult male. Prison commissaries stocked fresh fruit and vegetables for purchase. Some Jewish community leaders reported that, since the DGAPR phased out the delivery of family food baskets in November 2017, some Jewish prisoners were unable to access kosher foods. According to the DGAPR, the penitentiary system accommodates the special dietary needs of prisoners suffering from illnesses and of prisoners with religious dietary restrictions. In addition the DGAPR authorizes religious observances and services provided by religious leaders for all prisoners, including religious minorities.

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. 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 have 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 Prison Act.

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 the DGAPR's 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 CNDH and the DGAPR investigated allegations of inhuman 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. The DGAPR reported that it conducted investigations into 367 complaints of mistreatment and six of extortion by prison personnel but that none of the allegations were substantiated. The DGAPR also reported 451 complaints associated with transfer requests, health care, and educational or vocational training.

Independent Monitoring: The government permitted some NGOs with a human rights mandate to conduct unaccompanied monitoring visits. Government policy permitted NGOs that provided social, educational, or religious services to prisoners to enter prison facilities. According to prison officials, various NGOs conducted more than 350 monitoring visits through August and at least 22 of the visits through September were by the OMP. The CNDH conducted an average of 300 monitoring visits per year.

Improvements: To alleviate overcrowding and improve overall conditions, government authorities reported opening four new detention facilities during the year (see section 1.c., Physical Conditions). The government reported increasing the number of vocational and educational training programs it administers in prisons. The Mohammed VI Foundation for the Reinsertion of Prisoners provided educational and professional training in 58 prisons to inmates approaching their release date. As part of a required six-month training program for all of its new officials, the DGAPR trained 430 new recruits on human rights and 710 DGAPR officials on collaboration with outside partners. In September the DGAPR launched a radio station in one prison that offered prisoners and prison staff the opportunity to discuss issues related to prison operations and rehabilitation.

#### **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.

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

The security apparatus includes several police and paramilitary organizations with overlapping authority. The National Police (“Direction Generale de la Surete Nationale”--DGSN) 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 reports to the royal prosecutor and have the power to arrest individuals. The Department of Royal Security is a branch of the National Police that provides protection for the king and royal family members. The Directorate General of Territorial Surveillance has intelligence-gathering responsibilities without arrest powers and reports to the Ministry of Interior.

There are mechanisms to investigate and punish abuse and corruption. Nevertheless, in the past international and domestic human rights organizations claimed that authorities dismissed many complaints of abuse and relied only on police statements.

Authorities investigated some low-level incidents of alleged abuse and corruption among security forces. 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.

As of August the government conducted 36 administrative investigations into 14 allegations of corruption, 10 of extortion, five of collusion with drug traffickers, and seven of misappropriation of seized objects. As a result, 26 police officers received disciplinary sanctions, three cases were referred to the courts, and 20 cases were dismissed for unfounded allegations. The government also referred 17 corruption cases that implicated 29 police officers to the national judicial police for criminal investigations. Nine police officers were dismissed from duty for corruption during the year, compared to eight in 2017.

### **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 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. According to the government, it trained 1,010 police officers on security and human rights in partnership with civil society. The Royal Gendarmerie also trained 1,660 gendarmes and 2,875 gendarme trainees.

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 to the Antiterrorism Act, there is no 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 2015 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 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 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 in a private interest, by imprisonment for 10 years to life. An official who neglects to refer a claimed or observed arbitrary or illegal detention to his superiors may be punished by demotion. There was no available information 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; in the past there were reports that authorities routinely held detainees beyond the one-year limit. The government reported there were no cases where detainees were held beyond the one-year limit during the year. Government officials attributed these delays to the large backlog of cases in the justice system. The government stated that a variety of factors contributed to this backlog: 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; 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 November, 42 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 2011 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. In October the Supreme Judicial Council established its internal mechanisms and began the process of taking over day-to-day management and oversight from the Ministry of Justice, although the activities of the Supreme Judicial Council experienced delays due to administrative and legal impediments. While the government stated the aim of creating the council was to improve judicial independence, its effect on judicial independence was not clear. 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 security, the legitimacy of the monarchy, and Western Sahara, sometimes appeared predetermined.

### **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 the 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 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. 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. Human Rights Watch (HRW) and local NGOs charged that judges, at their discretion, sometimes decided cases based on forced confessions.

The courts were moving away from a confession-based system to an evidence-based system. 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. The Kenitra Royal Police Institute has trained 23,280 police officers in crime scene management and preservation since 2014. Police were working with the courts to demonstrate the utility of evidence preservation rooms as a means to increase judges' confidence in evidence presented at trials and decrease the pressure on investigators to obtain confessions.

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

Some NGOs alleged that a group of 24 Sahrawis, convicted in 2017 in connection with the deaths of 11 members of Moroccan security forces during the 2010

dismantlement of the Gdeim Izik protest camp and subsequent violence in Laayoune, Western Sahara, were political prisoners. In November 2017 the CNDH published a report on the 2017 trial hearings and determined that the trial met the conditions of a fair trial as provided in the country's Constitution and Article 14 of the International Covenant on Civil and Political Rights. For more information see the Department of State's *Country Reports on Human Rights* for Western Sahara.

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

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 on politically sensitive cases or lack of impartiality stemming from extrajudicial influence and corruption. The 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. 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 and violations.

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

### **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 2016 press code. The press code applies only to journalists accredited by the Ministry of Communication for speech or publications in the line of work; private speech by accredited journalists remains punishable under the penal code. According to a Freedom House report in January, the press enjoys 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.

Freedom of Expression: 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 government sometimes prosecuted persons who expressed criticism on these topics. According to government figures, 10 individuals were charged under the penal code during the year for content they published or expressed and 16 individuals were specifically charged for criminal speech, including defamation, slander, and insult (see Libel/Slander Laws and National Security).

On February 8, the court of first instance in Al Hoceima sentenced defense lawyer for Hirak protesters Abdessadek El Bouchtaoui to 20 months in prison and a 500 dirhams (\$52) fine for insulting officials and representatives of authority while on duty, undermining the authority of justice, incitement to commit crimes, public incitement via Facebook to participate in unauthorized protests and crimes, and participation in unauthorized protests. According to Amnesty International, the government's charges were based on 114 posts on El Bouchtaoui's Facebook account and comments he made on national media criticizing the security forces' use of force against Hirak protesters. El Bouchtaoui appealed the sentence and left the country.

Press and Media Freedom: Independent media, as well as partisan media, were active and expressed a wide variety of views within the restrictions of the law. In 2016 parliament passed a press code that limits punishments for accredited

journalists to fines. Two journalists were prosecuted under the press code during the year, compared with three in 2017. The first was fined 10,000 dirhams (\$1,050) and the other was fined 50,000 dirhams (\$5,250); the charges against the journalists were unspecified. According to the Ministry of Justice, Tawfiq Bouachrine and Hamid al-Mahdawi were the only accredited journalists in prison for criminal acts outside of their role as journalists. The ministry also reported that 28 journalists faced charges during the year under the press code, mostly due to complaints of defamation, publishing false information, and invasion of privacy.

Journalists denounced the cumbersome administrative procedures and the long wait times to receive accreditation under the 2016 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 claim journalists waiting for their credentials had to operate without a press card in a legally ambiguous status, as the protections of the press code are only available to accredited journalists.

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 February 1, the Rabat Court of Appeals sentenced Abdelkabir al-Horr, founder and editor of the *Rassdmaroc* news website, to four years in prison under the criminal code for condoning terrorism, inciting a banned demonstration, and insulting state authority in connection with his coverage of the Hirak protests in the northern Rif region. The government asserted that al-Horr was not a registered journalist in 2017 or 2018 and tried him under the penal code.

According to media reports, on May 7 and 8, directors of *Yabiladi* and *LeDesk* announced on Twitter that journalists from these online news outlets were denied accreditation after a seven-month wait. The government issued accreditation cards two days later when Head of Government Saadeddine El Othmani intervened and the directors of the publications met with a Communication Ministry official.

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 Communication 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 been repeatedly postponed since 2015; the next hearing is scheduled for January 30, 2019. According to the Ministry of Justice, the four individuals were suspected of accepting foreign funds intended for acts threatening the internal security and territorial integrity of Morocco. The 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. The seven remained free but reported hardships due to the open case.

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 media reports, authorities expelled at least three international journalists during the year because they lacked valid permits. 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. The press code lists threats to public order as one of the criteria for censorship. While the government rarely censored the domestic press, it exerted pressure by pursuing legal cases that resulted in heavy fines and suspended publication. Such cases encouraged editors and journalists to self-censor. The government denies restricting content on media outlets.

According to media reports, in February the Ministry of Culture withdrew 25 books from the Casablanca Book Fair because they included content that negatively portrayed Islam, Judaism, or Christianity or maps of Morocco without Western Sahara included as part of the country. The ministry denied these



allegations and reported that the book fair took place without any restrictions or 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 who were not registered as journalists may be charged for defamation, libel, and slander under the criminal code, as can accredited journalists for their private actions.

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.”

On June 26, a criminal court in Casablanca sentenced Hamid El Mahdaoui, editor of the online news website *badil.info*, to three years in prison and fined him 3,000 dirhams (\$315) for failing to report a national security threat. Although El Mahdaoui was an accredited journalist, he was prosecuted under the penal code for activities outside his official duties. Authorities alleged that El Mahdaoui received information that an individual intended to smuggle weapons into the country for use in protests but failed to report it to the police. El Mahdaoui’s defense denied the allegation and claimed that even if it had occurred, there would have been no need to report such information because El Mahdaoui knew it would be impossible to smuggle in weapons. According to Reporters without Borders, authorities arrested El Mahdaoui in July 2017 while filming a banned protest in Al Hoceima in the Rif region. The government reported no one could verify that El Mahdaoui was in the act of filming during his arrest. Some media reports stated that El Mahdaoui was arrested while speaking with citizens in the street about the protests and their social-economic grievances.

### **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 2018 *Freedom on the Net* report, the government did not block

or filter any political, social, or religious websites during that year. 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 ongoing 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. On November 24, the Ministry of Communication issued a statement warning that it considered online media outlets that do not comply with the press code illegal and urged them to stop publishing to avoid prosecution. The government also prosecuted individuals for expressing certain ideological views online, particularly related to protests in the northern Rif region.

According to the International Telecommunication Union, 61.8 percent of the population used the internet in 2018.

### **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 approved 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. Security forces intervened on occasion to disband both authorized and unauthorized protests when officials deemed the demonstration a threat to public security.

Some NGOs complained that authorities did not apply the approval process consistently and used administrative delays and other methods to suppress or discourage unwanted peaceful assembly. According to Human Rights Watch's *World Report 2018*, police allowed many protests demanding political reform and protesting government actions, but often forcibly dispersed peaceful protests or prevented demonstrations from occurring. According to the government, there was an average of 20,000 demonstrations per year. While the majority of protests proceeded peacefully, on several occasions violence erupted between protestors and police. According to the CNDH, during some unauthorized demonstrations in Tan-Tan, the security forces intervened in a "disproportionate manner."

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 becomes unruly, threatening to bystanders, or overflows into public highways. In those cases, under standard operating procedures, officers are required to give the crowd three warnings that force will be used if they do not disperse. Security forces then attempt to force protestors to leave the area, using riot shields to push standing protestors into a designated area or carrying seated protestors to the designated area. If such lower-level tactics fail, security forces may escalate to the use of batons, water cannons, or tear gas to clear the area and restore order. 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 intervene 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 ongoing training on human rights-based methods to manage crowds throughout the year.

In December 2017, two brothers were found dead inside a coal pit in the northeast province of Jerada where they mined illegally. According to media reports, their deaths sparked protests over social disparities, economic grievances, and unemployment. According to the government, from December 2017 to August, approximately 300 protests involving nearly 55,000 persons total took place, injuring 29 civilians and 247 members of the security forces in violence that erupted during interventions.

On March 14, online media sources released a video showing four police vehicles driving close to protesters and severely injuring a minor during an unauthorized protest in Jerada. The government reported that security forces accidentally hit the minor while attempting to disperse the crowds. As of December authorities arrested 94 people in connection with the Jerada protests. According to press reports, several protest leaders and three minors were among the detained. According to the government, 51 were sentenced to prison, 31 of whom were sentenced to prison terms of one to five years. Some detainees were sentenced for destruction of public goods, incitement to commit crimes, and or involvement in unauthorized protests. More than 40 cases continued at year's end.

On June 26, the Casablanca Court of Appeal convicted and issued sentences to protest leader Nasser Zefzafi and 52 other members of the Hirak protest movement. Four detainees, including Zefzafi, were sentenced to 20 years' imprisonment on charges including threatening national security. Other sentences varied from 15 years' imprisonment to suspended sentences and fines. The detainees appealed the convictions; no updates were available at year's end. According to the Ministry of Justice, authorities implicated 578 persons in crimes related to the Hirak protests, of whom 306 were sentenced, 204 pardoned, 39 acquitted of all charges, and 29 were awaiting trial as of November.

### **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 that it considered advocates against Islam as the state religion or questions 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).

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 the ministry. The ministry issues a receipt to the organization that signifies formal approval. Organizations without receipts are not formally registered, although the government tolerated activities of several organizations without these receipts. Unregistered organizations could not access government funds or legally accept contributions.

The National Federation of Amazigh Associations, an organization supporting the inclusion of the Amazigh (Berber) population in public life, reported that, as of October, the 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).

According to the CNDH, the Tan-Tan branch of the CNDH received one complaint from an organization denied registration during the year. The branch contacted government authorities, and following mediation the government registered the organization.

Authorities continued to monitor Justice and Charity Organization activities.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://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 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 provide social services to migrants, including refugees.

The government continued to make travel documents available to Sahrawis, and there were no reported cases of authorities preventing Sahrawis from traveling. The government encouraged the return of Sahrawi refugees from Algeria and elsewhere if they acknowledged the government's authority over Western Sahara.

Abuse of Migrants, Refugees, and Stateless Persons: Refugees and asylum seekers, as well as migrants, were particularly vulnerable to abuse. Europe-bound human smuggling and human trafficking increased in part due to restrictions on migration via the central and eastern Mediterranean. Moroccan authorities, however, cooperated with Spanish and EU authorities to thwart trafficking networks and arrest traffickers. Parliament passed legislation in 2016 to improve protections for victims. 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.

In-country Movement: According to Amnesty International, since July law enforcement authorities seized an estimated 5,000 persons, including thousands of sub-Saharan migrants, and forcibly relocated them from areas neighboring the straits of Gibraltar and the Spanish enclaves of Melilla and Ceuta to the south of the country or near the Algerian border. According to Amnesty International, these included 14 asylum-seekers and four refugees registered with UNHCR in the country who authorities forcibly transferred to the south. At a press conference on August 30, government spokesperson Mustapha Khalfi stated the operations transferring migrants to other cities were in accordance with national laws that fight illegal immigration. The Ministry of Interior also affirmed the authorities relocated migrants without legal status from the north to other parts of Morocco in accordance with the law after local authorities had given notice to the migrants to relocate due to national security concerns.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of refugee status. 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. The government recognizes two types of asylum status: refugees designated according to the UNHCR statute and the "exceptional regularization of persons in irregular situation" under the 2016 migrant regularization program. The government continued to grant status to UNHCR-recognized refugees and temporary status to registered Syrians. There were 755 refugees registered in the country. During the year the commission held one hearing on January 25 for 36 asylum seekers

referred by UNHCR; the eight asylum seekers who attended the hearing were granted legal status. According to the Ministry of Interior, as of August, UNHCR Rabat referred 803 asylum seekers to the commission, of whom about 60 percent were Syrian nationals.

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 healthcare. 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: According to the government, during the second phase of its migrant regularization program from December 2016 to December 2017, the government granted legal status to 27,660 applicants. The government initially denied 14,898 applicants, of whom 9,328 reapplied and reviewing committees established at the local level reviewed these applications and granted those 9,328 legal status. The reviewing committees were composed of government officials, authorities, and representatives from the CNDH and migrant-serving NGOs. The program, similar to the 2014 campaign, granted legal status to foreign spouses and children of citizens and other legal residents of the country as well as to individuals with at least five years of residence in the country, a valid work contract, or chronic illness. From 2014 through 2017, the government granted legal status to more than 50,756 migrants, approximately 85 percent of the migrants who applied. Migrants and refugees may obtain Moroccan nationality if they meet the legal requirements of the Nationality Law and submit a request to the Ministry of Justice. 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 (IOM) have cofunded for the voluntary return of an estimated 26,000 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 to 3,000 migrants per year.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees. Syrians and Yemenis benefited from “exceptional regularization” outside of the more permanent migrant regularization program. From December 2017 to February, 23,464 migrants benefited from exceptional regularization.

### **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 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 Minorities: No laws limit participation of women or members of minorities 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 an ongoing problem, with insufficient governmental checks and balances to reduce its occurrence. There were reports of petty government corruption. According to the Ministry of Justice, 134 public officials were charged with corruption during the year; 121 were investigated and 13 convicted for corruption.

Some members of the judicial community were reluctant to implement adopted reforms and procedures to strengthen controls against corruption. In some cases judges received disciplinary sanctions for corruption but were not prosecuted. The Supreme Judicial Council is tasked with ensuring ethical behavior by judicial personnel (see section 1.e.).

In May 2017 the Ministry of Justice announced the arrest of Rabat Court of Appeals judge Rachid Mechkaka on charges of accepting a bribe of 10,000 dirhams (\$1,050) to give a favorable decision in a family court appeal case. In July 2017 the court of first instance in Casablanca sentenced Mechkaka to one year's imprisonment and a fine of 1,000 dirhams (\$105). In December 2017 an appeals court upheld the court of first instance's sentence, and he was imprisoned in Oukacha (Ain Sebaa) prison in Casablanca, pending appeals in the Court of Cassation.

Observers noted widespread corruption among police. The government claimed to investigate corruption and other instances of police malfeasance through an internal mechanism (see section 1.d.). On March 29, the court of appeals in Tangier acquitted a police officer of criminal charges after he was suspended from his duties in October 2017 for forgery of travel documents that allowed an Afghan family to travel to France. In May a police officer at the Tanger Med port was arrested in possession of large quantities of drugs and charged with drug trafficking. The officer was sentenced to three years in prison and a 20,000 dirham (\$2,100) fine. According to media reports, on November 3 and 4, the Rabat Court of Appeals found 16 police officers guilty in drug-smuggling cases and sentenced them to prison with sentences ranging from five to 12 years.

According to the government, a number of gendarmes and officers were placed in preventive detention and were facing charges for corruption, abuse of power,

breaking professional secrecy, and transporting illegal drugs. In May, five royal gendarmes in Marrakech were dismissed for corruption. The government reported that every gendarme accused of corruption during the year was subject to legal proceedings. The results of these cases were pending court rulings.

The National Authority for Probity, Prevention, and Fighting Corruption (INPPLC) is responsible for combating corruption. In 2015 parliament adopted a constitutionally mandated law providing the INPPLC with the authority to compel government institutions to comply with anticorruption investigations. On December 13, the king appointed Mohamed Bachir Rachdi president of the INPPLC.

In addition to the INPPLC, the Ministry of Justice and the High Audit Institution (government accountability court) had jurisdiction over corruption issues. The institution has authority to conduct investigations. In August the High Audit Institution released a public report flagging the misuse of public funds in some ministries and lack of fairness and transparency in public tenders that required penal prosecution. According to the Ministry of Justice, six investigations were launched and one case was presented before the court as a result of this year's audit report.

The Ministry of Justice ran a hotline for the public to report instances of corruption. In a presentation to the judiciary in December 2017, Minister of Justice Mohammed Aujjar stated that, between June 25 and September 30 of that year, the corruption hotline had led to 31 cases that resulted in prison time. In February, Head of Government Saadeddine El Othmani confirmed that state officials had been arrested as a result of calls to the hotline regarding corruption and embezzlement.

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 44 of its 96 branches. The organization has regularly faced difficulties renewing the registration of its offices.

During the year activists and NGOs reported continuing restrictions on their activities in the country. Many activists alleged that the government restricted their use of public spaces and conference rooms as well as informed the proprietors of private spaces that certain activities should not be welcomed. According to the government, its actions were in accordance with the law. Registered organizations are authorized to meet within their established headquarters, but any meetings outside that space, including privately owned establishments, are 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 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 UN and permitted requested visits.

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, which recognized it in 2015 as a "class A national human rights institution" within the UN framework. It served as the principal advisory body to the king and government on human rights. 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.

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

The mission of the Interministerial Delegation for Human Rights (DIDH), which 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. DIDH has the primary responsibility for coordinating government responses to UN bodies on adherence to treaty obligations.

## **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. On September 12, a new law came into effect that provides a stronger legal framework to protect women from violence, sexual harassment, and abuse. Under the new law, a sexual assault conviction may result in a prison sentence of six months to five years and a fine of 2,000 to 10,000 dirhams (\$210 to \$1,050). For insults and defamation based on gender, an individual may be fined up to 60,000 dirhams for insults and up to 120,000 dirhams for defamation (\$6,300 to \$12,600). General insult and defamation charges remain in the penal code. Some women's rights NGOs criticized the lack of clarity in procedures and protections for reporting abuse under the new law. In the past, authorities did not effectively enforce laws against sexual harassment; the impact of the new law was not yet clear by year's end. 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. 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 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.

In August, Khadija Okkarou, 17, reported to the authorities that she was kidnapped in Oulad Ayad in June and held for two months by a group of men who raped her repeatedly and forced her to consume drugs and alcohol. Police arrested 12 suspects on charges for abduction, rape, and torture. On December 11, the court of appeals in Beni Mellal postponed the trial hearing to January 9, 2019.

Statistics on rape or sexual assault were unreliable due to underreporting.

The government funded a number of women's counseling centers under the Ministry of Solidarity, Women, Family, and Social Development. Statistics provided by the government indicated that it provided 30.8 million dirhams (\$3.2 million) in direct support to 172 women's counseling centers for female survivors of violence. A few NGOs provided shelter, assistance, and guidance for survivors of domestic abuse. There were reports, however, that these shelters were not accessible to persons with disabilities. Courts had "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.

Sexual Harassment: Before September 12, sexual harassment was only a crime if it was committed by a supervisor in the workplace. Under a new law, sexual harassment is a crime punishable by up to six months in prison and a fine up to 10,000 dirhams (\$1,050) 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, fiancée, 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. As of year's end, it was too soon to assess the impact of the new law.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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 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.

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.

The government led some efforts to improve the status of women in the workplace, most notably the constitutional mandate, established by parliament in August 2017, for the creation of an Authority for Gender Parity and Fighting All Forms of Discrimination. The Gender Parity Authority, however, has yet to become functional.

## **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. According to Amazigh NGOs, during the year representatives of the Ministry of Interior refused to register the births of at least two children whose parents sought to give them Amazigh names. The government determined that the cases brought to its attention by the press or at the request of civil society had been denied because the applicants submitted the request to the wrong territorial jurisdiction or did not provide the necessary supporting documents.

In December 2017 the government launched a campaign to register all nonregistered children, particularly those born to unknown fathers, from families in situations of parental conflict, and from families facing financial hardships. An estimated 90 percent of citizens are registered. As of September 30, there were 43,820 individuals newly registered under the campaign, including 36,831 children, 50 percent of whom were girls.

Also in January a court in Nador ordered children born in the country to migrants to be registered in the civil registry, allowing them to obtain identification documents that permit enrollment in school.

Child Abuse: NGOs, human rights groups, media outlets, and UNICEF claimed child abuse was widespread. Official data on child abuse does not exist. Prosecutions for child abuse were extremely rare.

Early and Forced Marriage: The legal age for marriage is 18 years, but parents, with the informed consent of the minor, may secure a waiver from a judge for underage marriage. The judiciary approved the vast majority of petitions for underage marriages.

Sexual Exploitation of Children: The age of consent is 18 years. 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 dirhams (\$1,000) to 344,000 dirhams (\$36,100).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings](http://www.dol.gov/ilab/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.html>.

### **Anti-Semitism**

The constitution recognizes the Jewish community as part the country's population and guarantees to each individual the freedom to "practice his religious affairs." Community leaders estimated the size of the Jewish population at 3,000 to 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 [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental 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.

The Ministry of Social Development, Family, and Solidarity has responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society by implementing a quota of 7 percent for persons with disabilities in vocational training in the public sector and 5 percent in the private sector. Both sectors were far from achieving 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.

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

The majority of the population, including the royal family, claimed some Amazigh (Berber) 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 underdeveloped region were lacking. Official languages are Arabic and Amazigh, although Arabic predominates. Amazigh cultural groups contended they were rapidly losing their traditions and language to Arabization. The government offered Amazigh language classes in some schools. Although the palace-funded Royal Institute of Amazigh Culture created a university-level teacher-training program to eliminate 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.

Amazigh materials were available in the 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 being given to Amazigh language and culture. The National Federation of Amazigh Associations submitted a complaint to the High Authority for Audiovisual Communications in June 2017 to request compliance with the quota.

For more information regarding the situation of Sahrawis in Moroccan-administered Western Sahara, see the Department of State's annual *Country Reports on Human Rights* for Western Sahara.

### **Acts of Violence, Discrimination, 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. 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, LGBTI victims of violence in high profile cases from previous years continue to be harassed when recognized in public.

Antidiscrimination laws do not apply to LGBTI persons, and the penal code does not criminalize hate crimes. There was a stigma against LGBTI persons, but there were no reports of overt discrimination based on sexual orientation or gender identity in employment, housing, access to education, or health care.

### **HIV and AIDS Social Stigma**

Persons with HIV/AIDS faced discrimination and had limited treatment options. The Joint UN Program on HIV/AIDS reported that some health-care providers were reluctant to treat persons with HIV/AIDS due to fear of infection. According to the Joint UN Program on HIV/AIDS (UNAIDS), treatment coverage increased from 16 percent in 2010 to 48 percent in 2016 and the new 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 from assuming leadership positions in unions.

The law allows several independent unions to exist but requires 35 percent of the total employee base to be associated with a union for the union to be representative and engage in collective bargaining. 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 the majority of unionized and nonunionized workers. Domestic NGOs reported that employers often 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, the result of 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 due to a lack of inspection personnel and resources. Inspectors' role as mediators of labor conflicts significantly limits the amount of time they can spend proactively inspecting worksites and remediating any violations they uncover. Inspectors do not have punitive power and cannot levy fines or other punishments. Upon action of the state prosecutor, the courts can force the employer to take remedial actions through a court decree. Penalties were not sufficient to deter violations. Enforcement procedures were subject to lengthy delays and appeals.

Most union federations were strongly allied with political parties, but unions were generally free from government interference.

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

The law prohibits all forms of forced or compulsory labor.

On October 2, the domestic workers law passed in 2016 went into effect. The law provides new protections to domestic workers, including limits on working hours

and a minimum wage. Penalties for violating this law start with a fine and, in cases of repeated offense, can include one to three months' imprisonment.

In the past, authorities did not adequately enforce laws against forced or compulsory labor, although it was too soon to assess the impact of the new law. Labor inspectors did not inspect small workshops and private homes where the majority of such violations occurred, as the law requires a warrant to search a private residence. The new law establishes a conciliation process that labor inspectors can conduct for disputes between domestic workers and their employers, but it lacks time limits for resolving those disputes. The small number of inspectors, the scarce resources at their disposal, and the broad geographic dispersion of sites also limited effective enforcement of the law.

Local NGOs reported that an undetermined number of vulnerable migrant domestic workers filed suits against their former employers. These suits included significant indicators of potential trafficking abuses, such as withholding passports or wages. Information on disposition of these cases was not available.

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 [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

The law established a minimum age for employment and the government effectively enforced these laws. In 2016 parliament passed a law that went into effect on October 2 prohibiting children under the age of 16 from working as domestic servants and strictly limiting the work of children under the age of 18. Punishments for violations of the child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of legal residence in the country for five to 10 years. Penalties were not sufficient to deter violations.

The overwhelming majority of child laborers worked in rural areas, according to the government's statistical agency, the High Planning Commission.

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.

In some cases employers subjected children to the worst forms of child labor, including commercial sexual exploitation, sometimes as the result of human trafficking (see section 6, Children); forced domestic work, sometimes as the result of human trafficking; and forced labor in the production of artisan crafts and construction.

For more information see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings](http://www.dol.gov/ilab/reports/child-labor/findings).

#### **d. Discrimination with Respect to Employment and Occupation**

The labor code prohibits discrimination regarding employment and occupation based on race, religion, national origin, color, sex, ethnicity, or disability. The law does not address age or pregnancy.

Discrimination occurred in all categories prohibited by law, as the government lacked sufficient human and financial resources to enforce these laws effectively. Migrant worker organizations reported that some migrants experienced discrimination in hiring, wages, or conditions of employment.

#### **e. Acceptable Conditions of Work**

The minimum wage was 108 dirhams (\$11.30) per day in the industrialized sector, 70 dirhams (\$7.30) per day for agricultural workers, and 65 dirhams (\$6.50) per day for domestic workers. The World Bank established the absolute poverty level threshold wage as 70 dirhams (\$7.30) per day. Including traditional holiday-related bonuses, workers generally received the equivalent of 13 to 16 months' salary each year.

The law provides for a 44- to 48-hour maximum workweek with no more than 10 hours in a single day, premium pay for overtime, paid public and annual holidays,

and minimum conditions for health and safety, including a prohibition on night work for women and minors. The law prohibits excessive overtime.

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 under the age of 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 for 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 394 labor inspectors attempted to monitor working conditions and investigate accidents, but lack of resources prevented effective enforcement of labor laws. Penalties were generally not sufficient to deter violations.

According to NGOs no major workplace accidents occurred during the year. There were, however, numerous media reports of accidents, sometimes fatal, on construction sites that had substandard standards or lacked safety equipment. In the formal sector, workers can remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in such situations.