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2009 Human Rights Practices: Morocco

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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

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

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings. Abderrezzak Kadiri died after a December 2008 pro-Palestine demonstration that turned violent at Cadi Ayyad University. Nongovernmental organization (NGO) reports alleged that Kadiri's death resulted from injuries sustained during violent confrontations with police and indicated that authorities did not notify Kadiri's family of his death until January 6. However, the authorities denied this account and reported that an autopsy had determined his wounds were consistent with a criminal assault. Police issued a criminal arrest warrant, and the government reported that the case would not be investigated as a human rights violation unless a subsequent arrest or other information revealed that it should be. As of year's end, no suspects had been arrested.

As in previous years, there were reports of deaths of sub-Saharan migrants crossing the country's territory trying illegally to enter the Spanish enclave of Melilla (see section 2.c.). The NGO Amnesty International (AI) called on the government to open an investigation into the death of a migrant whom police reportedly fired on at the northern border of the country with Melilla on January 1. Arrests and beatings continued on the borders, principally on the Spanish side.

b. Disappearance

There were no reports of politically motivated disappearances.

Since 2004 the Justice and Reconciliation Authority (IER) and its successor organization, the Consultative Council on Human Rights (CCDH), completed investigations of approximately 800 cases of forced, long-term disappearances of opponents of the government between independence in 1956 and 1999. During the year the CCDH published newsletters updating progress in investigating cases but generally did not mention individuals. According to the CCDH, six cases remained outstanding at year's end. Human rights groups and families continued to claim that the IER did not acknowledge all cases of disappearances, many from the Western Sahara.

By year's end the CCDH reported it had paid reparations to 15,000 victims of disappearance or other abuses committed during the 1970s or 1980s or to their family members. The CCDH shifted its focus toward conducting community reparation projects that were designed to rebuild communities hit especially hard by the disappearances of male breadwinners during the 1970s. The CCDH cooperated with NGO partners such as the International Center for Transitional Justice, the Arab Institute for Human Rights, and Entraide Nationale in this effort. Some NGOs criticized the CCDH as flawed administratively and the CCDH process as nontransparent, resulting in unequal payments and lack of objective criteria for awarding payments. The CCDH acknowledged that communal reparation programs were still in their initial phase and that there was room for improvement.

According to the February 25 report of the UN Human Rights Commission's Working Group on Enforced or Involuntary Disappearances, there were 58 outstanding cases at the end of 2008, a decrease of five from 63 outstanding cases at the beginning of the review period in December 2007.

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

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

The CCDH reported an overall decline in incidents of torture and other abuses during the year, and independent news media and human rights groups, including the Moroccan Association for Human Rights (AMDH) and the Moroccan Organization for Human Rights (OMDH), made fewer reports denouncing such abuses in internationally recognized Morocco than in past years. There was no such decline in reports from Western Sahara (see separate report). The penal code stipulates sentences of up to life imprisonment for public servants who use or allow the use of violence against others in the exercise of their official duties.

On August 24, authorities sentenced Sahrawi independence activists, Ennaama Asfari and Ali El-Rubia, to four months in prison and a two-month suspended sentence, respectively, for "contempt of public officials while in performance of their duty." According to NGO reports, police officers assaulted Asfari and Rubiou. Authorities charged the two after police reportedly saw Asfari in Tan Tan carrying a key ring with the pro-independence flag of the Western Sahara. Supporters of the defendants were not allowed access to the court, and others were arrested on their way to the hearing. Most of the activists were released without charge after six hours of detention. Four reported mistreatment including claims that authorities beat them and then threw them out of a moving police car on the road to Smara.

National police in Oujda, subsequent to the June 25 communal elections, intimidated some supporters and members of the Islamist-oriented Party of Justice and Development (PJD). In one case, PJD lawyers filed a complaint alleging that police beat a local leader, Nouredine Boubker, into a coma. The government reported that this was not the case and that Boubker was injured in a violent confrontation between several PJD activists and police. Boubker did not file charges, subsequently recovered, and the government reported the case closed.

In February 2008 the government arrested 35 individuals, including six political party officials, and charged them with being part of a terrorist network. The six political party officials were Mostapha Mouatassim, president of al-Badil al-Hadhari; Mohamed Amine Regala, deputy chief of al-Badil al-Hadhari; Mohamed Merouani, president of al-Oumma party, a moderate Islamist party that had applied for but not received legal status; Al-Abadelah Maelainin, a member of the national council of the PJD; Hamid Nejibi, a member of the national council of the Unified Socialist Party (PSU); and Abdelhafidh Sriti, a journalist with al-Manar television, which belongs to the Lebanese Hezbollah movement. They claimed they made self-incriminating statements while in custody as a result of torture. According to their lawyers, authorities did not investigate their allegations. On July 28, all 35 were found guilty of forming a terrorist group, plotting attacks, and committing robberies and other crimes to finance their operations. The Sale court sentenced them to prison terms ranging from suspended sentences to life in prison. Many appealed the verdicts on the grounds that the court failed to hear the case in a timely manner and failed to refer their cases to a forensic expert as required by the country's 2006 law against torture. At year's end the appeals remained pending.

At year's end, 11 of 18 students who were sentenced to prison in relation to their involvement in demonstrations in May 2008 at Cadi Ayyad University remained in prison awaiting appeal hearings. The government continued to base its case on police reports stating that students armed with Molotov cocktails and stones violently attacked and injured several police officers, and that any injuries the students sustained were the result of these confrontations. The students' appeal included evidence alleging that security forces employed torture, sexual harassment, and other abuse, especially during their arrest and pretrial detention, and denied the students medical care. The appeal case also alleged that the government did not investigate these allegations. At year's end the 11 students' appeal was still pending. The government provided no new information about the case of Qadimi El Ouali, who was severely injured in connection with the demonstrations in May 2008 at Cadi Ayyad.

The government continued to improve implementation of the 2006 law against torture, which requires judges to refer a detainee to a forensic medicine expert when the detainee or his or her lawyer requests it or if judges notice suspicious physical marks on a detainee. The government reported that as of September, the public prosecutor had requested medical examinations for six persons, and judges had requested 21 medical examinations. The total of 27 requests represented a decrease from 2008's total of 49, which the government suggested reflected an overall reduction in allegations of torture throughout the country. Media and human rights NGOs documented cases in which the antitorture law provision was not implemented.

Prison and Detention Center Conditions

Prison conditions remained poor and generally did not meet international standards. Overcrowding, malnutrition, and lack of hygiene characterized the conditions inside prisons. A February report by the Moroccan Observatory of Prisons (OMP), an umbrella grouping of lawyers promoting better conditions for prisoners, stated that prisons were overcrowded, prone to violence, and failed to meet local and international standards. It also stated that current prison capacity was sufficient for only half the prison population. The government acknowledged that its 59 prisons held about 76,000 inmates in early November, 40 percent more than they were designed to hold. That capacity allowed 16 square feet per inmate, far short of the international standard of 97 square feet. The pardon of 26,498 persons during the year reduced overcrowding.

The OMP reported that more than 100 inmates died in 2008 from various causes, which it and other NGOs blamed in large part on poor conditions and inadequate health care. The government acknowledged that providing adequate care was difficult given the overcrowded conditions. The Directorate General for Prison Administration (DGAP) employed 107 general practitioners and kept a number of medical specialists on contract to provide inmates with care as needed.

In April 2008 in response to public criticism following a highly publicized multi-prisoner escape from the Kenitra prison three weeks earlier, the king transferred responsibility for prison governance from the Ministry of Justice (MOJ) to the newly created DGAP. The DGAP, which reports directly to the prime minister and informally to the palace, has its own budget and central administrative apparatus. The DGAP secured additional funds during the year to build new facilities, reduce crowding and increase living space per inmate, improve health care and other conditions, and improve security. The MOJ still directs the development and reform of penal policy.

Pretrial detainees, who made up 21 percent of the 377,092 persons charged with crimes in 2008, were not held separately from convicts due to a lack of prison space. During the first six months of the year, 14,364 persons were held in pretrial detention. Although the law dictates that juvenile prisoners be separated from adults in prisons, this did not always occur in practice. There are only three juvenile detention centers. Due to the lack of juvenile prison facilities, authorities often held juveniles together with adults, particularly in pretrial detention and in police stations. Human rights groups reported the abuse of younger offenders by other minors, older inmates, and prison guards. Local NGOs estimated there were at least 4,000 juveniles in the prison system. Offenders convicted of minor crimes are often placed in the same cell as those convicted of more serious offenses. Government figures indicate that only 3 percent of prisoners were women, and there was less overcrowding in the women's sections. Women were held separately from men.

The government allowed programs such as training workshops for juvenile court judges and a regional conference on restorative justice.

Some human rights activists asserted that the prison administration reserved harsher treatment and conditions for certain prisoners, and they blamed the June death of Mohammed Amine Akalai on inadequate medical care. Akalai was known to have cardiovascular problems and was apparently denied medical treatment. The government denied allegations that it accorded different levels of treatment, maintaining that there were no political prisoners in the country. Government officials acknowledged that Akalai died in custody but claimed his death was due to his cardiovascular problems. In August 40 Islamists imprisoned on terrorism charges began a hunger strike to protest the conditions of their detention. Hunger strikes were not uncommon in the country's prisons and usually ended within several days in response to concessions from prison authorities. Although prisons provided meals three times a day, the quality of the meals was poor, and it was standard practice for families and friends to supplement prisoners' diets.

During the year, the government reported it had conducted autopsies into 13 deaths that resulted from a 2007 hunger strike at the Sale prison. The government reported that its investigation showed 12 cases were due to natural causes, and one case was a result of electric shock. The government claimed that only one case was referred to investigation due to a complaint filed by the brother of a deceased prisoner. No further information on that investigation was available at year's end.

The government permitted visits during the year by independent human rights observers, including local human rights groups, but not international groups or the media. According to the DGAP, the government permitted 20,100 visits to prisons during the year. Family members accounted for the majority of visits, but 900 were judiciary authorities and 600 were by NGOs. Some international donors had occasionally visited in the past, but, according to NGOs, the DGAP under its new director general discouraged such visits and they ceased. During the year the International Committee of the Red

Cross (ICRC) did not make any requests to visit prisoners; the last ICRC request for access to a prisoner was in 2007, and the government honored the request.

Government policy permits NGOs that provide social, educational, or religious services to prisoners to enter prison facilities, but it does not permit NGOs that only have a human rights mandate to do so except with special authorization. Members of various NGOs, including OMDH, AMDH, and the Association of Victims of Grave Human Rights Abuses (ASVDH), visited prisoners regularly to distribute food and personal items and to check on their health and well-being as "friends or family," not as human rights NGO representatives.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The security apparatus includes several police and paramilitary organizations with overlapping authorities. The National Police (DGSN) manages the border and immigration services, as well as internal law enforcement, and reports to the Ministry of Interior (MOI). The General Directorate of Territorial Security (DGST) and the auxiliary forces are separate entities that have security responsibilities and also report to the MOI. The Royal Gendarmerie reports to the Ministry of Defense and is responsible for law enforcement in rural regions and on national highways. The judicial police--the main federal investigative body--is a hybrid DGSN and MOJ entity. It investigates violations of criminal law, terrorism, organized crime, and white-collar crime under MOJ prosecutors. The Department of Royal Security reports to the palace.

Corruption and impunity remained problems and reduced police effectiveness and respect for the rule of law. It was general knowledge that petty corruption was widespread among the police and gendarmes, and broader, systemic corruption undermined both law enforcement and the effectiveness of the judicial system. The MOI increased investigations of abuse, human rights violations, and corruption. During the year the government reported that it prosecuted 282 security officials for crimes ranging from "assault and battery leading to death" to petty bribery throughout the country and the Western Sahara. There were prosecutions against approximately 190 employees of the judicial police, the royal gendarmerie, the auxiliary forces, the royal navy, and prison guards for bribery and influence misuse; most other cases were for physical abuse or mistreatment. The government prosecuted 117 officials, including security service personnel, for corruption in the first 11 months of the year. Despite these investigations and prosecutions, other investigations did not result in disciplinary action or judicial proceedings, and many more incidents of corruption never were investigated. Cases often languished in the investigatory or trial phases without resolution.

Arrest Procedures and Treatment while in Detention

Police may arrest following a general prosecutor's issuance of an oral or written warrant; in practice warrants were sometimes issued after the arrest. Authorities denied defendants' access to counsel or family members during the initial 96 hours of detention under terrorism-related laws or 48 hours of detention for other charges, during which police interrogated detainees and abuse or torture was most likely to occur.

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

According to NGOs, as many as 90 percent of incarcerated minors were in pretrial detention. The law provides for a limited system of bail, but bail was rarely granted. The law does not require written authorization for a person to be released from detention. In some instances judges released defendants on their own recognizance. The antiterrorism law does not include a system of bail. Under a separate military code, military authorities may detain members of the military without a warrant or public trial.

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

Amnesty

The government used royal pardons rather than a parole system as the principal judicial mechanism for early release. During the year the king pardoned 26,498 prisoners.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but in practice the courts were not always independent. **According to observers, corruption remained prevalent. Judges did not consistently base rulings on new laws and, at times, referred to outdated laws in their decisions.**

There are four levels in the common law court system: communal and district courts, courts of first instance (regional courts), the appeals court, and the Supreme Court. **All decisions in criminal and civil matters in which the penalty exceeds 330 dirhams (\$40)** may be appealed to the courts of first instance. Regional courts are subdivided into civil, commercial, administrative, penal, and rabbinical sections. Cases may be appealed from the regional courts to the appeals court. There were no restrictions on appeals at this level.

Serious state security charges against civilians, including those relating to the monarchy, Islam, or territorial integrity, are typically tried in civilian courts. Cases regarding treason must be tried before a military court. Cases regarding territorial integrity can also be referred to a military court. Judgments by military tribunals may be appealed.

On October 8, authorities detained seven Sahrawi activists in Casablanca who had visited Algiers and the refugee camps near Tindouf from September 26 to October 8. The government accused the seven of participating in military parades with Polisario soldiers, charged them with "intelligence cooperation with a foreign entity," and referred the case to a military tribunal.

Trial Procedures

According to the constitution, the judiciary is independent; in practice the judiciary, often inefficient and believed to be corruptible, was not fully independent and was subject to influence, particularly in sensitive cases such as those dealing with the monarchy, religion, and the Western Sahara. Although technically not one of the four

ministries under direct control of the king, the palace supervises who hires and dismisses judges, controls promotions, and decides who can be appointed and to which positions. The king heads the Supreme Judicial Council with administrative authority over the judiciary.

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

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

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

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

The Supreme Court may overturn an appellate court's ruling only on procedural grounds. Appeals to the Supreme Court were infrequent. An investigation by an examining magistrate was mandatory only when life imprisonment or the death penalty was a possible sentence.

Family courts generally adjudicated divorce and child custody cases according to the family law. These courts addressed family issues for Muslim citizens, and judges were trained in Shari'a as applied in the country and in the requirements of the 2004 family law. Family matters for Jewish citizens were handled by the parallel legal system available to them.

Political Prisoners and Detainees

Legislation does not define or recognize the concept of a political prisoner. The government did not consider any of its prisoners to be political prisoners, stating that all individuals charged with crimes were charged under common criminal law. Several NGOs, including AMDH, Sahrawi organizations, and Berber activist groups, charged the government with detaining persons for political activities or beliefs under cover of criminal charges, such as AMDH members arrested on charges of failing to show "due respect" to the king.

In April 2008 police arrested Sahrawi activist Enaama Asfari in Marrakesh after a traffic altercation. He stated plainclothes police assaulted and injured him and then took him to a hospital for treatment. According to Asfari, he was later forced to sign a statement he had not written or read and was denied the opportunity to contact his family. During the trial, the judge refused to allow a medical examination and authorities expelled Asfari's wife and two other trial observers from the courtroom for incitement. He was sentenced to two months in prison, fined 3,000 dirhams (\$420), and was freed on June 13.

Civil Judicial Procedures and Remedies

The MOJ received 35 complaints against judges, and public prosecutors investigated these complaints.

Prosecutors closed 10 of the cases due to lack of evidence, and the other complaints remained under investigation at year's end.

There are administrative as well as judicial remedies for alleged wrongs.

A national ombudsman resolves civil matters when the judiciary is unable to do so and has gradually expanded the scope of its activities. The number of complaints it received rose from 4,500 in 2006 to 7,000 during 2008. The percentage of actionable complaints rose from 29 percent in 2004 to 91 percent in 2008. Despite the significant increase in numbers of complaints the ombudsman received, most citizens looked to the CCDH for redress of human rights complaints. The CCDH served as a conduit through which citizens expressed complaints about government malfeasance or human rights violations.

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

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

As in previous years, authorities reportedly searched and shut down activities in the homes of members of the Justice and Good Works Organization (known also as the Justice and Charity Organization or "JCO"), an Islamist sociopolitical group the government tolerated but did not officially recognize. Members allegedly used their homes for "open houses" where they held politically oriented meetings. During Ramadan, in the first half of September, authorities arrested JCO members in a series of operations across the country. These raids forcibly dispersed meetings at private residences in Fes, Berkane, and Casablanca. JCO members claimed the DGST was responsible for the harassment. In Casablanca authorities arrested 18 persons on September 13 in Sbata, a low-income neighborhood. In Casablanca, Fes, and Berkane, authorities arrested, questioned, detained, and later released JCO members without charges.

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law generally provides for freedom of speech and of the press; however, the government compromised this law in practice. Criticism of Islam, the monarchy, and territorial integrity (the issue of Western Sahara) is prohibited by law. According to Human Rights Watch (HRW), during the year, there was an increase in punishing journalists who reported on these issues. The press, however, reported on controversial subjects such as military, security, and sexuality.

In the latter half of the year, a trend toward restricting freedom of the press emerged, with a marked increase in media restrictions. Figures provided by the government showed an increase in total cases from 45 in 2008 to 56 during the year. These numbers included cases the government initiated as well as private citizens' libel complaints. Numerous human rights groups criticized the steady stream of criminal prosecutions, newspaper closings, and libel suits.

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

The press code lists threats to public order as one of the criteria for censorship. The government also has the ability to revoke licenses and to suspend and confiscate publications. Politically diverse newspapers and weeklies published articles critical of high-ranking officials and sensitive policies. Although authorities overlooked most of these instances, a few publications paid a substantial price in financial penalties. Often these excessive fines appeared to be designed to bankrupt the publisher.

On July 22, the international NGO Reporters Without Borders reported that since the beginning of King Mohammed VI's reign in 1999, journalists have been sentenced to a total of 25 years in prison and news media have been fined a total of two million Euros (\$2.8 million).

On February 26, journalist and blogger Hassan Barhoum was sentenced to six months in prison and a fine for circulating a petition accusing a local prosecutor of corruption and raising questions about authorities' complicity in the escape of a convicted drug baron in Tetouan. He was charged with defaming a judicial official. On August 1, Barhoum was released from prison after he received a royal pardon.

In June the Court of First Instance in Casablanca fined three independent Arabic-language newspapers 3.3 million dirhams (\$400,000) for insulting a foreign head of state. The newspapers have begun an appeal process. During the same month, the government banned an issue of French weekly *Courier International* after it published an article on the king's wealth. In rare instances during the year, the government banned the importation of foreign media when they were considered to undermine the sanctity of the nation or public order.

The appeal process for the case of a French-language monthly accused of defamation resulted in a fine triple the original amount. On December 29, the Casablanca Court of Appeal ordered Hassan Alaoui, director of French weekly *Economie et Enterprises*, to pay a 600,000 dirham (\$77,000) penalty to Mounir Majidi, the king's personal secretary; the magazine had accused the royal family-owned company Primarios of fraud.

In August the MOI seized editions of two independent weekly news magazines, *Tel Quel* and its Arabic-language sister publication *Nichane*, for publishing an opinion poll on the king's first decade in power although the poll results were favorable to the king. The ministry also banned the import of an edition of French daily *Le Monde* that also published the poll results. To justify its action, the MOI cited the country's 1958 press code, which allows seizure of publications that show lack of respect for the royal family or of Islam. A court in Casablanca rejected the appeal of *Tel Quel* and *Nichane* against the MOI action. Ahmed Benchemsi, the publisher of both weeklies, was charged with failing to show "due respect" to the king. Benchemsi's case remained pending at year's end.

Idriss Chahtane, director of the Arabic-language weekly *Al Michaal*, received a one-year sentence and 10,000 dirham (\$1,280) fine, and journalists Mustafa Hirane and Rachine Mahamid received three-month sentences and a fine of 5,000 dirhams (\$640) each for reporting false information on the king's health. On December 29, the correctional chamber in the Appellate Court in Casablanca decided to postpone a verdict against Chahtane. Chahtane remained in prison at year's end under an outstanding suspended sentence against him from 2008 for allegedly libeling Algerian President Abdelaziz Boutefilka; Hirane and Mahamid remained free at year's end pending appeal.

In November Taoufik Bouachrine, director of the Arabic-language daily *Akhbar Al Youm*, and cartoonist Khalid Keddar received suspended prison sentences totaling eight years for a cartoon allegedly depicting Prince Moulay Ismail with a deformed Moroccan star. The court fined Bouachrine and Keddar a total of 200,000 dirhams (\$25,641) and ordered them to pay three million dirhams (\$385,000) to the prince for defamation. Authorities charged them with "lack of respect due to the prince" and "insulting the national flag." On December 30, Prince Ismail pardoned them and decided to forgo the fine.

The Ministry of Communications (MOC) issued directives and guidance, and it subsidized publications including those critical of the government. The placement of government-directed advertising influenced print media outlets' revenue and may have influenced their coverage. Direct government subsidies varied according to the percentage of the population reading the publication. There are approximately 500 newspapers in the country.

The government temporarily suspended publications it judged offensive. This happened in the aforementioned cases with *Tel Quel* and *Nichane*. Arabic-language *Akhbar Al Youm* was permanently closed and later reopened under the name *Akhbar Al Youm Al Maghrebiya*. After some delay, the government allowed suspended publications to continue operation. Newspapers reported exercising self-censorship in response to the threat of government closure.

The government registered and licensed domestic newspapers and journals. The government owned la Societe Nationale de la Radiodiffusion et de la Television, formerly Moroccan Radio-Television, which owned and operated several local television and radio stations. It also partially owned the 2M television and radio network. The government purchased a majority stake in formerly private Medi-Sat television this year in an effort to save it from bankruptcy. Since 2006 the government has licensed the operations of several independent radio stations that offer news and information. A government-appointed committee monitored broadcasts to ensure adherence to license agreements. The government owned or partially owned the only television stations whose broadcasts could be received in most parts of the country without decoders or satellite dishes.

In March the MOC refused to renew the press credentials of Rafael Marchante, a Spanish photographer employed by Reuters, following a negative report he made on the Western Sahara. His credentials were restored after a few weeks' delay.

In May 2008 the government suspended Al-Jazeera's broadcasting license, forcing it to cease broadcasting its nightly Maghreb news bulletin from Rabat. Al-Jazeera was permitted to retain its office in Rabat. In July 2008 a court fined Al-Jazeera Rabat bureau chief Hassan al-Rachidi 49,000 dirhams (\$6,000) and suspended his press accreditation for "publishing false information" after the channel quoted human rights activist Brahim Sab Alail alleging that security forces killed protesters in the town of Sidi Ifni. At one point Rachidi's attorneys withdrew from his case in protest, claiming the court refused to allow them to call defense witnesses. Al-Rachidi appealed, claiming the court did not follow correct procedures for the suspension of his press accreditation. In December 2008 the Rabat appeals court postponed hearing the case until January 2010. Throughout the year Al-Jazeera's license to broadcast directly from the country remained suspended.

Authorities subjected journalists to harassment and intimidation during the year.

In February security forces searched the offices of Arabic-language weekly *al-Ayyam* for possessing an unpublished photograph of the king's mother after the newspaper had submitted a formal request to the palace to publish the photograph. The director and editor in chief of the publication were detained but later released.

In early September the public prosecutor in Rabat ordered police to question 10 journalists from three Arabic-language newspapers that in late August published articles about the king's health. A statement issued by the king's aide claimed an article in the privately owned Arabic-language newspaper *Al-Jarida al-Oula* contained false information and fabricated news about the king's health. Police released the journalists after lengthy interrogations. The Rabat public prosecutor brought defamation charges against *Al-Jarida al-Oula*. Ali Anouzla, the director of *Al-Jarida al-Oula*, was sentenced in October to one year in prison and a 10,000 dirham (\$1,280) fine and Bouchra Eddou, a journalist for the paper, was sentenced to three months in prison and a 5,000 dirham (\$640) fine. On December 28, the appellate court in Rabat confirmed the initial verdict against Anouzla and Eddou.

Internet Freedom

There are neither specific laws nor a body of judicial decisions concerning Internet content or access. The government did not usually restrict access to the Internet. Individuals and groups were able to engage in peaceful exchange of views via the Internet, including by e-mail. The International Telecommunication Union reported there were 33 Internet users per 100 inhabitants in 2008.

In January the government temporarily blocked four Islamist-oriented Web sites after they were used to mobilize protests in support of Palestinians during the Israeli offensive in Gaza.

On December 14 the Kenitra court of first instance handed down a three-month suspended jail sentence against Jawad El Galii, a journalist, blogger, and editor of a Web site. He was convicted of aggression against a policeman and of impersonating a journalist, as he had no credentials. The charges stemmed from an incident in which a policeman smashed his camera during a protest rally and El Galii quarreled with the policeman. Security forces detained him for eight hours and dropped the case when he reconciled with the policeman. The following day police again summoned El Galii and prosecuted him in the court of first instance. Before the three-month suspended sentence was announced, he was free on bail.

Academic Freedom and Cultural Events

By law and in practice, the government reserved the right to restrict presentations or discussions questioning the legitimacy of the monarchy, Islam, or the status of Western Sahara and did so on some occasions. There was political and religious activism on university campuses during the year, which the government generally tolerated. Islamist groups wielded considerable influence on campuses. In some cases they controlled student unions and acted to constrain academic freedom. The MOI approved the appointments of university rectors.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association within the limits provided by law. Although sit-ins, demonstrations, and protests occurred, in practice the government used administrative delays and other methods to suppress or discourage demonstrations. The government also prohibited or failed to recognize associations it deemed unqualified for NGO status.

Freedom of Assembly

The MOI required permission for public assemblies. **During the year police forcibly prevented and disrupted some demonstrations and mass gatherings. The media and NGOs made fewer reports of police disrupting peaceful demonstrations in the country, and violent police actions were fewer than in previous years. As in years past, there were violent demonstrations at Caddi Ayyad University in Marrakesh that prompted police to use force (see sections 1.a. and 1.b.).**

Freedom of Association

The constitution and the law provide for freedom of association. The government reported that approximately 100,000 NGOs and associations were registered in the country. New organizations are required to register with the MOI. A proposed organization must submit its bylaws to the ministry. If the bylaws support the monarchy, Islam, and territorial integrity, the ministry issues a receipt to the organization that signifies formal approval. The organization may apply for tax exemption and government funding. If the organization does not receive a receipt within one week, it is not

formally registered. Many organizations the government chose not to recognize functioned without the receipts, and the government tolerated their activities.

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

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

c. Freedom of Religion

The constitution provides for freedom of religion and stipulates that Islam is the official state religion. According to the constitution, the king is the "Commander of the Faithful and the Supreme Representative of the Muslim community." Non-Muslim communities openly practiced their faiths with varying degrees of official restrictions. The law proscribes efforts to proselytize Muslims. Civil law does not prohibit voluntary conversion.

In March the government seized Shi'ite tracts and literature from libraries and bookstores throughout the country in a stated effort to stop the spread of politicized Iranian Shi'ism. There were also reports of police questioning hundreds of Shi'a Muslims about their faith and political affiliations. The Ministry of National Education closed a private Iraqi school that had operated in the country for more than 30 years, after allegations that the school was teaching Shi'a principles. School officials denied the accusation. Local media reported continued questioning of Shi'a Muslims in Casablanca throughout April. Authorities claim these actions were in reaction to a politicized Iranian Shi'ism that violates the country's laws against using religion for political purposes.

The government also took action against a group that attempted a public protest against a law prohibiting Muslims from eating publicly during daylight in Ramadan. Through coordination on Facebook, the group organized a protest picnic for September 13 near the Casablanca suburb of Mohammedia. Police prevented the picnic from occurring and detained the six main organizers for questioning. Police subsequently released all six and did not file charges against them.

The government did not license or approve religions or religious organizations. The government provided tax benefits, land, building grants, subsidies, and customs exemptions for imports necessary for the observance of major religions.

The Ministry of Endowments and Islamic Affairs continued to monitor Friday mosque sermons and Koranic schools to ensure the teaching of approved doctrine. During the year, the ministry broadcast approved programs to some of the country's 47,000 mosques via government-provided television sets and satellite dishes. It placed restrictions on individual Muslims and Islamic organizations whose activities were deemed to exceed the bounds of religious practice or to be political in nature. For example, the government closed the Moroccan Society for the Call to Koran and Sunnah, headed by Mohammed Bin Abdulrahman al Maghrawi of Marrakesh, and its affiliated Koranic schools. Magrawi has been living in self-imposed exile in Saudi Arabia since the government tried to prosecute him for issuing a fatwa, or his own Islamic legal interpretation, condoning the marriage of minor girls. In November the Court of Appeals reaffirmed the closure of his schools and organization.

In June the ministry announced a new program to train imams in the family code (Moudawana) as well as to reinforce the teachings of the Maliki school of Islamic jurisprudence, which the country follows.

The government strictly controlled the construction of new mosques and required a permit for construction. Authorities instituted the measures to avoid exploitation of mosques for political propaganda, such as distributing pamphlets, raising

funds, or disseminating extremist ideas. The government generally limited mosque activities to the propagation of Islam, education, and charity. The government did not close any mosques during the year.

The small foreign Christian community operated churches, orphanages, hospitals, and schools without restrictions or licensing requirements. Missionaries who conducted themselves in accordance with cultural norms worked largely unhindered, but those who proselytized publicly faced expulsion. The number of local Christians, other than foreign spouses of citizens, was estimated to be between 5,000 and 25,000 persons.

The government prohibited distribution of Christian religious materials for the purpose of proselytism, although it allowed the sale of Bibles and tolerated several small religious minorities.

In late March, authorities expelled five nonresident women and interrogated 12 others, 11 of whom were citizens, about their participation in a Bible study group in a private apartment in Casablanca. Police entered the apartment without a warrant, claiming a warrant was not necessary under emergency law. The authorities detained the 12 women on March 28 but released them the following morning. The authorities confiscated Bibles, books, cellular phones, and a computer; they reportedly pressured the women to return to Islam, mocked their Christian faith, and questioned why they left Islam. The authorities reportedly accused the foreigners of proselytizing but did not press charges. On May 14, the government reportedly denied entry to two of the nonresident women when they attempted to reenter the country.

The government supported and facilitated religious activities of the Jewish community.

Societal Abuses and Discrimination

There were no reports of anti-Semitic acts, publications, or incitements to violence.

Representatives of the Jewish minority, estimated by community leaders to number 4,000 members, generally lived in safety throughout the country, and the government provided appropriate security. The Jewish community operated schools and hospitals whose services were available to all citizens.

There are six Jewish schools in Casablanca, including primary, middle, and high schools. One of the schools, the "Itihad" or Alliance school, was primarily for Jewish children but was partially government-funded and included a significant percentage of Muslim students who competed for entrance. Children of prominent citizens and government employees enrolled in the school. There is one Orthodox religious school. The government provided funds for religious instruction to the parallel system of Jewish public schools. Jews continued to hold services in synagogues throughout the country.

There are two sets of laws and courts--one for Muslims and one for Jews--pertaining to marriage, inheritance, and family matters. Under the family code, which applies to Muslims, the government began retraining judges and recruiting new civil judges. Rabbinical authorities continued to administer family courts for Jews. There are no separate family courts for other religious groups, which rely upon the civil system. The government continued to encourage tolerance and respect among religions.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

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

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

The law provides for forced exile. On November 13, government authorities in Western Sahara refused to allow Aminatou Haidar, a Sahrawi independence activist, to enter the territory. She returned to Western Sahara on December 18, after spending 34 days in the Canary Islands. (See the Western Sahara report for further details.)

The government encouraged the return of Sahrawis if they acknowledged the government's authority over the Western Sahara territory. The government eliminated most previous informal restrictions on the travel of Sahrawis and made travel documents available. There were cases of Sahrawis who were prevented from traveling (see the Western Sahara report). The government welcomed voluntary repatriation of Jews who had emigrated. Jewish emigrants, including those with Israeli citizenship, freely visited the country.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol. The government has not yet established a national asylum procedure; it defers to the UNHCR as the sole agency in the country entitled to grant refugee status and verify asylum cases.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Refugees recognized by the UNHCR are not returned under such circumstances, although the government does not process or recognize their asylum claims. In practice this procedure meant they were unable to obtain residence permits that would allow them access to the national health care system and the legal right to work. As of August, the UNHCR reported 746 refugees and 310 asylum seekers.

In late July a group of recognized refugees staged a sit-in at the UNHCR's Rabat office, protesting the lack of resettlements to Europe and the United States. A violent confrontation resulted in injuries to the refugees and the police, and five refugees were charged with illegal entry into the country, disturbing the peace, unlawful assembly, assault of security officials, and destruction of private property. They were sentenced to one month in prison and a 500 dirham (\$64) fine. During court proceedings they were found not guilty of "illegal entry" and were not expelled from the country.

There were credible reports of government authorities expelling illegal migrants into the desert along the border with Algeria. NGOs reported that some migrants were left without food and water and consequently died (see section 1.a.). The International Organization for Migration (IOM) reported 1,119 cases of migrants' voluntary return to their country of origin during the year.

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

The law provides for regular, free elections based on universal suffrage, including elections to a bicameral parliament. Citizens elect municipal councils directly; citizens indirectly elect regional councils through representatives. Citizens vote for the legislature from which the government is drawn; therefore, they had an indirect say in choosing parts of the executive branch. Citizens did not have the right to change the monarchical form of government.

The king as head of state appoints the prime minister, who is the titular head of government. The constitution authorizes the prime minister to nominate all government ministers, although the king also may nominate ministers and has the

power to replace any minister. The government consists of 34 cabinet-level posts, including the prime minister and four sovereign ministerial posts that traditionally report directly to the king (interior, foreign affairs, endowments and Islamic affairs, and defense). The MOI nominates and the king appoints provincial governors (walis) and local city-level administrative governors (caids). The king also appoints the constitutional council that determines whether laws are constitutional.

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

Elections and Political Participation

Electoral law and regulation give the MOI authority over elections, from drawing electoral districts to counting votes. Redistricting, which occurs before every nationwide election and addresses population changes, took place before the June local government elections. Districts contained significantly different numbers of voters.

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

International and domestic observers assessed the voting and noted the government's effective administration of the process. According to the MOI, voter turnout was 52 percent. Independent media made numerous reports alleging preelection vote buying by political parties and some instances of official misconduct at the district level. The CCDH, the government, and observers acknowledged that all parties likely engaged in such misconduct. Domestic observers and some political party leaders recommended the creation of an independent electoral commission.

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

In 2007 the government declared the Amazigh Democratic Party illegal on the grounds that it violated a constitutional ban against ethnic political parties. On January 2008 the ban was upheld on appeal. Although there was significant participation by centrist parties such as the Popular Movement that identify themselves as representing Amazigh interests, segments of the Berber political movement felt that their requests for greater cultural, political, and economic autonomy were not given a fair hearing.

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

Women's representation in local government and political parties' decision making structures increased during the year. Before the June elections, women held less than 1 percent of elected positions at the local level, and only two women served as mayors. Following an agreement in November 2008 between the government and political parties, a minimum

of 12 percent of the local council seats (approximately 3,000 elected positions) were reserved for women. More than 20,000 female candidates ran for office, with 3,421 winning seats (13 percent of the total). Twelve women were selected in subsequent indirect elections to head local councils as mayors or mayor equivalents, including the mayor of Marrakesh.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. It was common knowledge that corruption was a serious problem in the executive, legislative, and judicial branches of government.

The judiciary's lack of independence and susceptibility to influence were widely acknowledged, including by the king. On August 21, the king called for reform of the judicial system including greater independence of the judiciary and prevention of corruption. Since 2007 the law has required judges, ministers, and members of parliament to submit financial disclosures.

In late 2008 the government formed the Central Commission for the Prevention of Corruption (ICPC). In July the ICPC released its first report, stating that it had received 21 valid corruption complaints. At year's end, investigations were continuing. Officials attributed the low number of complaints in part to the lack of legislation protecting plaintiffs and witnesses in corruption cases. The commission worked with the MOJ to develop procedures for processing corruption complaints. At year's end, the MOJ had implemented some procedures, and in his speech, the king called for an acceleration of the process. In addition to the commission, the MOJ and the government accountability court had jurisdiction over corruption issues.

During 2008 the accountability court conducted 245 audits of national government offices and services and 198 of local authorities. The court's report was generally critical of the level of accountability and corruption in government services. The report levied specific criticism against the health ministry, National Investment and Development Fund, and several local mayors for rampant corruption. The government investigated the mayor of Meknes on charges of mismanaging funds, resulting in his removal from office on January 30.

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

In July the High Judiciary Council, which oversees the disciplining of judges, sanctioned 70 judges on corruption-related charges, according to NGOs. In August the Royal Gendarmerie launched an internal anticorruption awareness campaign and established a unit to track down corrupt agents (see section 1.d.).

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

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

The government's attitude toward international human rights organizations varied, depending on the sensitivity of the issues. Domestic and international human rights groups generally operated without government restriction (apart from those that favored independence for Western Sahara and some Berber organizations), and they investigated and published findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Domestic and independent human rights NGOs the government recognized included the OMDH and the Moroccan League for the Defense of Human Rights (LMDH). Since 2000 the government has subsidized these two NGOs. However, LMDH, which is a part of the Istiqlal party, was no longer active; OMDH and AMDH were considered the main human rights NGOs. AMDH did not cooperate officially with the government but usually shared information on an informal basis with both the government and government affiliated organizations. The government sometimes met with and responded to inquiries and recommendations of these groups. Other groups that worked with the government to try to improve human rights conditions or investigate alleged abuses included Friends of the Center for Reform and the Protection of Youth, more commonly known as Association Mama Assia, which focused on working with youth in the prison system. The government also cooperated with the Forum for Truth and Justice, OMP, and the local branch of AI.

International NGOs such as HRW, Reporters Without Borders, and AI cooperated with the government on several human rights projects and generally reported unrestricted operation.

The United Nations Working Group on Enforced or Involuntary Disappearances (UNWGEID) met for its 88th session from June 26 to 28 in Rabat. During its session the working group reviewed 200 cases of enforced disappearances around the world, as well as past cases from 35 countries. The UNWGEID also analyzed the IER, to collect lessons learned for other countries.

The last visit by a UN Special Rapporteur took place in 2006 by the Special Rapporteur on the Right to Education. A Special Rapporteur visit on adequate housing was pending approval at year's end.

The CCDH advised the king on human rights issues. A nonjudicial ombudsman considered allegations of governmental injustices, but in practice the CCDH filled many of the roles of national social ombudsman. Although there was some media criticism of the difficulties the CCDH has faced in implementing the institutional changes recommended by the IER, human rights NGOs and the public generally viewed the organization as a credible and proactive government advocate for institutional protection of human rights and seeking redress in individual cases.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

The law punishes men convicted of rape with prison terms of five to 10 years; when the conviction involves a minor, the prison sentence ranges from 10 to 20 years. Sexual assault can result in a prison sentence of up to one year and a fine of 15,000 dirhams (\$1,905). Spousal rape is not a crime. Defendants in rape prosecutions bear the burden of proving their innocence. Sexual assaults often were unreported. Although the law does not provide for it, victims' families may offer rapists marriage as an alternative to preserve family honor.

Reports by women's shelters were limited in scope regarding the scale of violence against women and noted the government's failure to implement existing legislation. According to women's rights organizations, a government campaign to prevent violence against women launched in 2006 had little follow-through, and major legal reforms were still needed.

The law is lenient toward husbands who commit crimes against their wives. Police rarely became involved in domestic disputes. Women's rights organizations pointed to numerous articles of the law on rape that they see as perpetuating unequal treatment for women and insufficient protection despite family law revisions. A prosecution for statutory rape may be cancelled if the defendant agrees to marry the victim.

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. Physical abuse was legal grounds for divorce, although few women reported abuse to authorities. The government operated hotlines for victims of domestic violence in 20 centers nationwide.

In 2007 the Ministry of Social Development, Family, and Social Security recorded 14,617 cases of violence against women, including rape. In addition to the government centers, two NGOs operated counseling centers for legal and social services. The Anaruz Network (31 call-in listening centers) reported 16,527 complaints of physical and sexual violence in 2007. The Democratic League for the Rights of Women (LDDF), with 12 centers, reported 3,569 cases of violence in the same year. Counseling centers exist exclusively in urban areas. Services for victims of violence in rural areas are limited to local police.

In February the Union for Women's Action, an NGO working against all forms of discrimination against women, and the Anaruz Network launched a to raise awareness for victims of violence. It took place in 16 municipal districts of Casablanca.

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

Prostitution is illegal. Closely linked to tourism and urban migration, it was a growing but not yet pervasive problem. Authorities did not effectively enforce the law.

Sexual harassment in the workplace is a criminal offense, but only when committed by a superior, and it is defined as an abuse of authority. Authorities did not effectively enforce the law. According to the government, although the law allows victims to sue employers, few did so out of fear of losing their job or difficulty in proving a case.

Women's inheritances, which are determined by Shari'a for Muslims, vary depending on circumstances, but are less than men's. For example, under Shari'a daughters receive half of what their brothers receive, and if a woman is the only child, she receives half and other relatives receive the other half. A sole male heir would receive the entire estate. Inheritance laws were not changed during the 2004 reform of the family code. In 2007 Muslim women gained the right to pass nationality to their children. Previously, nationality was passed only through the father. The change allows children of citizen mothers and noncitizen fathers who are both Muslims to attain Moroccan nationality and access the educational and social benefits available to citizens. Citizenship can only be transferred to a child if both parents are Muslim and if their marriage is recognized by the law.

In July 900 women from tribes around the country protested the transfer of and compensation to men only for collectively used tribal lands. The Democratic Association of Moroccan Women reported that local authorities, in agreement with tribal representatives, secretly negotiated to provide compensation to men only, and failed to publish the list of beneficiaries, actions that violated the MOI's 2004 circular regulating the transfer of lands. In November 2008 women of the Saknia tribe in the province of Kenitra were excluded from collectively used lands benefits. On September 25, the eve of the celebration of the National Day of Moroccan Women, the courts and MOI announced that the minister of interior had recognized that the tribal women had the same rights as men to benefit from the cessions of communal lands.

The 2004 Moudawana changed the marriage age for women from 15 to 18 years, placed the family under the joint responsibility of both spouses, and rescinded the wife's duty of obedience to her husband. A marital tutor is no longer a

requirement for women as a condition of marriage, divorce is available by mutual consent, and limitations are imposed on the practice of polygamy.

Implementation of the family law remained a concern because it is largely dependent on the judiciary's ability and willingness to put it into practice. Due to its controversial nature, the law was written to provide broad interpretive latitude to individual judges, not all of whom agreed with its intent. Corruption among working-level clerks in the courts and a lack of knowledge about its provisions among lawyers also constituted obstacles.

According to law, contraception is legal, and in practice most forms were widely and freely available. It is government policy that couples be able to decide freely and responsibly the number, spacing, and timing of their children and that they have the information and means to do so free from discrimination. The Ministry of Health ran two programs: one with mobile clinics providing maternal and child health and family planning services in remote rural areas and the other involving systematic home visits to encourage the use of contraception and to provide family planning and primary health care services.

Beginning in late 2008, emergency contraception (EC) became available. In practice NGOs report that women often faced obstacles in obtaining EC from pharmacies. Access to contraception and skilled attendance at delivery and in postpartum care were available for women with adequate financial resources. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV/AIDS.

Legally there are few obstacles to women's participation in business and other economic activities. Women are able to travel, receive loans, and start businesses without their husband's or father's permission. According to the Moroccan Association of Women Entrepreneurs, more than 5,000 female entrepreneurs operated businesses in the country's formal economic sectors; in addition, nearly 2.7 million women worked outside the home, although 75 percent of these women worked in the informal sector. Studies showed that inadequate higher education for women was an impediment for female entrepreneurs in the country. Girls continued to lag behind their male counterparts in literacy and school attendance beyond the primary level, and only slightly more than 40 percent of urban women--and 25 percent of rural women--were literate, further hindering their opportunities for economic participation.

Children

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

The constitution provides for compulsory, free, and universal education for children between six and 15 years of age.

Although NGOs, human rights groups, media outlets, and the UN Children's Fund (UNICEF) claimed that child abuse was widespread throughout the country, there were no conclusive government statistics on the extent of the problem. The most reliable recent information was a joint MOJ UNICEF study in 2006 that found that child abuse occurred not only in families, but was also committed by police, schools, employers, and even charitable institutions. Anecdotal evidence also showed that abuse of children serving as domestic servants was a problem.

In September the press reported on violence against a minor domestic servant in Oujda. A judge and his wife allegedly tortured and beat Zineb Chetite, their 13-year-old maid, on several occasions. Chetite escaped from her employers' home and went to the police; later she was hospitalized. The attorney general ordered an investigation of the case and arrest of the judge's wife. On October 12, the first instance court in Oujda sentenced the wife to three years in prison and a 100,000 dirham (\$12,820) fine. In November media reported that the prosecutor in Oujda ordered an investigation into the involvement of the judge as well.

The Ministry of Social Development, Family, and Solidarity launched a decade-long national plan in 2006 to address child abuse that included programs to target the issue of child domestics and street children. The plan called for establishing child protection units in Casablanca, Tangier, Fes, Marrakesh, Agadir, and Laayoune (Western Sahara). The units would coordinate their work and share statistics with other local agencies, monitor child abuse, offer counseling and legal guidance, and promote children's rights. By year's end only the Casablanca unit was operational.

The legal age of marriage is 18 years, but parents may secure a waiver from a judge for underage marriage. The LDDF issued a report criticizing the government for the relative ease with which an underage marriage waiver can be obtained. According to the LDDF, the number of requests for minor marriages has increased on average 25 percent per year over the last three years. The report also criticized the judiciary for approving 90 percent of all petitions in 2008, blaming the phenomenon on corruption and the conservative mindset of judges. An NGO reported that in many cases, a couple was already effectively in a marriage by consensus of their families when a request for underage marriage came before a judge for approval.

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

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

Trafficking in Persons

The law prohibits trafficking in persons under statutes in the criminal and labor codes; it forbids activities that are normally defined as trafficking crimes. The country does not have a specific antitrafficking law. During the year there were reports that persons were trafficked to, from, through, and within the country. The country was a source for men, women, and children trafficked to Europe and the Middle East for forced labor and sexual exploitation.

The two most commonly trafficked groups were girls sent involuntarily to serve as domestic servants and women forced to perform sexual services. According to UNICEF and national NGOs, recruiters habitually visited isolated rural villages in the Atlas Mountains where they persuaded parents that their daughters would be better off as maids. Women were trafficked to Saudi Arabia, Syria, the United Arab Emirates, and other Persian Gulf countries and forced into prostitution after being promised jobs as domestics.

The country was a transit point for trafficked persons. Men and women from sub-Saharan Africa, Southeast Asia, and the Philippines were trafficked to Europe or Near Eastern countries. Sub-Saharan Africans transiting the country to Europe were also victims of traffickers. Women were often pressured into commercial sexual exploitation and involuntary servitude in exchange for food and shelter.

Most trafficking rings were small criminal groups. Unofficial reports stated that hotel personnel arranged to transport girls and young women from rural areas to cities for commercial sexual exploitation.

The government made efforts to prosecute traffickers and trafficking-complicit officials during the year. Penalties prescribed by law for sex trafficking offenses are stringent and commensurate with those for other serious crimes such as rape. During the year, 193 persons were prosecuted for facilitating the prostitution of a minor. During the year, 10 foreigners were prosecuted for homosexual activity, inciting a minor to prostitution, and violent rape of a minor less than 18 years of age. The sentences ranged from two years to one month's imprisonment. From January to September, the government reported dismantling 91 criminal networks involved in smuggling persons and contraband. As the government

continued to make no distinction between migrant smuggling and trafficking, it is not clear how many, if any, actually were trafficking rings.

Protection of trafficking victims was a problem. Foreign trafficking victims were not properly identified and were often arrested and subject to detention and automatic deportation along with other illegal migrants. There were reliable reports that authorities routinely rounded up illegal sub-Saharan migrants, including victims of trafficking, and abandoned them at the Algerian border, often without food or water. As the government has not provided data regarding these expulsions, the extent of the problem was not known.

The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they might face hardship or retribution. UNHCR protection was available to trafficked individuals in theory, but the government had no procedures in place to refer trafficked individuals to the UNHCR. The government continued to repatriate illegal migrants. As the government does not differentiate between illegal migrants and trafficking victims, specific trafficking statistics were unavailable. IOM assisted in the voluntary repatriation of 1,119 irregular migrant persons during the year. The government reported that it expelled 8,735 illegal migrants during the year.

A working group known as the National Observatory of Migration, consisting of representatives of the Ministries of Interior, Justice, Foreign Affairs, and Social Development was responsible for migration and antitrafficking policies implemented primarily by the MOI. Clandestine migration was under the purview of immigration officials; prostitution was a police issue; and child bride cases were reviewed by local authorities, who ultimately report to MOI. Law enforcement officers participated in training and seminars relating to trafficking.

The government has in place agreements with Catalonia (Spain) and Italy to prevent illegal migration of children from the country who are at extremely high risk of being trafficked. The government did not show significant efforts to raise public awareness of the commercial sexual exploitation of children and women in major cities, especially tourist areas, and did not take any reported measures to reduce the demand for commercial sex acts.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law provides for regulations and building codes that ensure access for persons with disabilities, but the government did not effectively implement the laws and programs. Although building codes require accessibility for all, the codes were rarely enforced, and in many cases, builders and building inspectors were unaware of laws requiring accessibility. The Ministry of Social Development, Family, and Solidarity has responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society by implementing a quota of 7 percent for persons with disabilities in vocational training in the private and public sectors. In 2008 the government created 217 integrated classes for children with disabilities. In practice integration was largely left to private charities. Typically, families supported persons with disabilities. A limited number survived by begging.

National/Racial/Ethnic Minorities

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

Approximately 60 percent of the population claimed Amazigh heritage, including the royal family. Amazigh cultural groups contended that their traditions and language were being lost rapidly to Arabization. The government provided television programs in the three Berber dialects of Tarifit, Tashelhit, and Tamazight (the dialect spoken by the Amazigh Berbers). The government also [offered Berber language classes in the curriculum of some](#) 3,470 schools; the language offered

varied according to the main dialect spoken in each region. Programs in one of the three Berber dialects were increasingly available on both radio and television. The government also implemented compulsory Berber instruction for students at the MOI's School for Administrators in Kenitra.

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

The Amazigh political and cultural movement also demanded that Berber be made an official language on par with Arabic and French. Some members of the Amazigh community have described difficulty registering traditional names of children with authorities, who declined to recognize non-Arab names.

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

The penal code criminalizes homosexual activity, but these provisions were infrequently enforced. Homosexual conduct was addressed in the media and in public with more openness than in previous years. There were no reports of societal violence based on sexual orientation.

Authorities near Meknes detained 17 men suspected of homosexual activity and male prostitution during a Sufi festival on March 10. Eight of the men were detained and charged under the penal code with "attacks against the kingdom's moral foundations," which may carry a penalty of as long as three years in prison and a fine of 1,200 dirhams (\$150). All those charged have been released.

On March 15, a judge sentenced two men in Agadir to 10 months in prison on sodomy and prostitution charges.

Other Societal Violence or Discrimination

The number of AIDS cases continued to increase. According to ministry of health statistics, the number of HIV-positive persons in March was estimated at 22,700.

Youth and young adults remained the most vulnerable segment; 68 percent of AIDS victims were 15 to 39 years old, and 74 percent of transmission derived from heterosexual sexual activity. Of all AIDS patients, 84 percent resided in urban areas and were lower-income. The number of AIDS cases in the coastal city of Agadir tripled in recent years due to sex tourism. The number of sexually transmitted infections was also increasing; there were nearly 400,000 in 2004 compared with 100,000 in 1993. There was a stigma attached to being tested for HIV/AIDS. Persons living with HIV/AIDS in the country faced discrimination and had limited treatment options.

The government worked with the UN to set up reproduction and sexual education programs in schools for children as young as 10 years of age. The government sponsored television and radio messages that warn about HIV. In the country's state-controlled mosques, imams promoted contraception.

Section 7 Worker Rights

a. The Right of Association

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

were organized into unions. Any group of eight workers may organize a union, and a worker may change union affiliation easily.

On January 27, workers at a packing station in Biougara near Agadir owned by SOPROFEL, a private agricultural company, went on strike to protest the company's alleged failures to pay the minimum wage, social security benefits as mandated by law, and overtime wages. The union CDT also demanded the rehiring of workers fired for union activity. According to union sources, a gang of approximately 30 non-SOPROFEL workers wielding clubs attacked the protesters, injuring numerous workers, three of them severely. Security forces arrested 12 workers, and a judge sentenced eight of them to prison sentences of one to two months. There were no arrests or convictions of the strike breakers.

According to NGO reports, during a September 2 rally by Zitrap City Transportation workers, Agadir police intervened, beat workers, and confiscated cameras. Five workers were seriously injured.

The law provides for government intervention in strikes when national security, domestic stability, or vital economic interests are threatened. Employers cannot initiate criminal prosecutions against workers for participating in strikes. **Unlike in previous years, there were no reports that union officers were subjects of government pressure.**

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

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

b. The Right to Organize and Bargain Collectively

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

Collective bargaining was prevalent in many sectors of the economy. According to the labor code, the wages and employment conditions of unionized workers should be agreed in discussions between employer and worker representatives; however, frequently employers unilaterally set wages for the majority of unionized and nonunionized workers. Labor disputes arose in some cases as the result of employers failing to implement collective bargaining agreements and withholding wages.

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

The law specifically prohibits antiunion discrimination and prohibits companies from dismissing workers for participating in legitimate union-organizing activities; the law was followed in practice. Family courts have the authority to reinstate arbitrarily dismissed workers and can enforce rulings that compel employers to pay damages and back pay. Unions may sue to ensure that the government enforces labor laws, and employers may sue unions when they believe unions have overstepped their authority.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced, compulsory, and clandestine labor, but there were reports that such practices occurred. Child and forced labor were especially common in the agricultural and manufacturing sectors. Young girls often worked in urban areas as domestic servants. In practice the government did not inspect the small workshops and private homes where the majority of such employment occurred. Forced labor persisted in the practice of adoptive servitude in households.

d. Prohibition of Child Labor and Minimum Age for Employment

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

According to government statistics, during the first half of the year, 94 inspections led to citations being issued for 39 instances of employment of children younger than 15. A total of 184 site visits and 616 investigations uncovered 19 cases of children between the ages of 15 and 18 being employed.

The inspection visits found that most child laborers worked in the sectors of carpentry and forestry (23 percent), mechanical (19 percent), and construction (12 percent). Noncompliance with child labor laws was common, particularly in agriculture. In 2006 domestic and international NGOs reported that as many as 87 percent of the country's underage workers worked on family farms.

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

In practice children were apprenticed before age 12, particularly in small family-run workshops in the handicraft industry. Children also worked in the informal sector in textiles, carpets, and light manufacturing. Children's safety and health conditions and wages were often substandard. The labor code does not cover domestic labor and, therefore, does not prohibit the employment of child maids. NGOs estimated that, at year's end, 66,000 to 88,000 children worked illegally as domestic servants, many of them young girls.

Credible reports of physical and psychological abuse of domestic servants were common. Some orphanages were accused of complicity in the practice. The public generally accepted the concept of adoptive servitude, and parents of children involved were frequently complicit and typically received compensation for their children's work. Most child domestics received food, lodging, and clothing instead of monetary payment. Children were also "rented" to street businessmen by their parents or other relatives to beg. Parents received a fee for the use of their children, and the person "renting" the child kept a portion of the day's income from the child's begging. The government put in place programs to combat and discourage these practices.

The Ministry of Employment is responsible for implementing and enforcing child labor laws and regulations. The law provides for legal sanctions against employers who recruit children under the age of 15, with fines ranging from 27,000 to 32,000 dirhams (\$3,250 to \$3,900). Legal remedies to enforce child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of legal residence in the country for five to 10 years.

The formal and informal sectors continued to flout the application of the legal minimum employment age. According to MOJ officials, no one has been convicted for employing a child domestic. Labor inspectors responsible for enforcing the labor code do not have jurisdiction to inspect private residences. The Ministry of Social Development, Family, and Solidarity has proposed legislation that would substantially increase the fines for employing a child domestic and provide an enforcement mechanism. The informal sector, where the majority of children work, was not monitored by the Ministry of Labor's small cadre of labor inspectors. There were no labor inspectors dedicated solely to child labor issues.

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

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

e. Acceptable Conditions of Work

The minimum wage was 10 dirhams (\$1.25) per hour in the industrialized sector and 52.50 dirhams (\$6.50) per day for agricultural workers. Informal businesses hired approximately 60 percent of the labor force and often ignored the minimum wage requirements. Neither minimum wage provided a decent standard of living for a worker and family, even with government subsidies. In many cases several family members combined their incomes to support the family. Most workers in the industrial sector earned more than the minimum wage. Including traditional holiday-related bonuses, workers generally were paid the equivalent of 13 to 16 months' salary each year.

The law provides for a 44- to 48-hour maximum workweek, with no more than 10 hours in any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. Employers did not observe these provisions universally, and the government did not enforce them effectively in all sectors. The labor code does not cover domestic workers.

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