

# MOROCCO 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

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

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

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

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

(For additional information on Western Sahara, see the Department of State's annual *Country Reports on Human Rights* for Western Sahara.)

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

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

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

**b. Disappearance**

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

According to the annual report from the UN Working Group on Enforced Disappearances, from May 2018 to May 2019, the country had 153 outstanding cases, seven fewer than at the beginning of the reporting period. The National Council on Human Rights (CNDH), a publicly funded national human rights institution, reported that as of July, six cases of forced disappearances between 1956 and 1992 remain unresolved in Morocco. The CNDH continued to cooperate with the UN Office of the High Commissioner for Human Rights (OHCHR) on unresolved cases of disappearance. The CNDH implemented arbitration decisions issued from January to July 2019 for 624 beneficiaries who will benefit from financial compensation or social reintegration services for gross human rights violations, as determined by the Truth and Reconciliation Commission in place from December 2004 to November 2005. The individuals include 514 victims (or their living beneficiaries) who will receive financial compensation totaling 56.5 million dirhams (\$5.65 million) and 110 persons who will benefit from social reintegration services totaling 27.5 million dirhams (\$2.75 million).

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

The constitution and the law prohibit such practices, and the government denied it authorizes the use of torture. On June 10, Minister of State for Human Rights and Relations with Parliament Mustafa Ramid said that systematic torture no longer exists in the country and that reported cases of torture were isolated. Ramid made the remarks while responding to two questions submitted by the Authenticity and Modernity and Justice and Development Parties in parliament's Chamber of Representatives about the implementation of recommendations from the Truth and Reconciliation Commission.

On June 26, the president of the Prosecutor General's Office released an official report on penal code implementation in 2018 that indicated the continued existence of cases of torture of citizens. The report noted that in 2018, 36 complaints of torture were filed, of which 22 were fully processed and resulted in two judicial cases in which police agents were prosecuted for violence. The sentences, however, were not reported. There were 21 complaints of torture or degrading treatment were filed with the Prosecutor General's Office, of which four involved allegations made against prison officials. Of those four, one case was found to be not credible and the remaining three were still under investigation at year's end.

From January to June, the National Police Force's (*Direction Generale de la Surete Nationale--DGSN*) internal mechanism for investigation of torture and degrading treatment addressed eight cases in which various officials were reprimanded for degrading treatment of detainees through administrative sanctions. In the same period, the DGSN transferred 21 other cases implicating 21 police officials to the Prosecutor General's Office. The Prosecutor General's Office initiated legal proceedings for at least one of the cases, and the outcomes of the cases were unknown at year's end.

On January 14, the Kenitra Court of Appeals convicted a royal gendarme to a one-year suspended sentence and a fine of 5,000 dirhams (\$500) for raping a detainee with a baton in February 2018.

CNDH reported it opened investigations into 12 complaints of allegations of torture perpetrated by government authorities from January to July. It was unclear whether the cases reported by the CNDH were included in the DGSN statistics.

The DGSN reported during the year that a court passed sentences regarding 2017 allegations of torture against three police officers in three cases. According to the government, the court sentenced one officer to six months in prison and sentenced the same officer and the other officers to a six-month suspended sentence; the charges were the use of torture. After sentencing, one DGSN official was dismissed on early retirement and the two remaining officers were suspended from work for six months.

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

organizations (NGOs), and media documented cases of authorities' failure to implement provisions of the antitorture law, including failure to conduct medical examinations when detainees alleged torture. On September 21, the CNDH staffed the National Preventative Mechanism (NPM) authorized by parliament in 2018. The CNDH's NPM was established to comply with the Optional Protocol to the UN Convention against Torture, with the objective of examining the treatment of persons deprived of their liberty, with a view to strengthening their protection against torture and other cruel, inhuman, or degrading treatment or punishment.

On April 26, Amnesty International reported that journalist Hamid El Mahdaoui, sentenced to three years in prison by the Casablanca Court of Appeals on April 5 for "failing to report a threat to the security of the state," was held in solitary confinement for 470 days. The Prison Administration (DGAPR) disputed the allegations and reported El Mahdaoui was held with other cellmates and had weekly visiting rights with family.

In 2017 the CNDH referred forensic reports to the Ministry of Justice based on allegations of torture or mistreatment from Hirak movement prisoners. The prisoners were arrested for their involvement in a series of protests in the northern Rif region in 2016 and 2017. They were found guilty of damaging public property, injuring law enforcement members, and threatening the stability of the state and were sentenced to up to 20 years before a criminal court in June 2018. In 2017 a court ordered the investigation into allegations of abuse during pretrial detention, and in 2018 a judicial forensic medical examiner concluded that three of the 22 individuals had been exposed to physical violence. The courts, however, did not take further action on the cases involving the three individuals. In July the Inter-Ministerial Delegate for Human Rights (DIDH) released a report stating the courts dismissed the allegations of torture during pretrial detention by prisoners, due to a lack of evidence. According to Amnesty International, the alleged mistreatment during pretrial detention in 2017 included beatings and suffocation. The same report raised several cases where Hirak movement prisoners said they signed confessions under duress due to intimidation and the threat of rape and violence by police officers. The DIDH report did not specify if the courts investigated the allegations of threats and intimidation. Amnesty International and Human Rights Watch (HRW) raised concerns throughout the year over the courts' dismissal of prisoners' allegations of torture and confessions given under duress during pretrial detention. The CNDH did not observe torture or mistreatment during monitoring visits of the Hirak movement prisoners during the year.

According to the *Conduct in UN Field Missions* online portal, there were two allegations submitted during the year of rape of a child in January through March and in April, respectively, by Moroccan peacekeepers deployed to the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MINUSCO). The government reported the former peacekeeper accused of crimes in the January case was in pretrial detention while the government had an active investigation on the allegations made in the second case. Morocco and the United Nations jointly investigated two allegations submitted in 2018 against Moroccan peacekeepers and determined one case was substantiated as an exploitative relationship that transpired in 2017. The UN repatriated the assailant, and the government of Morocco issued a 60-day prison sentence.

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

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

Physical Conditions: The Moroccan Observatory of Prisons (OMP), an NGO focused on the rights of prisoners, continued to report that some prisons were overcrowded and failed to meet local and international standards. In July the OMP also reported prisons in Morocco were understaffed. In the new prisons, pretrial detainees and convicted prisoners were held separately. As the DGAPR completed construction of each new prison, it closed older prisons and moved inmates to the new locations. Older prisons remained overcrowded, however, resulting in authorities frequently holding pretrial detainees and convicted prisoners together. According to government sources and NGOs, prison overcrowding was due in large part to an underutilized system of bail or provisional release, a severe backlog in cases, and lack of judicial discretion to reduce the length of prison sentences for specific crimes. Government sources stated that administrative requirements also prevented prison authorities from transferring individuals in pretrial detention or the appeals phase to facilities outside the jurisdiction where their trials were to take place.

The law provides for the separation of minors. In all prisons, officials classify youth offenders into two categories, both of which are separated from other prisoners: Minors under 18 and youthful offenders 18 to 20 years old. According to authorities, minors are not held with prisoners older than 20 years. The DGAPR had three dedicated juvenile “centers for reform and education” but maintained separate, dedicated youth detention areas for minors in all prisons. The government reported that, in cases where a juvenile court judge ruled that detention

was necessary, minors younger than 14 were detained separately from minors 15 to 18 years old. In cases where a minor is ordered to be detained, a judge must follow up on a monthly basis.

The DGAPR reported there was no discrimination in access to health services or facilities based on gender for female prisoners, who make up just over 2 percent of the prison population. Local NGOs asserted that prison facilities did not provide adequate access to health care and did not accommodate the needs of prisoners with disabilities, although government sources stated that a nurse and a psychologist examined each prisoner on arrival and that prisoners received care upon request. According to the DGAPR, prisoners received six general and one dental consultation with a medical professional per year in addition to access to psychological or other specialist care and all care was provided free of charge.

During a monitoring visit to a new prison in Bouizakrane, the CNDH's Guelmim/Oued Noun regional branch raised concerns with the DGAPR that the reception space for visitors was not accessible for persons with disabilities.

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

NGOs frequently cited cases where prisoners protested the conditions of their detention with hunger strikes. According to Amnesty International, prisoners launched hunger strikes to protest prison conditions, including poor hygiene and sanitation, inadequate health care, overcrowding, and detention far from their families, as well as limited visiting rights and access to education. The CNDH and the DGAPR regularly addressed requests for transfer based on family proximity, and the DGAPR sometimes granted such requests. At other times, the DGAPR informed the detainee that the requested transfer was not possible, often because of overcrowding at the requested location.

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

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

The CNDH and the DGAPR investigated allegations of inhuman conditions. The CNDH and the DGAPR effectively served the function of an ombudsman, and a system of "letterboxes" operated in prisons to facilitate prisoners' right to submit complaints regarding their imprisonment. Detainees could submit complaints without censorship to the DGAPR Delegate General's Office for processing, as well as to the CNDH. The CNDH received 29 complaints alleging authorities' mistreatment of prisoners. The Guelmim/Oued Noun regional branch of CNDH received reports from prisoners that individualized abuses by prison officials persisted, such as beating, slapping, and discrimination in providing equal access to some services, such as use of the telephone. They also alleged that the prison administration refused to receive complaints from prisoners. The regional head of DGAPR rejected credibility of allegations of abuse in the Guelmim prison. The DGAPR reported that it conducted investigations into 304 complaints of mistreatment by prison personnel nationally. Outcomes of these investigations were unknown at year's end.

Independent Monitoring: The government permitted some NGOs with a human rights mandate to conduct unaccompanied monitoring visits. Government policy permitted academics, as well as NGOs that provided social, educational, or religious services to prisoners, to enter prison facilities. According to prison officials, academics and various NGOs conducted 779 visits through June. The OMP conducted four monitoring visits through June. The CNDH conducted an estimated 120 monitoring visits this year.

Improvements: To alleviate overcrowding and improve overall conditions, the DGAPR reported there were 29 new prisons built or under construction to international standards. The DGAPR opened a new prison in Tantan, and three

more remained under construction (see section 1.c., Physical Conditions). The Mohammed VI Foundation for the Reinsertion of Prisoners provided educational and professional training in 59 prisons to inmates approaching their release date. The DGAPR, in partnership with the CNDH, the Mohammed VI Foundation, and other institutions, continued to fund and manage a radio station launched in 2018 broadcasting out of a prison in Ain Sbaa to prisoners and prison staff throughout the country as an opportunity to discuss culture, education, art, religion, rule of law, and other issues related to prison operations and rehabilitation.

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

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge in court the lawfulness of his or her arrest or detention. Observers indicated that police did not always respect these provisions or consistently observe due process, particularly during or in the wake of protests. According to local NGOs and associations, police sometimes arrested persons without warrants or while wearing civilian clothing. Individuals have the right to challenge the legal basis or arbitrary nature of their detention and request compensation by submitting a complaint to the court.

#### **Arrest Procedures and Treatment of Detainees**

By law police may arrest an individual after a general prosecutor issues an oral or written warrant. The law permits authorities to deny defendants' access to counsel or family members during the initial 96 hours of detention under terrorism-related laws or during the initial 24 hours of detention for all other charges, with an optional extension of 12 hours with the approval of the Prosecutor's Office. Authorities did not consistently respect these provisions. Reports of abuse generally referred to these initial detention periods, when police interrogated detainees. The government continued to require new police officers to receive security and human rights training facilitated in partnership with civil society.

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

The law states, “in the case of a flagrant offense, the Judicial Police Officer has the right to keep the suspect in detention for 48 hours. If strong and corroborated evidence is raised against this person, [the officer] can keep them in custody for a maximum of three days with the written authorization of the prosecutor.” For common crimes, authorities can extend this 48-hour period twice, for up to six days in detention. Under terrorism-related laws, a prosecutor may renew the initial detention by written authorization for a total detention time of 12 days. According to the Antiterrorism Act, a suspect does not have a right to a lawyer during this time except for a half-hour monitored visit at the midpoint of the 12-day period. Observers widely perceived the 2015 law on counterterrorism as consistent with international standards.

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

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

Arbitrary Arrest: Security forces often detained groups of individuals, took them to a police station, questioned them for several hours, and released them without charge. Under the penal code, any public official who orders an arbitrary detention may be punished by demotion and, if it is done for private interest, by

imprisonment for 10 years to life. An official who neglects to refer a claimed or observed arbitrary or illegal detention to his superiors may be punished by demotion. There was no information available as to whether these provisions were applied during the year.

On October 25, the Casablanca Court of Appeals lengthened the sentence of Taoufik Bouachrine, a journalist and former editor in chief of the Arabic daily *Akhbar al-Yaoum*, convicted of rape, sexual assault, and human trafficking, overturning the sentence issued by a court of first instance (trial court) in November 2018. The ruling lengthened Bouachrine's prison sentence from 12 years to 15 years and raised his total fines from 2,000,000 dirhams (\$200,000) to 2,500,000 dirhams (\$250,000) to compensate the eight plaintiffs in the case for damages. Although the UN Working Group on Arbitrary Detention did not question the merits of the charges against Bouachrine, it concluded in January that Bouachrine had been a victim of arbitrary detention and judicial harassment. The government rejected the findings of the working group. Bouachrine and the plaintiffs appealed the Casablanca Court of Appeals sentence, taking the case to the Court of Cassation.

Pretrial Detention: Although the government claimed that authorities generally brought accused persons to trial within two months, prosecutors may request as many as five additional two-month extensions of pretrial detention. Pretrial detentions can last as long as one year; in the past there were reports that authorities routinely held detainees beyond the one-year limit. Government officials attributed delays to the large backlog of cases in the justice system. The government stated that a variety of factors contributed to this backlog, including a lack of resources devoted to the justice system, both human and infrastructure; the lack of plea bargaining as an option for prosecutors, lengthening the amount of time to process cases on average; the rare use of mediation and other out-of-court settlement mechanisms allowed by law; and the absence of legal authority for alternative sentencing. The government reported that, as of July, 37.9 percent of detainees were in pretrial detention awaiting their first trial. In some cases, detainees received a sentence shorter than the time they spent in pretrial detention, particularly for misdemeanors. The June 26 report by the president of the Public Prosecutor's Office (see section 1.c.) indicated that pretrial detention continued to account for a large portion of the prison population. It noted, however, that progress had been made in lowering the rate of pretrial detention by 1 percent to 39 percent at end of 2018.

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

The constitution provides for an independent judiciary, and, as in previous years, NGOs asserted that corruption and extrajudicial influence weakened judicial independence. The Supreme Judicial Council, mandated by the 2011 constitution, manages the courts and day-to-day judicial affairs in place of the Ministry of Justice. The president of the Court of Cassation (the highest court of appeals) chairs the 20-member body. Additional members include the president of the First Chamber of the Court of Cassation; the prosecutor general (equivalent of the attorney general); the mediator (national ombudsman); the president of the CNDH; 10 members elected by the country's judges; and five members appointed by the king. While the government's stated aim in creating the council was to improve judicial independence, its effect on judicial independence was not clear since its inception as an independent entity in late 2017. According to media reports and human rights activists, outcomes of trials in which the government had a strong interest, such as those touching on Islam as it related to political life and national security, the legitimacy of the monarchy, and Western Sahara, sometimes appeared predetermined.

### **Trial Procedures**

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

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

attorney present to represent the defendant. This practice often resulted in inadequate representation. Many NGOs provided attorneys for vulnerable individuals (minors, refugees, victims of domestic violence), who frequently did not have the means to pay. Such resources were limited and specific to larger cities.

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

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

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

In April the Casablanca Court of Appeals upheld the convictions of 42 prisoners detained in connection with the Rif Hirak protest movement. The sentences ranged from fines to 20 years in prison. According to Amnesty International, HRW, and other human rights activists, the charges against the prisoners were disproportionate to the alleged crimes and the courts did not provide fair judicial proceedings (see section 1.c.). For example, Amnesty International, HRW, and other human rights groups raised concerns over the courts' dismissal of prisoners' allegations of torture and use of confessions alleged to have been given under duress during pretrial detention as evidence in the trials.

### **Political Prisoners and Detainees**

The law does not define or recognize the concept of a political prisoner. The government did not consider any of its prisoners to be political prisoners and stated that it had charged or convicted all individuals in prison under criminal law. Criminal law covers nonviolent advocacy and dissent, such as insulting police in songs or “defaming Morocco’s sacred values” by denouncing the king and regime during a public demonstration. NGOs, including the Moroccan Association for Human Rights (AMDH), Amnesty International, and Sahrawi organizations, asserted that the government imprisoned persons for political activities or beliefs under the cover of criminal charges.

HRW stated that on July 25, even though the country’s law does not define or recognize the concept of a political prisoner, there were “a lot of prisoners in Morocco, especially those arrested during the Hirak movement, that have been treated unjustly.”

Some NGOs alleged that a group of 24 Sahrawis, convicted in 2017 in connection with the deaths of 11 members of Moroccan security forces during the 2010 dismantlement of the Gdeim Izik protest camp and subsequent violence in Laayoune, Western Sahara, were political prisoners.

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

Although individuals have access to civil courts for lawsuits relating to human rights violations and have filed lawsuits, such lawsuits were frequently unsuccessful due to the courts’ lack of independence in politically sensitive cases or lack of impartiality stemming from extrajudicial influence and corruption. The Supreme Judicial Council is tasked with ensuring ethical behavior by judicial personnel (see section 4). There are administrative as well as judicial remedies for alleged wrongs. Authorities sometimes failed to respect court orders in a timely manner.

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

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

While the constitution states an individual's home is inviolable and that a search may take place only with a search warrant, authorities at times entered homes without judicial authorization, monitored, without legal process, personal movement and private communications--including email, text messaging, or other digital communications intended to remain private--and employed informers.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution and law generally provide for freedom of expression, including for the press, although they criminalize and restrict some freedom of expression in the press and social media--specifically criticism of Islam, the institution of the monarchy, or the government's positions regarding territorial integrity and Western Sahara. Such criticism can result in prosecution under the penal code, with punishments ranging from fines to prison time, despite the freedom of expression provided for in the 2016 press code. The press code applies only to journalists accredited by the Ministry of Communication for speech or publications in the line of work; private speech by accredited journalists remains punishable under the penal code. According to the Freedom House 2019 Freedom in the World report, the press in Morocco enjoys a significant degree of freedom when reporting on economic and social policies, but authorities used an array of financial and legal mechanisms to punish critical journalists. International and domestic human rights groups criticized criminal prosecutions of journalists and publishers as well as libel suits, claiming that the government principally used these laws to restrict independent human rights groups, the press, and social media.

Freedom of Expression: The law criminalizes criticism of Islam, of the legitimacy of the monarchy, of state institutions, of officials such as those in the military, and of the government's positions regarding territorial integrity and Western Sahara. The government sometimes prosecuted persons who expressed criticism on these topics. HRW reported during the year that the government demonstrated increasing intolerance of public dissent, particularly of persons who were critical of the monarchy, state authorities, or Islam. According to government figures, 22 individuals were specifically charged for criminal speech, including defamation, slander, and insult (see Libel/Slander Laws and National Security).

On April 19, the al-Hoceima Court of Appeals increased the sentence for defense lawyer for Hirak protesters Abdessadek El Bouchtaoui from 20 to 24 months in prison and sustained a 500 dirhams (\$50) fine for insulting officials and representatives of authority while on duty, undermining the authority of justice, incitement to commit crimes, public incitement via Facebook to participate in unauthorized protests and crimes, and participation in unauthorized protests. According to Amnesty International, the government's charges were based on 114 posts on El Bouchtaoui's Facebook account and comments he made on national media criticizing the security forces' use of force against Hirak protesters. El Bouchtaoui fled Morocco prior to the Appeals Court sentence in February 2018, and after more than a year in exile on February 13, France issued political asylum to Bouchtaoui, his wife, and three children. In April the Tetouan Court of Appeals also suspended El Bouchtaoui's legal license for two years.

On March 27, a court of first instance convicted four individuals to a six-month suspended prison sentence and fine of 10,000 dirhams (\$1,000) for publishing information from a parliamentary committee under the new access to information law that came into force during the year. The individuals reported publishing the information because of concerns over corruption by elected officials.

On November 25, the Sale Court of First Instance sentenced Moroccan rapper Mohamed Mounir to one year in prison and a fine of 1,000 dirhams (\$100) for insulting police via a live social media feed posted in late October. The rapper confessed to the crime, stating his post came after two police officers assaulted him during a stop in mid-October to check his identity papers. Although Mounir was convicted for those online comments, his defense team, AMDH, and Amnesty International attributed his arrest and prosecution instead to a controversial rap video, titled "Long Live the People," released on YouTube three days prior to the arrest. The defense planned to appeal the sentence at year's end.

Press and Media, Including Online Media: Independent media, as well as partisan media, were active and expressed a variety of views within the restrictions of the law. The press code limits punishments for accredited journalists to fines. As of July 30, no journalists were prosecuted under the press code during the year, compared with two in 2018. According to the Ministry of Justice, Hajar Raissouni, Taoufiq Bouachrine (see section 1.d.), and Hamid al-Mahdaoui (see section 1.c.) are accredited journalists who were in prison during the year for criminal acts the government claimed were outside of their role as journalists. According to authorities, 22 individuals faced charges during the year for defamation, slander, or blasphemy.

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

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

The trial for seven members of the Moroccan Association for Investigative Journalism, including Hicham Mansouri, Maati Monjib, and Hisham Almiraat, has been repeatedly postponed since 2015; the individuals had not been sentenced at year's end. According to the Ministry of Justice, Mansouri, Monjib, and Almiraat were suspected of accepting foreign funds intended for acts threatening the internal security and territorial integrity of the country. The seven individuals were charged for posing a threat to the internal security of the country, fraud, managing an association exercising unauthorized acts, and accepting unauthorized foreign funds. The seven remained free but reported hardships due to the open case.

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

On September 30, the Rabat Court of First Instance sentenced journalist Hajar Raissouni to a 500 dirham (\$50) fine and one year in prison for a presumed illegal abortion and premarital sex, charges the defense and Amnesty International denounced as lacking medical evidence. Police arrested Raissouni at a doctor's clinic in Rabat, along with her fiancé, gynecologist, anesthesiologist, and nurse. Raissouni claims that while she was held in custody, police forced her to undergo a physical examination against her will and questioned her about her family ties and journalism, particularly her writing on the Hirak movement. Raissouni told reporters she believes she was targeted because of her critical reporting and family

connections to the Justice and Development Party. Reporters without Borders called the case an example of “profoundly unjust” persecution of a journalist. Raissouni and codefendants received a royal pardon on October 16 before the case moved to an appellate court.

According to media reports, authorities expelled multiple international journalists during the year because they lacked valid permits. The government stated that foreign media representatives who comply with local laws are allowed to perform their duties without interference and that allegations that authorities expelled foreign journalists were unsubstantiated.

In July and October, the Committee to Protect Journalists (CPJ) reported that several local journalists believed they were under surveillance. For example, some journalists stated at times their private conversations were publicized without their consent in an apparent attempt by the state to discredit their reporting. The CPJ also reported that some journalists jailed during the Rif protests in 2016 to 2017 reported authorities had referenced private WhatsApp messages while questioning them under detention.

Censorship or Content Restrictions: Self-censorship and government restrictions on sensitive topics remained serious hurdles to the development of a free, independent, and investigative press. Publications and broadcast media require government accreditation, and the government may deny and revoke accreditation as well as suspend or confiscate publications that breach public order or criticize Islam, the institution of the monarchy, or the government’s positions on territorial integrity. The press code lists threats to public order as one of the criteria for censorship. While the government rarely censored the domestic press, it exerted pressure through written and verbal warnings and by pursuing legal cases that resulted in heavy fines and suspended publication. Such cases encouraged editors and journalists to self-censor. The government denied restricting content on media outlets.

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

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

National Security: The antiterrorism law provides for the arrest of individuals, including journalists, and filtering websites deemed to “disrupt public order by intimidation, terror, or violence.”

### **Internet Freedom**

The government did not disrupt access to the internet, but it did apply laws governing and restricting public speech and the press on the internet. The press code stipulates that online journalism is equivalent to print journalism. Laws on combatting terrorism permit the government to filter websites. According to Freedom House’s 2019 *Freedom on the Net* report, the government did not block or filter any political, social, or religious websites during the year. The same report indicated that there have been cases in Morocco where bloggers were arrested or imprisoned for content the government deemed politically sensitive. Social media and communication services, including YouTube, Facebook, and Twitter, were available in the country, as were international blog-hosting services. Freedom House claimed, however, that unfair disbursement of advertising money, strict self-censorship, and ongoing trials of journalists have prevented the emergence of a vibrant online media environment. According to the government, funds for advertisements derive from the private sector, not from the public sector. The government also repeatedly reminded online journalists to obey the law. The government also prosecuted individuals for expressing certain ideological views online, particularly related to protests in the northern Rif region.

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

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

The law permits the government to criminalize presentations or debate questioning the legitimacy of Islam, the legitimacy of the monarchy, state institutions, and the status of Western Sahara. The law restricts cultural events and academic activities,

although the government generally provided more latitude to political and religious activism confined to university campuses. The Ministry of Interior approved appointments of university rectors.

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

The government limited freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The law provides for the right of peaceful assembly. The government generally allowed authorized and unauthorized peaceful demonstrations to occur. Under the law, groups of more than three persons require authorization from the Ministry of Interior to protest publicly. Security forces intervened on occasion to disband both authorized and unauthorized protests when officials deemed the demonstration a threat to public security.

Some NGOs complained that authorities did not apply the approval process consistently and used administrative delays and other methods to suppress or discourage unwanted peaceful assembly. According to HRW's *World Report 2019*, police allowed many protests demanding political reform and protesting government actions, but often forcibly dispersed peaceful protests, arrested protestors and protest leaders, or prevented demonstrations from occurring. According to the government, there were an average of 20,000 demonstrations per year. While most protests proceeded peacefully, on several occasions, violence erupted between protestors and police.

Security forces were generally present both in and out of uniform at protests, particularly if the protest was expected to address a sensitive issue. In general, officers were under orders to observe and not intervene, unless the demonstration became unruly, threatening to bystanders, or overflowed into public highways. In those cases, under standard operating procedures, officers were required to give the crowd three warnings that force would be used if they did not disperse. Security forces would then attempt to force protestors to leave the area, using riot shields to push standing protestors into a designated area or carrying seated protestors to the designated area. If such lower-level tactics failed, security forces may escalate to the use of batons, water cannons, or tear gas to clear the area and restore order.

Security force tactics did not differ significantly whether the protest was authorized or unauthorized, although the decision on whether to intervene sometimes

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

In 2017, after two brothers who had been mining illegally were found dead inside a coal pit in the northeast province of Jerada, it sparked more than 300 protests over social disparities, economic grievances, and unemployment. According to the government, 67 individuals arrested were sentenced to prison for terms ranging from one to five years for destruction of public goods, incitement to commit crimes, or involvement in unauthorized protests. According to authorities, on the occasion of Eid al-Fitr in June, the king pardoned all prisoners associated with the Jerada protests.

In April the Casablanca Court of Appeals sustained a court of first instance ruling against protest leader Nasser Zefzafi and 41 other members of the Hirak protest movement in the Rif. Four detainees, including Zefzafi, were sentenced during the year to 20 years' imprisonment on charges including threatening national security. At least one of the convicted individuals appealed the sentence to the Court of Cassation. Other sentences varied from 15 years' imprisonment to suspended sentences and fines. According to the government, authorities implicated 578 persons in crimes related to the Hirak protests, of whom 39 were acquitted of all charges in 2018. With the exception of one remaining pretrial detainee, the rest were prosecuted and sentenced by the al-Hoceima's Court of First Instance as of October. During the year the king pardoned 68 of the prisoners; Zefzafi was not included in the pardons.

Amnesty International reported public authorities interrupted a sit-in organized to take place on April 10 in Rabat. The NGO submitted the required notice of the event to authorities. Amnesty International reported the incident to the CNDH and the Ministry of Human Rights via written correspondence. According to an initial response from the ministry, Amnesty International's complaint was forwarded to the Ministry of Interior on April 25. The NGO had not received a response from the Ministry of Interior by year's end.

## Freedom of Association

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

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

Unregistered organizations could not access government funds or legally accept contributions.

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

The Justice and Charity Organization (JCO), a Sunni Islamist movement that rejects the king's spiritual authority, remained banned but largely tolerated, although authorities continued to monitor its activities. On February 6, media

reported that authorities closed unlicensed mosques run out of homes of JCO members in Casablanca, Kenitra, and Inezgane.

On April 16, the Casablanca Court of Appeals sustained a court of first instance ruling to dissolve Racines, a cultural rights NGO. The courts determined the NGO engaged in activities beyond the scope of its bylaws as a cultural rights NGO by hosting an episode of the online show *1 Dinner, 2 Idiots*, where guests of the show engaged in political discussions on freedom of association, corruption in the public sector, the monarchy, and the Rif Hirak protest movement. The leadership of the organization appealed to the Court of Cassation but ceased operations in June, as required by the court of appeals ruling.

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

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, although it limited movement to areas experiencing widespread unrest. The government denied entry to individuals it believed threatened the stability of the country. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern. The government also provided funding to humanitarian organizations to provide social services to migrants, including refugees.

There were several reports of government authorities denying local and international organizations and press access to the Rif and Eastern regions. In January, Amnesty International announced two of its researchers were denied entry to conduct a human rights investigation.

In February authorities expelled a Dutch journalist from the north for failing to present the appropriate accreditation. The journalist visited the region to cover a story on migration issues. He also reported that security forces followed him for several days before deporting him from the country.

The government continued to make travel documents available to Sahrawis. There were a few reported cases, however, of authorities preventing Sahrawis from traveling. The government encouraged the return of Sahrawi refugees from Algeria and elsewhere if they acknowledged the government's authority over Western Sahara.

In-country Movement: Local and international media reported that authorities forcibly relocated more than 200 sub-Saharan migrants from Nador to the Atlas region. NGOs reported Moroccan authorities forcibly relocated dozens of destitute sub-Saharan migrants every few weeks from areas neighboring the Spanish enclaves of Melilla and Ceuta to Tiznit and Agadir in the south of the country.

#### **e. Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: Refugees and asylum seekers, as well as migrants, were particularly vulnerable to abuse. Europe-bound human smuggling and human trafficking decreased after January following a government of Morocco and EU agreement. Moroccan authorities cooperated with Spanish and EU authorities to thwart trafficking networks and arrest smugglers. Parliament passed legislation in 2016 to improve protections for victims. CNDH regional branches reported receiving several complaints regarding the rights of migrants. There were reports of government authorities arresting or detaining migrants, particularly around the Spanish enclave cities of Melilla and Ceuta, and forcibly relocating them to other parts of the country to deter attempts to cross illegally into Spanish territory.

Access to Asylum: The law provides for the granting of refugee status. The government has historically deferred to UNHCR as the sole agency in the country entitled to perform refugee status determinations and verify asylum cases. UNHCR referred cases that meet the criteria for refugee recognition to the government's interministerial Commission in Charge of Hearings for Asylum Seekers within the Bureau of Refugees and Stateless Persons. The government recognizes asylum status for refugees designated according to the UNHCR statute. The government continued to grant status to UNHCR-recognized refugees and temporary status to registered Syrians. There were 802 refugees registered in the country. From December 2018 to July 2019, the commission held 33 hearings and

granted legal status as refugees to 257 asylum seekers referred by UNHCR, of whom 80 percent were Syrian nationals.

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

Durable Solutions: The government facilitated voluntary returns in cooperation with UNHCR and, when necessary, the resettlement of recognized refugees to third countries. Since 2004 the government and the International Organization for Migration (IOM) have cofunded the voluntary return of migrants to their countries of origin. According to the government, it assisted with the voluntary return to the country of origin of an average of 2,000 to 3,000 migrants per year.

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

#### **g. Stateless Persons**

Not applicable.

### **Section 3. Freedom to Participate in the Political Process**

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

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

professional bodies indirectly elected members of parliament's less powerful Chamber of Counselors.

### **Elections and Political Participation**

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

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

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

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

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

Corruption: Observers generally considered corruption an ongoing problem, with insufficient governmental checks and balances to reduce its occurrence. There were reports of petty government corruption. According to the *Global Corruption Barometer Africa 2019* report published in July, 53 percent of Moroccans surveyed thought corruption increased in the previous 12 months, 31 percent of public services users surveyed paid a bribe in the previous 12 months, and 74 percent believed the government was doing a bad job in tackling corruption.

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

The Ministry of Justice ran a hotline for the public to report instances of corruption. As of October the government reported there were 7,550 calls to the hotline alleging corruption that resulted in 23 cases in court during the year. The government also reported 80 percent of the calls were inquiries on corruption cases in trial, rather than new reports of alleged corruption. In February the Prosecutor General's Office reported it registered 19,000 calls to its anticorruption hotline from private citizens in 2018. From information collected through the anticorruption hotline in 2018, the Prosecutor General's Office opened 63 cases, resulting in arrests of public officials on corruption charges in 2019. According to the Prosecutor General's Office, 42 of the 63 cases resulted in convictions against the officials involved; six cases had not been adjudicated at year's end; two more were under investigation; and nine other cases were under review for classification.

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

On July 4, the court of appeals in Kenitra sentenced elected official Allal Chkaoua, president of the rural municipality of Haddada in Kenitra, along with a counselor to eight months in prison for corruption and blackmail.

Also on July 4, judicial police arrested Khalid Ouaya, the director of the Urban Planning Agency in Marrakech, with large sums of cash in his possession. Authorities pursued the Ouaya after receiving reports that he was soliciting bribes to expedite approvals for urban development projects. According to authorities, police confiscated the large sums of money during the arrest and the case was transmitted to the courts. The first trial hearing under the Marrakech Court of First Instance took place on November 21. The outcome of the case was unknown at year's end.

Observers noted widespread corruption among police. The government claimed to investigate corruption and other instances of police malfeasance through an

internal mechanism. Nevertheless, in the past, international and domestic human rights organizations claimed that authorities dismissed many complaints of abuse and relied only on police statements.

Authorities investigated some low-level incidents of alleged abuse and corruption. The judicial police investigated allegations, including those against security forces, and advised the court of their findings. Cases at times languished in the investigatory or trial phases. According to the government, in 2018 a total of 134 public officials faced charges for corruption, of whom 13 were convicted on those charges.

The government also reported 16 cases in 2018 where there was sufficient evidence pointing to police officers engaging in corruption, extortion, collusion with drug traffickers, or misappropriation of seized objects, and 26 police officers received disciplinary sanctions in connection to the cases. During the year a court of first instance sentenced two additional DGSN officials to nine and two months in prison, respectively, for engaging in corrupt practices tied to the 16 cases in 2018; the DGSN then dismissed the officials from duty. One additional case was pending a court decision at year's end.

From January to June 30, judiciary police initiated investigations in 10 cases that involved allegations of corruption by 10 police officers and 12 DGSN officials. Judiciary police referred one of the 10 cases to the courts and had not made any determinations on the validity of the allegations of the remaining cases.

In March police officers in Sale were arrested for accepting a bribe of 900 dirhams (\$90) to facilitate the extradition of a Norwegian detainee. The police officers confessed to the crimes during pretrial detention. The Marrakech Court of First Instance sentenced the police officers to five and 10 months in prison, respectively, and to a fine of 5,000 dirhams (\$500). The officers appealed the sentence. Disciplinary measures for the officers will be determined by the National Police after the court of appeals makes a determination on the case.

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

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

A variety of domestic and international human rights groups investigated and published findings on human rights cases; however, the government's responsiveness to, cooperation with, and restrictions on domestic and international human rights organizations varied, depending on its evaluation of the political orientation of the organization and the sensitivity of the issues.

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

During the year activists and NGOs reported continuing restrictions on their activities in the country. Many activists alleged that the government restricted their use of public spaces and conference rooms as well as informed the proprietors of private spaces that certain activities should not be welcomed. According to the government, its actions were in accordance with the law. Registered organizations are authorized to meet within their established headquarters, but any meetings outside that space, including privately owned establishments, were considered to be in public spaces and require authorization from the Ministry of Interior. Organizations stated that government officials told them their events were canceled for failing to follow required procedures for public meetings, although the organizations claimed to have submitted the necessary paperwork or believed the law did not require it.

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

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

Government Human Rights Bodies: The CNDH is a national human rights institution established by the constitution that operates independently from the elected government. It is publicly funded and operates in conformity with the Principles of Paris according to the Global Alliance of National Human Rights Institutions, which recognized it in 2015 as a "class A national human rights institution" within the UN framework. The council filled the role of a national human rights monitoring mechanism for preventing torture. The CNDH oversees

the National Human Rights Training Institute, which collaborated with international organizations to provide training to civil society, media, law enforcement, medical personnel, educators, and legal practitioners.

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

The mission of the Interministerial Delegation for Human Rights (DIDH), which reports to the minister of state in charge of human rights, is to promote the protection of human rights across all ministries, serve as a government interlocutor with domestic and international NGOs, and interact with relevant UN bodies regarding international human rights obligations. DIDH coordinates government responses to UN bodies on adherence to treaty obligations and serves as the principal advisory body to the king and government on human rights. DIDH oversaw the launch during the year of the *National Plan of Action on Democracy and Human Rights* (PANDDH), approved by parliament in 2017 and the king in 2019. The PANDDH includes more than 400 measures to improve democracy, governance, economic, social, cultural, and environmental rights as well as reforms to institutional and legal frameworks. The UN Development Program (UNDP) issued \$3 million in funds to implement PANDDH projects throughout the country.

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

### **Women**

Rape and Domestic Violence: The law punishes individuals convicted of rape with prison terms of five to 10 years; when the conviction involves a minor, the prison sentence ranges from 10 to 20 years. Spousal rape is not a crime. Numerous articles of the penal code pertaining to rape perpetuate unequal treatment for women and provide insufficient protection. A 2018 law provides a stronger legal framework to protect women from violence, sexual harassment, and abuse. Under the law, a sexual assault conviction may result in a prison sentence of six months to five years and a fine of 2,000 to 10,000 dirhams (\$210 to \$1,050). For insults and defamation based on gender, an individual may be fined up to 60,000 dirhams for insults and up to 120,000 dirhams for defamation (\$6,300 to \$12,600). General insult and defamation charges remain in the penal code. In March the law was reformed to require the DGSN, Prosecutor General's Office, Supreme Judicial Court, and Ministries of Health, Youth, and Women to have specialized units that

coordinate with one another on cases involving violence against women. While the DGSN announced on September 26 that such specialized units were designated in 136 police precincts, the units were not active as of December. Some women's rights NGOs criticized the lack of clarity in procedures and protections for reporting abuse under the new law. In the past, authorities did not effectively enforce laws against sexual harassment; the impact of the law was not clear by year's end.

Then minister of family, solidarity, equality, and social development Bassima Hakkaoui announced on July 9 that, based on a national survey conducted by the ministry, 93.4 percent of women who were victims of violence did not press charges against the aggressor. According to local NGOs, survivors did not report the vast majority of sexual assaults to police due to social pressure and the concern that society would most likely hold the victims responsible. Some sexual assault victims also reported police officers at times turned them away from filing a police report or coerced them to pay a bribe to file the report by threatening to charge them with consensual sex outside of marriage, a crime punishable with up to one year in prison. Police selectively investigated cases; among the minority brought to trial, successful prosecutions remained rare.

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

The Prosecutor General's Office launched an investigation into the rape of a 34-year-old woman in Rabat on June 9. The victim died two days later at a hospital from severe injuries inflicted during the rape. Authorities detained eight suspects, including the accused perpetrator and an accomplice who filmed the incident. Authorities reported the suspects were facing charges of premeditated murder, complicity in torture and other barbaric acts, and failure to seek assistance for a person in peril. The sentences were pending at year's end.

In 2018 Khadija Okkarou, 18, reported to the authorities that she was kidnapped in Oulad Ayad in June and held for two months by a group of men who raped her repeatedly and forced her to consume drugs and alcohol. Police arrested 12 suspects on charges for abduction, rape, and torture. The Beni Mellal Court of Appeals subjected Okkarou to a virginity exam by a judicial medical examiner, who determined the results were inconclusive. The Beni Mellal Appeals Court held a brief hearing on October 15 to announce it would hear the testimonies of the 12 defendants on November 12. The hearing was postponed again to December 3 because of the absence of the defendants' defense and again to December 24 at the request of the plaintiff's defense. The sentences were pending at year's end.

The government funded a number of women's counseling centers under the Ministry of Family, Solidarity, Equality, and Social Development. A few NGOs provided shelter, assistance, and guidance for survivors of domestic abuse. There were reports, however, that these shelters were not accessible to persons with disabilities. Courts had "victims of abuse cells" that brought together prosecutors, lawyers, judges, women's NGO representatives, and hospital personnel to review domestic and child abuse cases to provide for the best interests of women or children.

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

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

Discrimination: While the constitution provides women equal rights with men in civil, political, economic, cultural, and environmental affairs, laws favor men in

property and inheritance. Numerous problems related to discrimination against women remained, both with inadequate enforcement of equal rights provided for by the laws and constitution and in the reduced rights provided to women in inheritance.

According to the law, women are entitled to a share of inherited property, but a woman's share of inheritance is less than that of a man. Women are generally entitled to receive half the inheritance a man would receive in the same circumstances. A sole male heir would receive the entire estate, while a sole female heir would receive half the estate with the rest going to other relatives. Multiple women's rights activists and organizations called for reform of the inheritance law.

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

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

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

## **Children**

Birth Registration: The law permits both parents to pass nationality to their children. The law establishes that all children have civil status regardless of their family status. There were, nonetheless, cases in which authorities denied identification papers to children because they were born to unmarried parents, particularly in rural areas or in the cases of poorly educated mothers unaware of their legal rights. The Ministry of State for Human Rights and Relations with the Parliament estimated that over 83,000 Moroccan children remain unregistered. In October the Ministry of Interior administered a national communique that local authorities now have a simplified registration procedure as an effort to improve on birth registration. According to Amazigh NGOs, during the year representatives of

the Ministry of Interior refused to register the births of at least two children whose parents sought to give them Amazigh names.

Child Abuse: NGOs, human rights groups, media outlets, and UNICEF claimed child abuse was widespread. According to the government, in 2018, 7,263 individuals were investigated for criminal offenses associated with 6,702 reported cases of child abuse. Prosecutions for child abuse were extremely rare. Some children rights NGOs expressed concerns over the lack of legislation to prosecute cases involving incest.

In August local authorities arrested a religious studies teacher for physically abusing a four-year-old child with a baton. The authorities opened an investigation into the alleged crime, which was recorded on video. The authorities submitted a “judicial informational report” after the father of the victim refused to press charges against the educator.

Early and Forced Marriage: The legal age for marriage is 18, but parents, with the informed consent of the minor, may secure a waiver from a judge for underage marriage. According to a statement released by the Prosecutor General’s Office in July, the judiciary in 2018 approved 18,422 out of 33,686 of such requests, despite a notice sent that year that called on attorneys and judges to “not hesitate to oppose any marriage request that does not take into account the interests of the minor.” Othmane Abid, director of the Family Law Department at the Ministry of Justice, stated in March that 75 percent of applications approved involved cases of girls who were 17 years old. Under the framework of the PANDDH, the CNDH launched a national awareness-raising campaign against the marriage of minors.

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

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

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The constitution recognizes the Jewish community as part the country's population and guarantees to each individual the freedom to "practice his religious affairs." Community leaders estimated the size of the Jewish population at 3,000 to 3,500. Overall there appeared to be little overt anti-Semitism, and Jews generally lived in safety.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

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

The Ministry of Family, Solidarity, Equality, and Social Development has responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society by implementing a quota of 7 percent for persons with disabilities in vocational training in the public sector and 5 percent in the private sector. Both sectors were far from achieving the quotas. The government maintained more than 400 integrated classes for children with learning disabilities, but private charities and civil society organizations were primarily responsible for integration.

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

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

Article 5 of the constitution identifies Arabic and Tamazight as the official languages of the state, although Arabic predominates. Tamazight is one of three national Amazigh dialects. On July 25, parliament unanimously approved legislation mandating the standardization of the teaching of Tamazight in the public and private education systems for citizens. The law adopts Tifinagh (Amazigh script) as the script for Tamazight. Amazigh activists were disappointed that parliament did not incorporate some recommendations into the bill's language, such as integrating Tamazight into other institutions beyond the Moroccan educational system. Activists also found the bill remains too vague in defining how government will ensure schools and the media apply the law. The legislation was pending review by the Constitutional Court because it is an organic law that implements provisions in the 2011 constitution. On August 2, parliament approved an education bill that encourages instruction in Tifinagh and foreign languages in schools.

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

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

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

The law criminalizes consensual same-sex sexual activity, with a maximum sentence of three years in prison for violations. According to a report by the Prosecutor General's Office released in June, the state prosecuted 170 individuals in 2018 for same-sex sexual activity. Media and the public addressed questions of sexuality, sexual orientation, and gender identity more openly than in previous years. According to some human rights organizations, LGBTI victims of violence in high-profile cases from previous years continue to be harassed when recognized in public.

There were several attacks against individuals based on their sexual orientation or gender identity during the year, including on May 12, when media reported four individuals in Tiznit forcibly stripped and physically assaulted a man because of his sexual orientation. The seriously injured individual pressed charges against the alleged perpetrators of the attack. Local authorities arrested three of the four individuals and opened an investigation. One of the three individuals was over the age of 18 and was sentenced to six months in prison and a fine of 500 dirhams (\$50) by a court of first instance; the charges on which he was prosecuted were unknown. The two others had their cases referred to a judge for crimes involving minors; these cases were pending in court at year's end.

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

## **HIV and AIDS Social Stigma**

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

## Section 7. Worker Rights

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

The constitution provides workers with the rights to form and join unions, strike, and bargain collectively, with some restrictions.

The law prohibits antiunion discrimination and prohibits companies from dismissing workers for participating in legitimate union-organizing activities. Courts have the authority to reinstate workers dismissed arbitrarily and may enforce rulings that compel employers to pay damages and back pay. Trade unions complained that the government at times used the penal code to prosecute workers for striking and to suppress strikes.

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

The government generally respected freedom of association and the right to collective bargaining. Employers limited the scope of collective bargaining, frequently setting wages unilaterally for most unionized and nonunionized workers. The law allows independent unions to exist but requires 35 percent of the employee base to be associated with a union in order that the union be represented and engage in collective bargaining. Domestic NGOs reported that employers often used temporary contracts to discourage employees from affiliating with or organizing unions. Unions can legally negotiate with the government on national-level labor issues. At the sectoral level, trade unions negotiated with private employers concerning minimum wage, compensation, and other concerns. Labor disputes were common and, in some cases, resulted from employers failing to implement collective bargaining agreements and withholding wages.

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

right to strike; the proposal was subsequently withdrawn after it received heavy criticism from domestic and international labor unions.

The government did not adequately enforce labor laws due to a lack of inspection personnel and resources. Inspectors reported that their role as mediators of labor conflicts significantly limited the amount of time they can spend proactively inspecting worksites and remediating any violations they uncover. Inspectors do not have punitive power and cannot levy fines or other punishments. Upon action by the public prosecutor, the courts can force an employer to take remedial actions through a court decree. Penalties were not sufficient to deter violations. Enforcement procedures were subject to lengthy delays and appeals.

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

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

The law prohibits all forms of forced or compulsory labor and prescribes penalties of a fine for the first offense and a jail term of up to three months for subsequent offenses; these penalties were not sufficiently stringent to deter violations.

In 2018 the domestic workers law passed in 2016 went into effect. The law provides new protections to domestic workers, including limits on working hours and a minimum wage. Penalties for violating the law start with a fine and, in cases of repeated offenses, can include one to three months' imprisonment.

In the past, authorities did not adequately enforce laws against forced or compulsory labor, although it was too soon to assess the impact of the new law. Labor inspectors did not inspect small workshops with fewer than five employees and private homes where many of such violations occurred, as the law requires a warrant or permission of the owner to search a private residence. The new law establishes a conciliation process for labor inspectors to handle disputes between domestic workers and their employers, but the law lacks time limits for a resolution. Labor inspectors reported that their small numbers, scarce resources at their disposal, and the broad geographic dispersion of sites limited their ability to enforce the law effectively.

Local NGOs reported that an undetermined number of vulnerable migrant domestic workers filed lawsuits against their former employers. The suits included

significant indicators of potential trafficking abuses, such as withholding passports or wages. Information on disposition of the cases was not available.

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

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

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

The law establishes a minimum age for employment and the government enforced the law. In 2016 parliament passed a law that became effective in 2018 prohibiting children under the age of 16 from working as domestic servants and strictly limiting the work of children under the age of 18. The overwhelming majority of child laborers worked in rural areas, according to the government's statistical agency, the High Planning Commission. Punishments for violations of the child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of legal residence in the country for five to 10 years. Penalties were not sufficient to deter violations. The Ministry of Labor and Vocational Integration continued to conduct child labor inspections in the formal economy across the country, but the government reported it remained concerned about child labor violations in the informal sector, including potential forced child labor crimes. The government reported that, overall, labor inspections suffered from insufficient personnel and resources to address child labor violations, including potential child trafficking crimes, throughout the country. Furthermore, there was no national focal point to submit complaints about child labor or forced child labor and no national mechanism for referring children found during inspections to appropriate social services.

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

The law does not prohibit all of the worst forms of child labor. The law does not specifically prohibit the use, procuring, or offering of a child for illicit activities, in particular for the production and trafficking of drugs. In some cases employers subjected children to the worst forms of child labor, including commercial sexual exploitation, sometimes as the result of human trafficking (see section 6, Children); forced domestic work, sometimes as the result of human trafficking; and forced labor in the production of artisan products and construction.

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

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

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

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

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

The minimum wage was above the poverty line. The law provides for a 44- to 48-hour maximum workweek with no more than 10 hours work in a single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including limitations on night work for women and minors. The law prohibits excessive overtime.

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

Many employers did not observe the legal provisions regulating conditions of work. The government did not effectively enforce basic provisions of the labor code, such as payment of the minimum wage and other basic benefits under the National Social Security Fund. The country's labor inspectors reported that although they attempted to monitor working conditions and investigate accidents, they lacked adequate resources, preventing effective enforcement of labor laws. Penalties were generally not sufficient to deter violations.

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