

MOROCCO

CERD 27TH No.18 (A/8718) (1972)

75. The initial report of Morocco, which was due in 1972, was examined at the 111th and 112th meetings of the Committee. All members who participated in the discussion expressed satisfaction with the report. It was pointed out that the report was faithfully prepared along the lines suggested by the Committee in its relevant communication (CERD/C/R.12) 8/ and that the report furnished the texts of all articles of the national Constitution it cited.

76. It was asked whether there were any specific provisions prohibiting discrimination by individuals, as distinct from laws against discrimination by public bodies. Some members inquired about the implementation by Morocco of resolutions adopted by United Nations bodies concerning relations with the racist régimes in southern Africa, and some members asked whether non-citizens living permanently in Morocco enjoyed equal rights without racial discrimination as defined in article 1, paragraph 1, of the Convention.

77. In the statement he made before the Committee at its 111th meeting, the representative of Morocco furnished further information and replied to some of the questions put forth in the course of the examination of his country's report.

78. At its 112th meeting, the Committee decided to consider the initial report submitted by Morocco satisfactory.

8/ [Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 27 (A/8027), annex III - A.

CERD 29TH No. 18 (A/9618) (1974)

142. The Committee noted that the relevant provisions of the Constitution of 1972 of Morocco, the texts of which were attached to the second periodic reports from that country, reaffirmed the provisions of the previous Constitution concerning human rights. It also noted, however, that the report contained no information on the other legislative provisions which, it stated, existed in Morocco pursuant to the obligations resulting from its accession to the Convention, nor on administrative or other measures giving effect to the provisions of the Convention, particularly those laid down in article 7. Information on the ethnic composition of the population, as envisaged in the Committee's general recommendation IV, was not furnished. Nor was the information requested during the Committee's consideration of the initial report provided in the present report.

143. The representative of Morocco assured the Committee that he would transmit all questions which had been raised to his Government and hoped that it would reply to them in its next report.

CERD A/32/18 (1977)

140. The third periodic report of Morocco was considered by the Committee together with the information given by the representative of the Government of Morocco in his introductory statement. It was noted with appreciation that, for the most part, the report under consideration consisted of responses to the inquiries and comments made by members of the Committee during the consideration of the second periodic report of Morocco.

141. Much of the discussion revolved around the relationship, within the Moroccan legal system, between the provisions of international law and those of domestic law. The report under consideration affirmed: “the incorporation in Moroccan legislation of international legal provisions gives these provisions a special force, since the Moroccan Constitution implicitly recognizes the primacy of international law over domestic law.” After referring to the preamble and article 31 of the Constitution, and citing the relevant provisions thereof, the report concluded that the provisions of the Convention had become an integral part of the internal public order “from which no derogation is admissible” and were therefore being “fully applied.” Some members disagreed, while other members agreed, with that conclusion.

142. The issue mentioned in the preceding paragraph was directly related to the question of whether or not the implementation of article 4 of the Convention required the enactment of new legislation. It was observed that existing legislation did not by itself satisfy the requirements of article 4 of the Convention; and it was asked whether a citizen could invoke that article to complain in the courts of an act of racial discrimination against him. Some members drew attention to the introductory statement made by the representative of the Government of Morocco, informing the Committee that “the competent Moroccan authorities were at present studying the specific obligations arising from article 4 of the Convention” and assuring the Committee that “he was confident that the steps to be taken in that connection would give full satisfaction to the Committee.” Some members requested that the texts of the Dahirs of 29 June 1935 and 15 November 1958 be supplied to the Committee in order to enable it to assess the degree to which existing legislation conformed to the norms established in article 4 of the Convention.

143. Some members asked whether all the rights enumerated in article 5 of the Convention were also affirmed in Moroccan legislation. Others asked whether the clauses concerning equality before the law in the Constitution of 1972 differed from those of the previous Constitution, which had contained no specific references to distinctions, exclusions, restrictions or preferences based on race, colour, descent or national or ethnic origin. It was also asked whether the material submitted in the initial report of Morocco concerning the implementation of article 5 of the Convention should be brought up to date as a result of the adoption of the Constitution of 1972. Some members of the Committee noted with interest the provisions of the Dahir of 12 August 1913, on the civil status of aliens, as reinforced by the provisions of article 13 of the Dahir of 27 September 1957. With particular reference to article 5, paragraph (d) (ii), of the Convention, several members of the Committee noted with satisfaction the information given in the report and elaborated upon by the representative of the Government of Morocco, concerning the decision to allow - and indeed to encourage - Moroccan Jews who had left the country to return to Morocco

and to enjoy all the rights guaranteed to all citizens. In that connection, some members referred to article 3 of the Moroccan Nationality Code of 1958, which provides that: "With the exception of Moroccans of the Jewish faith, to whom the personal status rules for Moroccan Jews shall apply, the Code of Personal Status and Succession applicable to Moroccans of the Moslem faith shall apply to all nationals."

144. With respect to article 6 of the Convention, some members of the Committee referred to articles 353 and 360 of the Code of Civil Procedure and to decisions of the Administrative Chamber of the Supreme Court quashing decisions which violated the laws and regulations in force. Some members asked whether the Supreme Court had quashed any judgements considered to be discriminatory on the ground of ethnic origin or other racial consideration. Other members asked if any measures were being applied against discrimination in the private sector.

145. Several members repeated the request, made at earlier sessions of the Committee, for detailed information on the measures taken to implement the obligations of the reporting State under article 7 of the Convention.

146. Some members of the Committee noted with satisfaction the information given by the representative of the Government of Morocco in response to general recommendation III and decision 2 (XI) of the Committee. They took note also of the fact that the Kingdom of Morocco had embarked on the procedure for accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

147. Hope was expressed that, in its next report, the Government of Morocco would provide the Committee with the demographic information envisaged in general recommendation IV; it was stressed, however, that the submission of such data should not be regarded as an end in itself but as a means to clarifying the extent to which the human rights enumerated in article 5 of the Convention were being enjoyed on a basis of equality.

148. The representative of the Government of Morocco commented on some of the observations mentioned in paragraph 2, above. Reaffirming that "international law took precedence in Moroccan legislation even over domestic law," he stated: "Treaties that might affect the provisions of the Constitution were approved in accordance with the procedure laid down for the reform of the Constitution. It followed that all the conventions to which Morocco had acceded and which were compatible with its Constitution automatically became part of Moroccan law. The Constitution would not be amended unless Morocco acceded to a new convention whose provisions were not entirely consistent with those of the Constitution". Referring to other observations made during the current discussion of his Government's report, he assured the Committee that the legal texts requested by some of its members, notably those that were being prepared in relation to certain articles of the Convention, would be supplied later, and that information bearing on articles 5 and 7 of the Convention would be given in his Government's next report. He told the Committee that he would transmit the comments of its members to his Government, which would not fail to take them into consideration in preparing its fourth periodic report.

CERD A/33/18 (1978)

163. The fourth periodic report of Morocco, like the introductory statement made by the representative of that country, constituted a summary and a reaffirmation of the information given in the preceding reports submitted by the Government of Morocco and in the statements made by its representatives at previous sessions of the Committee. (For consideration of the initial, second and third periodic reports of Morocco, see A/8718, paras. 75 to 78, A/9618, paras. 142 and 143, and A/32/18, paras. 140 to 148, respectively.)

164. Accordingly, it was not felt that a thorough discussion of the report under consideration was called for.

165. Some issues which had been considered during the examination of earlier reports were, however, discussed once more by two members of the Committee.

CERD A/35/18 (1980)

302. The fifth periodic report of Morocco (CERD/C/65/Add.1) was considered by the Committee together with the introductory statement made by the representative of the reporting State.

303. Members of the Committee expressed satisfaction at the report which was considered to be very comprehensive reflecting the efforts of the Government of Morocco to implement all aspects of the Convention and taking into account its willingness to continue a constructive dialogue with the Committee.

304. In connection with articles 1 (4) and 2 (2) of the Convention, members of the Committee requested more detailed information on the refugees and their status; how they could qualify for Moroccan nationality; and what sort of civil restrictions applied to foreigners. It was also asked how many Moroccan Jews who had left the country had in fact responded to the King's invitation to return to Morocco; what measures would be taken on the revision of laws affecting Jewish communities; how regional development had been proceeding, especially in the more backward areas where the nomads and Berbers lived; how many Berbers there were in Morocco; and what measures had been taken to protect their culture.

305. The Committee pointed out that although the Convention had been incorporated in Moroccan public domestic law and no cases of violations of its provisions had been reported, Morocco was nevertheless obliged, under the Convention, in particular article 4, to adopt domestic legislation to give effect to its provisions, because the Convention itself did not provide for any punishment for its violations, a matter which was left to States parties. The question was asked as to whether the legal basis provided in the preamble to the Moroccan Constitution would be sufficient to enable a judge to apply the provisions of the Convention, should there be an inconsistency between them. Detailed information was requested as to the penalties imposed for violations of the Convention in Morocco and the laws on the basis of which courts could determine such penalties.

306. As regards articles 5 and 7 of the Convention, it was noted that the report specified that Christians and Jews were given religious freedom but no mention was made of any other religions.

307. The hope was expressed that in the next periodic report information would be given concerning the procedural aspects of political trials, in particular the right to defence, the detention and trial procedures and on the status and role of the associations for human rights and their relationship with the Government.

308. The Committee also expressed the hope that the next periodic report of Morocco would contain more information on measures taken to implement all the provisions of the Convention and would be prepared in accordance with the revised guidelines which the Committee had drawn up to assist States parties to the Convention in the preparation of their reports.

309. The representative of Morocco assured the Committee that all the questions asked by members of the Committee would be transmitted to his Government.

CERD (A/38/18) (1983)

138. The Committee examined the sixth periodic report of Morocco (CERD/C/90/Add.6) together with the introductory statement made by the representative of the reporting State. He spelled out his Government's position against racism and stated in particular that such a struggle was a fundamental tenet of Islam, which had always defended Moroccan society by teaching tolerance, justice and respect for the physical and moral integrity of the person.

139. The Committee thanked the Government of Morocco for its clear and detailed report and the very useful information it contained on refugees and their status; the requirements for acquiring Moroccan nationality; the rights and freedoms accorded to aliens and the status of the Jewish community. Several members noted with satisfaction that the Government of Morocco had answered questions which, strictly speaking, did not fall within the purview of the Convention. The Committee noted, however, that the report did not follow the guidelines and that it had shortcomings in relation to articles 4 and 6 of the Convention.

140. In relation to articles 1 and 2 of the Convention, the Committee commended the good relations between Arab and Jewish communities in Morocco. One member of the Committee observed that about 200,00 Jews had been living in Morocco in 1947 and only about 55,000 in 1967, and asked how many of those who had left the country had responded to the King's appeal to return. Another member clarified that, with the creation of the State of Israel in 1948, many Jews living in Arab countries had been encouraged and even forced to leave those countries by Jewish organizations. He added that Jews, as a religious minority, did not fall within the scope of the Convention. Still another member, within the same context, stated that, according to the report, the adoption of laws in favour, or to the detriment, of Jews would constitute discrimination between Moroccans. That statement, however, was not in keeping with article 1, paragraph 4, and article 2, paragraph 2, of the Convention.

141. Turning to the implementation of article 4, the Committee expressed the hope that the next report would provide information on the specific obligations which the Moroccan Government had accepted under that article and how those obligations were to be put into effect.

142. With regard to article 5 of the Convention, the Committee noted that the provisions of Moroccan law governing the acquisition and loss of Moroccan nationality were exemplary. In relation to migrant workers, the size of that population was requested and whether there were any regulations to protect their working conditions and human rights. Also, it was asked whether any people of Negro stock had migrated to Morocco and what was their status. Concerning political asylum, one member asked whether Morocco had a consistent policy or whether cases were dealt with on an ad hoc basis. It was observed that, although aliens could belong to trade unions of their choice, only persons of Moroccan nationality could be elected as staff representatives in trade union elections. One member, noting that the personal status of aliens was subject to the principle of the personality of the law and that there were broad exceptions to the application of that principle from the standpoint of private law, requested further clarifications. Commenting on the

programme for the socio-economic development of the Sahara region and the set-up of communal councils, additional information was requested in the next report on the activities and operation of the communal system; any changes or adjustments which had been deemed necessary since its establishment in 1976; how candidates for election to the communal councils were elected, and whether they could stand as individuals or private citizens or must belong to a party or other political civic group. One member expressed interest in being informed about the criteria followed by the Government in distributing the land recovered after Morocco's independence and another member showed interest in learning how Morocco guaranteed its nomads the rights of article 5, particularly in the promotion of their cultural activities.

143. The Committee requested specific information on the implementation of article 6. One member, however, was of the opinion that the possibility existed for individuals to have full recourse against acts of discrimination at the civil, criminal and administrative levels; the Supreme Court had an administrative Chamber which could punish acts of discrimination and not simply accord financial compensation but also annul administrative actions.

144. The need for more information about the implementation of article 7 was also noted by the Committee. In this context, questions were posed about what was being done in Morocco to familiarize citizens with the provisions of the Convention and other human rights instruments; whether specific target groups such as law enforcement officers and teachers receive instruction on human rights; whether Morocco introduced into its educational system any information about other cultures, in particular Negro cultures south of the Sahara; and whether it had signed any cultural agreements with other African countries in order to promote the understanding of different cultures and civilizations.

145. Responding to questions raised by members of the Committee, the representative of Morocco said that questions regarding the implementation of articles 4 and 6 of the Convention would be forwarded to his Government.

146. Turning to questions posed about the implementation of article 2 and about minorities, he said that under present laws in Morocco there was no need for such special measures, which could lead to discrimination.

147. As to the questions raised concerning articles 5 and 7, he stated that Morocco granted freedom of association and worship to all aliens, but certain measures regarding them could not be incorporated into national law. Young children in Morocco were taught the objectives of the United Nations, while more in-depth courses were given at the secondary and higher levels. Morocco regarded itself as a bridge between Europe and Africa and great importance was attached to black cultural and spiritual values. The black population in Morocco was fully integrated into its society; there were no records of how or when it had arrived in the country. His Government, however, would provide further information on the subject. Concerning the recovery of land owned by aliens, he explained that at the time of independence the best land was in the hands of foreigners. Between 1956 and 1965, there had been nine years of difficult negotiations, which had resulted in the Government taking control of the foreign-owned land and distributing it to the people who worked it. The indigenous people to whom that land had been given had received

assistance, and the people from whom it had been taken had been and still were being compensated.

In relation to Communal Councils, he clarified that candidates for election could be put up by a political party or a professional association or stand as individuals. The sole requirements were that he or she should be a Moroccan citizen, be above a certain age and have no criminal record. As for the appeal to Jews to return to Morocco made by the King, the important point was not the exact number of persons who had responded but the fact that the appeal had been made. The questions raised concerning trade union elections would be forwarded to his Government. In connection with questions about cultural activities among minority groups, he indicated that religious assemblies attended by Jews from all over the world had been held in Morocco; for the speakers of non-Arabic languages, other than Jews, there were radio broadcasts in the three main dialects. The Government was attempting to settle the nomads in urban areas so that health and education facilities could be provided for them.

CERD A/40/18 (1985)

333. The seventh periodic report of Morocco (CERD/C/117/Add.1) was considered by the Committee at its 718th meeting, on 18 March 1985 (CERD/C/SR.718).

334. The report was introduced by the representative of Morocco, who drew attention to relevant parts of the document and informed the Committee of the recent visit of the King of Morocco to the Saharan provinces and the special session of the parliament held in those provinces. He expressed his Government's determination to join in the struggle to eliminate racial discrimination and especially apartheid.

335. The Committee commended the Moroccan Government for an excellent report, which provided much information not previously available and described a number of enlightened policies.

336. Members of the Committee asked whether, since its independence, Morocco had undertaken a review of national and local legislation in accordance with article 2, paragraph 1 (c), of the Convention.

337. With reference to article 2, paragraph 2, of the Convention, the Committee requested that demographic data on ethnic minorities be provided in the next report. The Committee wished to have more details on the social and economic situation of the various ethnic groups in Morocco, particularly nomads and Jews, and the measures taken to protect their rights. Within that context, members asked whether there was a land distribution programme in the country, and whether any incentives had been given to the nomads to lead a sedentary life, a change which could improve their socio-economic condition. Members were interested to know whether nomads had the right to be listed in electoral rolls, or whether only persons domiciled in a community had that right, and whether there was a special electoral roll for nomads. They also wished to receive information on measures taken by the Government to improve schooling for ethnic minorities, particularly the nomads.

338. The Committee would appreciate receiving information on specific anti-apartheid activities and on whether Morocco maintained any diplomatic military, economic or trade relations with South Africa.

339. In relation to article 4 of the Convention, the Committee pointed out that no country, regardless of its system, was immune from racial discrimination. Under the Convention, it was mandatory to enact legislation even in situations where no racial discrimination existed. The Committee emphasized that the provisions of the Moroccan Criminal Code as applicable to article 4 were too narrow in scope. Article 201 of the Moroccan Criminal Code did not cover the specific acts referred to in article 4 (a) of the Convention. Similarly, the Dahir governing the right of association was inadequate for the purposes of article 4 (b), since declaration of nullity of any association established to further an objective which was illegal begged the question of which law made it illegal. Moreover, quite apart from its nullity, what article 4 (b) required was its

prohibition and penalization. The Committee asked the Moroccan Government to give renewed consideration to the Committee's position on the legislative implementation of article 4.

340. In connection with article 6 of the Convention, the Committee was interested to know what recourse procedures were available under the Moroccan legal system and whether the Supreme Court could also rule on appeals against decisions by administrative departments on the grounds that they had not observed the letter of the law. Members requested an explanation regarding the statement that the Supreme Court had the power to take over a case on grounds of reasonable suspicion or public interest. Noting that judges were elected for a period of three years, members pointed out that that seemed to be too short in the context of the principle of judicial independence.

341. In relation to article 7 of the Convention, the Committee noted that efforts to foster cultural relations between African and Arab societies were exemplary. Members asked whether any action had been taken to promote understanding between Morocco and the third world countries in Asia and Latin America.

342. In reply to questions raised during consideration of the report, the representative of Morocco said that his Government would give due consideration to the views expressed by members of the Committee and answer the questions raised by them in its next report.

343. With regard to article 2, paragraph 1, of the Convention, he indicated that, while many texts enacted during the protectorate remained unchanged, others had been supplemented or modified by Moroccan legislative bodies since independence or were currently being revised.

344. In connection with minority groups, he said that the 1983 census indicated that there were roughly 20.5 million people in Morocco; unfortunately, that figure had not been broken down by ethnic group. Even if certain groups within the population, such as Jews and Saharans, had particular characteristics, relations among all groups were so close and the symbiosis among them so perfect that all parts of Moroccan society identified with the whole. The Government's efforts to provide housing, health facilities and schools in the Saharan provinces had enabled the nomads to adopt a sedentary existence which in turn allowed them to exercise their rights to elect representatives to the Moroccan parliament. With regard to the recovery of farm land, he informed the Committee that the Government had allocated land to local farmers, encouraged them to form co-operatives to ensure the economic viability of their production and had made credit available for the purchase of equipment. Concerning the Saharan provinces, he stated that the Government's plan was to develop their infrastructure to help the inhabitants reach the same level of development as the inhabitants of the northern provinces. In September 1984 nation-wide parliamentary elections had been held in Morocco, including the Saharan provinces. All eligible voters had had an opportunity to participate.

345. Morocco's position with regard to the international community's struggle against racial discrimination and apartheid was unwavering. His country maintained no relations of any kind with South Africa. Morocco had always supported the struggle of the Namibian people and had provided assistance to authentic national liberation movements.

346. Referring to article 4 of the Convention, he said that acts of racial discrimination did not exist

in Morocco. In accordance with the precepts of Islam and Moroccan tradition, racial discrimination was considered an abhorrent practice. Consequently, there was no need to enact special legislation to punish such acts in his country. General references in Moroccan legislation to “public order” and “morality” were so flexible that they could adequately be applied to any acts with discriminatory intent that might occur. The notion of public order in Moroccan law could be viewed in terms of the principle of jus cogens in international law; the violation of any law intended to uphold it was punishable, even if the particular violation was not specified in Moroccan legislation. He would draw his Government’s attention to the emphasis the Committee placed on the need to pay special attention to the implementation of article 4 of the Convention.

347. Regarding article 6 of the Convention, the representative of Morocco drew attention to two forms of recourse, namely an out-of-court appeal to the person responsible for the decision or, if that procedure proved unsatisfactory, an appeal to a higher administrative authority. In addition, he explained that, if the Supreme Court believed the judge in a particular case to be guilty of partiality, it could reassign the case to another court of the same instance or of a different instance.

348. Since independence, Morocco had made an effort to establish co-operation with a diverse range of countries. The fact that most of those countries were in Europe, Africa and the Arab world was largely due to historical and geographical factors. However, Morocco maintained important relations with Asian and Latin American countries as well.

CERD A/43/18 (1988)

140. The Committee considered the eighth periodic report of Morocco (CERD/C/148/Add.2) at its 822nd meeting, held on 5 August 1988 (CERD/C/SR.822).

141. The report was introduced by the representative of the State party, who referred, *inter alia*, to the principal texts constituting his country's legal system, which had its source in Muslim and contemporary law. He said that no change had occurred in Moroccan legislation regarding the question of racial discrimination since the submission of the last report to the Committee (CERD/C/117/Add.1) and that no instance of a violation of the Convention had been recorded in Morocco during that period. He went on to mention the various topics dealt with in his Government's report, indicating that the report had been prepared in accordance with the guidelines recommended by the Committee.

142. Members of the Committee congratulated the Government of Morocco on having submitted a report of high quality, and especially on having taken care to reply to the questions and comments made by the Committee during consideration of the previous report.

143. Members of the Committee noted that the Moroccan people was the product of a blending of Berbers, Arabs, Jews and Africans from south of the Sahara. In that regard, they wished to know, in particular, what approximate percentage each of those four elements represented in the population and whether that plurality of Moroccan society was reflected in the State structure. Information was also requested concerning the nomads of the Sahara, in particular, their number and situation and what measures had been taken to guarantee their exercise of the rights set forth in article 1 of the Convention and to provide for their education. In addition, clarification was requested with regard to the meaning of the sentence in article 9 of the Constitution (see para. 57 of the report), which stated that no restriction might be imposed on the exercise of the freedoms set forth in the Constitution "save by law."

144. With regard to article 4 of the Convention, the members of the Committee pointed out that Morocco, like any other State party to the Convention, was required to adopt specific and appropriate legislative measures to prohibit racial discrimination.

145. On the subject of article 5 of the Convention, clarification was requested concerning the provisions of the law, which applied to Moroccans who were neither Muslims nor Jews, concerning safeguards with respect to freedom of conscience and concerning the text of article 3 of the Moroccan Nationality Code. It was noted that child labour was prohibited in Morocco, but information was sought as to whether the phenomenon actually existed and, if so, how the Government was dealing with it.

146. In his reply to the questions raised by the members of the Committee, the representative of Morocco described the historical and cultural origins of the various ethnic groups which constituted the Moroccan population and stated that it was not possible to provide figures or details regarding the percentage of the various elements of the population, since censuses did not record

ethnic characteristics and Moroccans, whatever their origin, had freedom of movement within the country. He also gave details regarding the situation of the nomads and indicated that the phenomenon of nomadism was gradually dying out.

147. On the subject of article 4 of the Convention, he said that he would draw the attention of the competent authorities of his country to the need to adopt the necessary measures to ensure that the provisions of the Convention were fully respected.

148. With regard to article 5 of the Convention, the representative stated that freedom of conscience was guaranteed by law in Morocco at least as far as Islam, Judaism and Christianity were concerned, but that any dissemination of atheist propaganda was punishable by law. All Moroccan citizens, whatever their religion, were equal before the law. In addition, certain rights of the Jewish minority relating to their particular religious needs were respected. Violations of the prohibition of child labour did exist in Morocco, particularly in the carpet industry.

CERD A/49/18 (1994)

209. The ninth, tenth and eleventh reports of Morocco, submitted in one document (CERD/C/225/Add.1), were considered by the Committee at its 1020th and 1021st meetings, on 4 March 1994 (see CERD/C/SR.1020 and 1021).

210. The report was introduced by the representative of the State party who pointed out that his country had presented a core document (HRI/CORE/1/Add.23) comprising information concerning the territory and the population of Morocco and the legal framework and national organizations protecting human rights. He emphasized the recent ratification by Morocco of the Convention on the Elimination of All Forms of Discrimination against Women. Since the last dialogue between the Committee and Morocco in 1988, a number of decisions and measures reinforcing the protection of human rights had been taken.

211. Members of the Committee thanked the Moroccan delegation for its written report and core document and for its oral introduction. They noted with satisfaction that the report contained responses to questions raised during the examination of the eighth periodic report of Morocco, although it also contained many matters already dealt with in the previous report and a number of points needing further explanation.

212. It was noted that the Moroccan Constitution established the equality of all citizens before the law and the rights of foreigners in Morocco, that Morocco had recently set up an advisory council for human rights composed of representatives of all parties concerned, and that bilateral and multilateral conventions ratified in the manner prescribed by the Constitution were incorporated in domestic law and their provisions could be invoked before Moroccan courts.

213. With regard to article 2 of the Convention, members of the Committee wished to know what were the legislative rules ensuring the independence and impartiality of the judiciary. They emphasized the fact that the Moroccan nation was historically and constitutionally a single indivisible whole, but they wondered why censuses and studies carried out by the authorities employed only socio-economic and not racial, ethnic or linguistic criteria, which would give a more complete idea of the composition of the population.

214. With respect to article 4 of the Convention, members of the Committee expressed doubts as to the conformity with article 4 of the Convention of the claim that there was no need to adopt specific measures of a legislative, administrative or judicial nature to prohibit any act or encouragement of racial discrimination; they requested further information on the legislation and regulations existing to "put a stop to any racist movements that might emerge or to punish any act of racial discrimination". The Committee noted that the criminal law penalized the spreading of ideas of racial superiority or hatred, and provided penalties for those who showed any desire to assist, encourage or finance such activities, but it was not said if any case of this kind had occurred, and what the penalties imposed were. It was asked whether the statement made in paragraph 27 of the report meant that associations or political parties with ethnic objectives were forbidden. Further information was sought on the incidence of discrimination against Blacks (whether Moroccans or

of other nationalities), Sahraouis and Berbers, and on the measures taken to prevent it. The Committee wanted to know what measures were taken to preserve the Berber culture and if persons of Berber and Sahraoui origin encountered difficulties in gaining access to education or employment.

215. With regard to article 5 of the Convention, it was noted that no practical information had been supplied on free and equal access of Moroccans and foreigners to the courts. The members of the Committee sought information on cases of discrimination before the courts, on allegations of the arbitrary arrest of Blacks and Sahraouis, and on special detention centres in which persons could be detained without trial. They also asked for information concerning the work of the commission established to review the Moudawana (Code of Personal Law) in the field of the advancement of the status of women, and concerning the new Labour Code. Members of the Committee asked whether the Sahraouis could travel without restraint, and why the Baha'is were refused passports to leave the country. They wished to know more about the functions of the advisory council for human rights created in 1990, and whether it had concluded that racist acts had occurred in Morocco.

216. With respect to article 6 of the Convention, members of the Committee asked for practical information relating to the remedies available in cases of discriminatory acts or practices. They wished to know whether those remedies and recourses were available to associations and organizations acting on behalf of victims of such acts.

217. Replying to the questions raised by members of the Committee, the representative of the State party stressed the primacy of international law in his country; the provisions of instruments such as the Convention could be invoked directly before Moroccan courts, which offered adequate protection against the offences referred to in article 4 of the Convention. He said that different cultures and societies had different expectations and definitions of terms and this should be taken into account when assessing human rights considerations in Morocco. He also claimed that Islam had always allowed freedom of worship for the "revealed" religions and that the whole concept of discrimination was alien to Islam. He recognized that the wording of paragraph 41 of the report was misleading in that it spoke of "restoring rights to women", when Moroccan women had never been deprived of any rights.

218. The mandate of the Advisory Council was to assist the King in all matters of relevance to human rights; it was composed of the Ministers for Foreign Affairs, of the Interior, of Justice and of Islamic Affairs, and representatives of all political parties, trade unions and non-governmental organizations dealing with human rights. The Council had set up three working groups dealing with police custody and custody pending trial, prison conditions and contacts with non-governmental organizations dealing with human rights. The Council had no specific mandate concerning racial discrimination and had as yet received no complaint under that heading.

219. With respect to the treatment of foreign residents, the representative said that Moroccan law offered them the same protection as Moroccans; the services of a court interpreter were made available if necessary. He added that Black Moroccans were integrated into Moroccan society and suffered no discrimination; the only form of hostility to which they might be exposed was the

"day-to-day" antipathy that might be encountered anywhere among individuals. Concerning languages spoken in Morocco, the representative said that since the eighth century all Moroccans had shared the same language, Arabic, though other languages such as Berber and Spanish were spoken. In addition to Arabic, French was compulsory in school from a certain level. Schools were attended by students of Arab and Berber origin alike.

220. With respect to the information sought on special detention centres, the representative said that the Government of Morocco cooperated with non-governmental organizations, which played a very useful part in denouncing human rights violations, but he strongly denied the allegations of disappearances of Sahraouis. In 1991, some 270 of those reported to have disappeared, who had in fact been held under house arrest, had been released. Baha'ism was regarded as a heresy and as a danger to Islam, although it might be practiced in private. Baha'i propaganda was prohibited. Non-monotheistic religions might also be practiced if this did not disturb public order.

221. The Committee thanked the representative for his informative remarks, but noted that article 4 of the Convention was not being implemented in the manner required.

Concluding observations

222. At its 1038th meeting, on 17 March 1994, the Committee adopted the following concluding observations.

(a) Introduction

223. It is noted with satisfaction that the report of the State party was prepared in accordance with the Committee's guidelines for the preparation of State party reports (CERD/C/70/Rev.3) and appreciation is expressed to the State party's delegation for the additional information that it provided to the Committee. It is also noted with satisfaction that Morocco has submitted a core document (HRI/CORE/1/Add.23) containing useful information of a general character and that the report under consideration contains replies of the Government to the comments made by the Committee on the eighth periodic report of Morocco, which was considered in 1988. It is regretted, however, that the ninth and tenth periodic reports were not submitted on time and that the combined report under consideration covers a period of almost six years. It is also noted that the report did not provide concrete information on the implementation of the Convention in practice and therefore did not fully comply with the State party's obligations under article 9 of the Convention.

(b) Positive aspects

224. The legislative and administrative measures adopted by the Government of Morocco with a view to enhancing the protection of human rights in general and eliminating racial discrimination in all its forms are welcomed. It is noted with satisfaction that all international human rights treaties ratified by Morocco, including the International Convention on the Elimination of All Forms of Racial Discrimination, have been incorporated into domestic law and that their provisions are directly applicable and may be invoked before Moroccan courts. It is also noted

with satisfaction that the Advisory Council for Human Rights has recently been set up in order to advise on human rights-related issues.

(c) Principal subjects of concern

225. It is regretted that the report does not contain information on the demographic composition of the Moroccan population and attention is called in this regard to paragraph 8 of the guidelines.

226. Concern is expressed once again that the State party has not implemented the provisions contained in article 4 of the Convention, which call for the adoption of specific penal legislation. In that connection, it is recalled that where the criminal law contains specific provisions covering racist acts, a State is better placed to deal with such phenomena.

227. It is regretted that insufficient information was provided on the implementation of articles 5 and 6 of the Convention, in particular information on the number of complaints of racial discrimination, the situation of the rural population, and information on the protection of the right, without discrimination, to freedom of thought, conscience and religion.

(d) Suggestions and recommendations

228. The Committee wishes the Government of Morocco to provide, in its next report, information on the ethnic composition of the Moroccan population, in the light of paragraph 8 of the guidelines.

229. The Committee strongly recommends that the State party comply fully with the obligations under article 4 of the Convention and that necessary legislative measures be taken in order to give effect to the provisions of that article.

230. The Committee draws the State party's attention to the periodicity of reporting established by the Convention and urges the State party to comply with it. The twelfth periodic report, due on 17 January 1994, could be of an updating character, containing responses to these questions and comments of the members of the Committee at the forty-fourth session.

231. The Committee draws the attention of the State party to the amendment to article 8, paragraph 6, of the Convention, which was approved by the fourteenth meeting of States parties and by the General Assembly in its resolution 47/111, and encourages the State party to expedite its action formally to accept that amendment.

CERD A/53/18 (1998)

400. The Committee considered the twelfth and thirteenth periodic reports of Morocco (CERD/C/298/Add.4) at its 1282nd and 1283rd meetings, on 6 and 7 August 1998, and, at its 1296th meeting held on 17 August 1998, adopted the following concluding observations.

A. Introduction

401. The Committee welcomes the State party's submission of its twelfth and thirteenth periodic reports and expresses its satisfaction to the delegation for the additional information supplied orally and in writing to the wide range of questions raised by the members of the Committee during the consideration of the reports. The Committee notes that, although the reports submitted by the State party are in keeping with the Committee's guidelines, more detailed information is required on the implementation of the Convention. The Committee also welcomes the constructive, open and fruitful dialogue conducted with the delegation of the State party.

B. Positive aspects

402. The State party's new policy of giving greater attention to human rights issues, including the objectives of the Convention, is welcomed with satisfaction.

403. The Committee takes note with interest of the activities of the Human Rights Advisory Council and the Ministry of Human Rights, particularly with regard to ongoing efforts to study all laws and regulations to assess their conformity with the relevant international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination.

404. It is noted with interest that the State party and the Office of the United Nations High Commissioner for Human Rights in Geneva have launched a project to introduce human rights education in primary and secondary school curricula and to set up a national centre for human rights studies.

405. Note is taken with satisfaction of the establishment in 1995 of regional councils for culture and the increased attention being paid to Berber culture, particularly in respect of measures to include Berber dialects in school curricula.

406. The Committee welcomes the efforts by the State party to improve its relations with international and national non-governmental organizations dealing with human rights, including the objectives of the Convention, and the progress made in opening up to civil society.

C. Principal subjects of concern

407. While taking note of the State party's point of view on the problems involved in determining the ethnic composition of the population, the Committee finds that there is a lack of information

on this point in its reports.

408. With reference to article 4 of the Convention, the Committee welcomes the statement by the State party that domestic legislation will be brought into line with the Convention once the Penal Code is amended, but it notes with concern that, at present, there are no specific legal provisions prohibiting racial discrimination. Although the Constitution provides for a number of human rights, including the general principle of non-discrimination, legislative, judicial and administrative measures to give effect to the Convention are still lacking. In this connection, attention is drawn to articles 2, 6 and 7 of the Convention, according to which States parties are expressly required to adopt specific measures to give full effect to the rights in question.

409. The lack of information on the number of complaints and judicial decisions concerning acts of racism, regardless of their nature, and the compensation granted as a result is a source of concern.

D. Suggestions and recommendations

410. The Committee recommends that the State party should give information on the ethnic composition of the Moroccan population in its next periodic report, in accordance with paragraph 8 of the Committee's guidelines.

411. In view of article 4 of the Convention and the ongoing process of the amendment of the Moroccan Penal Code, the Committee encourages the State party to bring the Code into line with the provisions of the Convention and recommends that the State party should inform it of the results of its efforts in its next periodic report.

412. The Committee also requests information on other legal reforms and on the results of the amendment of the Labour Code, from the standpoint of the provisions of the Convention.

413. In its next report, the State party should include detailed information on racially motivated offences, including the number of complaints and judicial decisions concerning racist acts, regardless of their nature.

414. The State party should also supply information on the activities of the Human Rights Advisory Council relating to the Convention.

415. While welcoming the information provided by the delegation, the Committee would like to have additional information in the next report on socio-economic indicators for the situation of the Berbers, blacks, nomads, Sahrawis and other minorities.

416. The Committee requests the State party to provide information on the results of the human rights education project being carried out by the State party and the Office of the United Nations High Commissioner for Human Rights, with particular reference to the components of the project relating to racial discrimination.

417. The Committee suggests that the State party should take steps effectively to disseminate not only the provisions of the Convention, but also the State party's periodic reports and the Committee's conclusions.

418. The Committee recommends that the State party should ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

419. It is noted that the State party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested that the possibility of such a declaration should be considered.

420. The Committee recommends that the State party's next report, which was due on 17 January 1998, should be an updating report and that it should cover all the points raised in these concluding observations.

CERD A/58/18 (2003)

129. The Committee considered the fourteenth, fifteenth and sixteenth periodic reports of Morocco, due on 17 January 1998, 2000 and 2002, respectively, submitted as one document (CERD/C/430/Add.1 and CERD/C/430/Add.1 (Suppl.)), at its 1554th and 1555th meetings (CERD/C/SR.1554 and CERD/C/SR.1555), held on 3 and 4 March 2003. At its 1579th meeting, held on 20 March 2003 (CERD/C/SR.1579), it adopted the following concluding observations.

A. Introduction

130. The Committee welcomes the reports submitted by the State party and the additional information provided orally by the delegation. It commends the State party for submitting reports regularly. The Committee was encouraged by the fact that the Government was represented by a large, high-level delegation and that it provided frank and constructive responses to Committee members' questions and comments.

B. Positive aspects

131. The Committee welcomes the State party's continued efforts to promote the culture of human rights, including the objectives of the Convention, particularly in the context of its national human rights education programme, which was launched in cooperation with the Office of the High Commissioner for Human Rights (OHCHR) and is now in its final stage.

132. The Committee also welcomes the establishment on 15 April 2000 by the Ministry of Human Rights, in cooperation with OHCHR and the United Nations Development Programme, of a human rights documentation, information and training centre.

133. The Committee notes with interest that the powers, composition and working methods of the Consultative Council on Human Rights, a national institution established in 1990, were amended in 2001 in order to enhance the Council's efficiency and independence in keeping with the "Paris Principles" endorsed by the General Assembly in its resolution 48/134.

134. The Committee also welcomes the establishment of an Ombudsman, known as the Diwan Al Madhalim, which is required, inter alia, to receive and consider complaints submitted by Moroccan citizens who consider themselves harmed by a decision or action taken by a State authority.

135. The Committee notes with satisfaction the increased attention being paid to the Amazigh culture, as illustrated by the establishment by His Majesty King Mohammed VI of the Royal Institute of Amazigh Culture on 17 October 2001.

136. The Committee welcomes the information provided by the State party on the amendments to the Code of Public Freedoms and the Press Code and on the ongoing revision of the Labour Code, as requested by the Committee in its previous concluding observations.

137. The Committee welcomes the steps taken by the State party to make the declaration provided for in article 14 of the Convention and to ratify the amendment to article 8, paragraph 6, of the Convention.

C. Concerns and recommendations

138. While taking into account the State party's explanations concerning the difficulties encountered in determining the ethnic composition of the population, the Committee notes that information on this point is still lacking and urges the State party to provide information on the ethnic characteristics of the population of Morocco in its next report, in accordance with paragraph 8 of the Committee's guidelines.

139. The Committee invites the State party to provide information in its next report on the implementation of the provisions of the Code of Public Freedoms concerning the right of association, according to which any association inciting racial discrimination shall be considered unlawful, and of the provisions of the Press Code that punish incitement to racial discrimination, in accordance with article 4 of the Convention.

140. Noting that the draft revision of the Penal Code has still not been completed, the Committee repeats its request to the State party to bring the Code into line with article 4 of the Convention.

141. The Committee requests that the State party include in its next periodic report statistical information on prosecutions launched, and penalties imposed, in cases of offences which relate to racial discrimination, and where the relevant provisions of the existing domestic legislation have been applied. The Committee reminds the State party that the mere absence of complaints and legal action by victims of racial discrimination may be mainly an indication of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute. The Committee requests the State party to ensure that appropriate provisions are available in the national legislation and to inform the public about all legal remedies in the field of racial discrimination.

142. The Committee invites the State party to review the situation of the Amazigh, in keeping with international human rights agreements, so as to ensure that members of the Amazigh community can exercise their rights to their own culture, the use of their own language, and the preservation and development of their own identity.

143. While noting the replies provided by the delegation, the Committee requests the State party to take appropriate steps to put an end to the administrative practice of prohibiting the entering of Amazigh first names in the civil register.

144. The Committee is concerned at reports that members of Amazigh associations have suffered violations of the right to freedom of assembly and association.

145. The Committee also recommends that more programmes in Amazigh be included in the public broadcast media.

146. The Committee notes that the State party has expressed a willingness to provide information on socio-economic indicators relating to the situation of the Amazigh, Blacks, Sahraouis and other minorities and would like such information to be included in the State party's next report.

147. The Committee notes the submission in November 2002 to the House of Representatives of two bills: one relating to "foreigners' entry into and residence in the Kingdom of Morocco, illegal immigration and emigration", and the other to terrorism, and draws the State party's attention to the statement on racial discrimination and measures to combat terrorism adopted by the Committee on 8 March 2002 (A/57/18, chap. XI, sect. C).

148. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and to include in its next periodic report information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

149. The Committee recommends that the State party publish its periodic reports at the time they are submitted and, in the same way, publicize the Committee's conclusions in the main languages used in the country.

150. The Committee recommends that the State party submit its seventeenth and eighteenth reports in a single document, due on 17 January 2006, and that it respond therein to all the points raised in the present concluding observations.