



**International Convention on the
Elimination of all Forms of
Racial Discrimination**

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**Committee on the elimination
of racial discrimination**

**Reports submitted by States Parties
under article 9 of the Convention**

**Seventeenth and eighteenth periodic reports of
States parties due in 2006***

Morocco**

[30 October 2009]

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- * This document contains the seventeenth and eighteenth periodic reports of Morocco, due on 17 January 2006, submitted in one document. For the fourteenth to the sixteenth periodic reports and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/430/Add.1 and CERD/C/SR.1554, 1555 and 1579.
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I. Introduction

1. In accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination and taking into account the concluding observations of the Committee on the Elimination of Racial Discrimination concerning its fourteenth, fifteenth and sixteenth periodic reports, the Kingdom of Morocco hereby submits to the Committee its seventeenth and eighteenth reports in a single document, which reviews Morocco's action since the date of submission of its last report on the subject as well as its achievements and the steps it has taken to promote a culture that rejects all forms of racial discrimination. The Kingdom of Morocco regards the submission of this report for the Committee's consideration as an opportunity to reaffirm its adherence to human rights values and its willingness to work together with the United Nations human rights treaty bodies.
2. The report that the Kingdom of Morocco hereby submits to the members of the Committee highlights its continuous efforts to implement its obligations under the Convention. It was prepared in accordance with a participatory approach involving a number of public-sector agencies representing various areas of Government action, civil society organizations representing different visions of society, and national institutions working in the field of human rights, in particular the Advisory Council on Human Rights and the Royal Institute for Amazigh Culture.
3. The participation of all these bodies for more than a year in continuous work and a series of meetings afforded an opportunity to intensify joint action and also enriched this report, which the Kingdom of Morocco submits to the competent United Nations body in accordance with its reporting guidelines and the Committee's observations on Morocco's last report. It highlights key achievements in combating and eliminating all forms of racism, and adopts a practical approach that both reviews progress made and identifies areas in which further action is necessary.
4. In accordance with the human rights principles to which it is bound under its Constitution and which are recognized internationally, the Kingdom of Morocco has spared no effort to take the legal and institutional measures required to promote a human rights culture that rejects all forms of racial discrimination. Perhaps the most notable development since the submission of the sixteenth report has been the initiative of devising a methodology to be used in investigating the practical application of civil, political, economic, social and cultural rights, analysing the situation, identifying shortcomings and elaborating policies to address them.
5. In this context, the Kingdom of Morocco has analysed past cases of gross violations of human rights, establishing the Justice and Reconciliation Commission for the purpose. Over a period of about two years, the Commission received complaints from victims, examined them and organized public hearings at which the victims were given the opportunity to describe the violations to which they had been subjected with a view to preventing any recurrence of such wrongs in the future. The Commission succeeded by various means in shedding light on the gross human rights violations committed, identifying the victims and assessing their eligibility for compensation. It also drew up a report containing a number of recommendations and proposals aimed at establishing legislative and practical mechanisms to prevent the recurrence of such violations in the future and to repair the individual and collective material and moral damages suffered.

6. In the social and economic field, the initiative of preparing a report on human development covering the 50 years since independence afforded an opportunity for Morocco to assess the general political, administrative, social, economic and cultural policies pursued during the period. The report, which was prepared by eminent Moroccan experts, served as a reference document containing clear and frank self-criticism that was used to shed light on the situation, to study its causes and manifestations, and to develop a vision for the next 20 years. The research was followed by a national human development initiative which was announced by His Majesty the King on 18 May 2005. These efforts, in which Morocco is still engaged in the context of the transitional period leading to the establishment of a democratic society, culminated in the granting by the European Union of advanced status to Morocco on 19 October 2008.

7. Concurrently with this reform-based approach, important developments occurred on the legislative front involving the enactment of a number of legal texts, including the 2004 Family Code, which constituted an important legislative and social event. The new text of the Family Code abolishes all discrimination between men and women and establishes equal rights and duties for the two sexes, preserving the dignity of both, guaranteeing their rights and the rights of the child, and striking the necessary balance between the interests of all parties with a view to safeguarding the family and serving the best interests of the child.

8. The legislature conferred extensive powers on the judiciary to ensure the effective application of the Code and took various steps to make available the judicial personnel required and to provide the judicial system with the material resources and organizational mechanisms it needs to handle family-related cases. In the light of the reforms introduced by the Family Code, the reservations entered to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child were reviewed and proposals were made to promote optimum compliance with the two conventions by withdrawing some of the reservations or reviewing interpretative declarations.

9. The following sections of this report will describe the efforts of the Kingdom of Morocco to achieve major advances in the fight against racial discrimination. It will also describe in detail, in the light of the provisions of the Convention, its action to respond to the Committee's concerns and recommendations.

II. Application of articles 2 to 7 of the Convention

Article 2

10. The Kingdom of Morocco reaffirms its unwavering commitment to the principles of dignity and equality between all human beings and to internationally recognized human rights principles. It strongly condemns all forms of discrimination and prohibits all forms of inequality within its territory.

11. In accordance with the provisions of the Constitution, particularly article 5, all Moroccans are equal in terms of rights and duties and enjoy equality before the law without discrimination on any grounds such as language, race, religion, culture, or political, cultural or regional affiliation, inasmuch as the diverse origins of the people of Morocco, be they Arab, Amazigh, Muslim, Christian, Jewish, white or black, have been and continue to be a rich source of diversity and a mainstay of unity. They have lived side by side for centuries and this is one of the distinctive characteristics of the Moroccan people.

12. In pursuance of its policy of prohibiting and combating all forms of discrimination and marginalization, the Kingdom of Morocco has adopted a number of measures designed to promote equality between the different constituents of the Kingdom, to enhance social, economic and cultural development, to support human rights institutions and to create an appropriate legislative framework for the elimination of all manifestations of discrimination. Such action has been based on a comprehensive approach aimed at the development of a modern participatory social project.

13. In the legislative field, in accordance with the report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban in 2001 and in the light of paragraph 12 of the concluding observations of the Committee on the Elimination of Racial Discrimination concerning Morocco's fourteenth, fifteenth and sixteenth periodic reports (CERD/C/62/CO/5), the national legislature adopted a clear and explicit definition of the offence of discrimination that is consistent with international instruments and, in particular, with article 1 of the Convention. Thus, the legislative enactment supplementing the Criminal Code that was adopted on 11 November 2003 defines the offence of discrimination in article 431-1 *bis* as "any distinction between natural persons on grounds of national origin, social origin, colour, race, family status, state of health, disability, political opinion or trade union membership, or on account of the person's actual or alleged membership or non-membership of a particular race, nation, ethnic group or religion". The offence of discrimination is punishable under Moroccan law with imprisonment for a term of between one month and two years and with a fine of between 1,200 and 50,000 Moroccan dirhams (one euro is equivalent to about 10 dirhams).

14. The offence of discrimination is not confined to natural persons but also encompasses all forms of discrimination and distinction affecting legal persons. Thus, paragraph 2 of article 431-1 *bis* stipulates that any distinction applied to a legal entity on account of the origin, race, family status, state of health, disability, political opinion or trade union activities of its members or some of its members, or on account of their actual or alleged membership or non-membership of a particular race, nation, ethnic group or religion, also constitutes discrimination.

15. The penalty prescribed by Moroccan law for the offence of discrimination is applicable to any discriminatory act resulting in the withholding of a benefit or service, denial of employment, punishment of a person or dismissal of a person from employment. The definition of the offence also covers economic activities. Thus, discriminatory acts that impede the normal pursuit of any economic activity are punishable under the Moroccan Criminal Code (art. 431-2).

16. The penalty prescribed by the Criminal Code in the aforementioned article is not the only one applicable to the offence of discrimination. Additional penalties are applicable to the managers of legal entities who commit such offences. They are punishable by a fine of between 1,200 and 50,000 dirhams.

17. Discrimination has also been explicitly defined as an offence in the area of employment with a view to protecting the working population. Article 9 of the Labour Code prohibits all forms of discrimination on grounds of descent, colour, sex, disability, marital status, belief, political opinion, trade union membership, or national or social origin that violate or undermine the principle of equality of opportunity or treatment in the area of employment or pursuit of an activity, particularly with respect to recruitment, the management and assignment of work, vocational training, remuneration, promotion, the right to social benefits, disciplinary measures and dismissal.

18. Discrimination has also been prohibited and defined as an offence in the area of civil liberties and in the exercise of political rights through amendments to the legislation governing the press, associations and political parties. Details of the explicit provisions prescribing penalties for discrimination in those areas will be provided in the section dealing with article 4 of the Convention.

19. As a further reaffirmation of the commitment of the Kingdom of Morocco to the prohibition of discrimination within its territory and to the equality of all before the law, the legislature enacted regulations concerning the treatment of inmates of the country's prisons with a view to ensuring that their conditions of detention are humane and comply with international standards concerning the non-discriminatory treatment of prisoners. Article 51 of the Act concerning the organization and functioning of prison facilities stipulates that there shall be no discrimination in the treatment of detainees on grounds of race, colour, sex, nationality, language, religion, opinion or social status.

20. Mention should be made in this context of the situation of women prisoners, who are held in separate wings and have been granted the legal right to privacy with their husbands. Prisons have actually permitted and bear the costs of holding a wedding ceremony on behalf of female and male prisoners. Notwithstanding these positive moves, the Moroccan Government is aware of the need to improve conditions in places of detention and to expand accommodation by building new prisons that comply with international standards governing humane prison facilities. More determined and continuous efforts will be required to achieve that goal.

21. With regard to the status of women in general, Morocco has continued to take action against discrimination by recently adopting a number of legislative amendments, in which it has reaffirmed its commitment to the principle of equality of all and to the elimination of all manifestations of discrimination between the sexes. The laws in question include:

The Family Code

22. This constitutes a far-reaching legislative reform aimed at supporting the principles of equality and justice and achieving balance between family rights and duties. This balance is reflected in numerous provisions, including the following:

- Equality in terms of the age of legal capacity to contract marriage (18 years);
- Joint responsibility of the spouses for running the family (art. 4);
- Equality between the spouses in terms of joint rights and duties (art. 51);
- Authorization of the public prosecutor's office to order the immediate return of a wife who has been expelled from the matrimonial home and to take steps to guarantee her security and safety;
- Entitlement of grandchildren descending from a daughter to inherit from their grandfather whose daughter dies before him on the same basis as grandchildren descending from a son;
- Support for equality and balance between men and women in the event of the termination of the marital relationship with provision for two new procedures: divorce by mutual consent and divorce on grounds of discord. This has had a positive effect on the speed of decision-making in family-related cases.

The Nationality Code

23. This Code was amended on 2 April 2007 to bring about equality between men and women through a provision enabling a Moroccan mother to transmit Moroccan nationality to her child.

The Commercial Code

24. One of the many amendments to this Code was the elimination of the wife's requirement of her husband's permission to engage in business or to sign commercial contracts. Moreover, article 726 of the Obligations Code, which required a woman to obtain her husband's permission to sign an employment contract, has been deleted. As a result, Moroccan legislation no longer contains any provision that discriminates against women in the area of contract law.

The Civil Status Act

25. In accordance with the principle of equality between the sexes, the new Civil Status Code promulgated on 3 October 2002 grants a father and mother the right, without discrimination, to declare the birth of a child (art. 16) and grants a divorced wife the right to obtain a family civil-status book.

26. In addition, the new Code of Criminal Procedure promulgated on 3 October 2003 has abolished the provisions concerning a woman's obligation to obtain a court declaration if she wishes to take legal action against her husband as a civil party.

The Religious Endowments Code

27. A new Religious Endowments Code has been drafted and is currently awaiting completion of the legal procedures required for its entry into force. It provides for the abolition of provisions discriminating in favour of males in respect of religious bequests. Thus, under the new Code men and women benefit on an equal footing from religious bequests.

28. Moroccan legislation has also been strengthened by the promulgation in 2003 of a new Act aimed at countering terrorism. It is inspired by the basic postulate that action against terrorism must be combined with preservation of human rights guarantees, such as the right to a fair trial, based on the principle of equality and of the applicability of the provisions of the law on an equal footing to all persons without discrimination on any ground such as their nationality or ideology. A number of persons, some Moroccans and others foreigners, have been prosecuted in cases concerning terrorism under this Act, in accordance with the Committee's recommendations contained in paragraph 19 of its concluding observations concerning the fourteenth, fifteenth and sixteenth reports of the Kingdom of Morocco (CERD/C/62/CO/5).

29. Almost five years have elapsed since the promulgation of this Act and its practical application has led to a rights-based discussion in Moroccan society that has highlighted the need to review the legislation with a view to ensuring greater respect for human rights and compliance with the legal principle of the presumption of innocence, and also with a view to reducing the possibly undue severity of the measures prescribed by the Act, especially those tending to undermine personal freedom.

The Employment Code

30. The promulgation of the Employment Code constituted a major step forward for Morocco in its implementation of the provisions of the Convention on the elimination of racial

discrimination, since the Code defines the offence of discrimination in the area of employment (art. 9). Moreover, article 36 of the Code stipulates that race, colour, belief, national origin or social origin shall not constitute acceptable justifications for disciplinary measures or for dismissal from employment, so that any dismissal of an employee from his or her job on such grounds is deemed to constitute arbitrary dismissal. The legislature sought in this way to guarantee equality between employees. Furthermore, the Employment Code prohibits employment agencies (art. 478) from discriminating in any way between wage-earners on grounds of race, colour, sex, national origin or social origin in violation of the principle of equality of opportunity in the area of employment.

31. In application of the principle of equality before the law, the Special Court of Justice was abolished by an Act promulgated on 15 September 2004 and its jurisdiction was transferred to the appeal courts. Moreover, the Moroccan legislature has adopted two new laws that have been submitted to the Constitutional Court for its consideration. The first deals with the lifting of parliamentary immunity and the second with the creation of the High Court responsible for prosecuting members of the Government for offences committed in the performance of their duties, thus underscoring the principle that the law is applicable to all persons without discrimination.

32. With regard to immigrants and foreigners resident in Morocco and the Committee's request in its concluding observations for supplementary information concerning the bill relating to immigration and the residence of foreigners (A/57/18, chap. III, sect. C), a new Act promulgated on 11 November 2003 regulates the residence of foreigners in the Kingdom of Morocco and illegal immigration. It enshrines the principle of the equality of all foreigners without discrimination in terms of the conditions governing their residence in and entry into Moroccan territory, and offers them the possibility of obtaining Moroccan citizenship, remaining in Morocco and living side by side with Moroccans after completing the requisite legal procedures.

33. However, some irregular migrants find themselves in difficult circumstances owing to their illegal status and the need to move from country to country in search of a secret passageway to the northern coast and the Mediterranean Sea. In fact, many migrants are eventually arrested on account of their illegal status and are then returned to their countries of origin in circumstances in which their human dignity is preserved. Moreover, some migrants are impelled by their irregular status to take risks in their search for a border crossing that will enable them to enter Europe. In some cases, such risk-taking has a tragic outcome.

34. In this context, the towns of Tetouan and Nador in the Kingdom's northern region have been the scene of events that proved fatal for some African migrants. An official investigation into the events is currently being conducted by the Moroccan judiciary. Moreover, the Advisory Council on Human Rights prepared a detailed report on the subject. Its findings have been submitted to the competent bodies and its content has been made public. Morocco reaffirms in this connection its commitment to the preservation of the human dignity of migrants present in its territory. The perpetrators of any offences against them are brought to justice. Furthermore, African migrant defence associations are in continuous contact with the authorities with a view to improving their situation.

35. The following is an overview of Morocco's involvement in the international human rights system:

- Signing and ratification of a number of human rights treaties and withdrawal of several reservations to the treaties concerned;

- Submission of initial and periodic reports to the United Nations treaty bodies and taking of their concluding observations into account;
- Responses to reports by some States and international human rights organizations;
- Action on commitments undertaken before the Human Rights Council on submission of Morocco's national report in connection with the Universal Periodic Review, which constituted an important step forward in terms of the country's compliance with its international obligations. The report provided Morocco with an opportunity to present its general human rights policy as well as its undertakings and initiatives aimed at developing the relevant legal and institutional framework. It also outlined proposals for workshops which are still awaiting final action and practical arrangements for the implementation of the measures to which it committed itself.

36. With regard to the development of national human rights mechanisms, Morocco has stepped up its efforts at the national and international level to foster human rights principles and to promote effective mechanisms to protect and defend them. In addition to the Government bodies responsible for the protection and promotion of human rights, a national institution based on the Paris Principles has been established to protect, defend and promote human rights principles and to ensure that all persons can exercise their fundamental rights and freedoms without discrimination. These terms of reference were reaffirmed and spelt out in detail when the Advisory Council on Human Rights was restructured in 2001.

37. The Council has issued several advisory opinions on human rights, for instance on the introduction of human rights education into relevant institutions such as educational and training establishments and law enforcement agencies. It has also participated in studies and proposals regarding legislative instruments such as the draft Press Code and the draft Criminal Code and has been involved in examining the question of the abolition of the death penalty, which is still being discussed by the relevant parties with a view to reaching a consensus on the issue. The Council also acts on the recommendations of the Justice and Reconciliation Commission that are referred to it, and is drafting a national charter on the rights and duties of citizens and launching a national action plan for democracy and human rights.

38. The Advisory Council has organized a number of cultural events concerning the rights of children, women and prisoners. It also supports the rights of migrants and has addressed national and international institutions engaged in safeguarding the dignity of migrants against all possible violations of their fundamental rights. It was involved in the preparatory arrangements for the establishment of the Council for the Moroccan Community Abroad, whose members were appointed by His Majesty the King at the end of 2007, an initiative that reflects Morocco's commitment to protect its citizens and to ensure that they enjoy the same rights whether they are resident within the country or abroad.

39. With a view to closing the file on past human rights violations in Morocco, a subject already addressed in paragraph 5 above, the Advisory Council issued a recommendation concerning the establishment of the Justice and Reconciliation Commission with a non-judicial mandate to seek remedies for the gross human rights violations committed in the past.

40. The work of the Justice and Reconciliation Commission focuses on promoting human rights principles and preserving human dignity. The Commission has been granted various powers with a view to achieving its goals, first and foremost that of bringing to light the facts concerning human rights violations by making inquiries, receiving testimony, examining the official archives and collecting data from all sources in order to uncover the truth.

41. The Commission has followed various paths in pursuit of the truth, including legal research based on the study of reports, on-site inquiries involving the organization of meetings to hear the testimony of victims, witnesses and law enforcement officers, and field investigations of cases and sites in which human rights violations were committed. The Commission has gained access to some 17,000 files in respect of which 10,000 persons received compensation. It has also held about 3,500 meetings to hear testimony and investigate statements regarding the violations suffered by the victims.

42. In addition to granting material compensation to the victims or their successors, the Commission has made proposals or recommendations concerning the mental and physical rehabilitation and social reintegration of victims meriting such redress and the resolution of any legal, administrative and professional problems. A total of 16,455 persons have benefited from these measures at a total cost of 64,658,495 dirhams as at September 2008.

43. In view of the fact that some parties and groups suffered collective injuries from the consequences of the crises involving political violence and the resulting violations, the Commission granted them special group status for the purpose of receiving complaints and dealing with the victims' files. It also attached special importance to the award of collective damages by recommending the adoption of social, economic and cultural programmes on behalf of a number of towns, villages and regions. It further recommended that former illegal detention centres should be converted and used for beneficial purposes. Victims of gross human rights violations were given access to health coverage so that they could take advantage of the compulsory health insurance system run by the National Social Security Fund. The State guarantees payment of the costs of health coverage victims to the institution responsible for managing and implementing such coverage. A total of 12,000 persons have benefited to date

44. The Ombudsman's Office (*Diwan al-Madhalim*) is a national institution whose work is related to the promotion of human rights. It was established on the basis of a royal initiative pursuant to a Decree of 9 December 2001 as a constitutional institution mandated to promote excellence in terms of the practical exercise of rights in Morocco. It seeks to protect and defend the rights and freedoms of all persons without discrimination. This is reflected in the preamble to its Statute, which includes among the purposes for which it was established: ensuring the primacy of rights; remedying grievances; supporting the work of institutions that uphold citizens' rights; and creating focal points to intercede with the different government departments. In addition, the three regional national agencies play an important role in supporting economic, social and cultural rights.

Role of the legislature

45. The Parliament exercises its legislative authority in accordance with the powers vested in it by the Constitution. It can thus play a fundamental role in protecting human rights in the areas in which it intervenes and through its procedural mechanisms. The Parliament plays this role by virtue of its status as an authority entitled, for example, to question the Government about its human rights policy and to enact human rights legislation. Moreover, the Constitution empowers the Parliament to intervene directly with a view to investigating events that might involve violations of human rights.

46. The Parliament can take action through its internal regulatory mechanisms to strengthen the basis for the exercise of rights in Morocco. Pursuant to its rules of procedure, it has a number of internal committees that focus, inter alia, on human rights, in particular the Committees on Justice, Legislation and Human Rights in the Chamber of Deputies and the

Chamber of Councillors, which address issues relating to the protection of human rights. In early 2008, for instance, the Committee discussed a number of matters relating to the human rights situation in the presence of the Minister of Justice, who provided detailed clarifications in the course of a serious and constructive dialogue. Furthermore, the Parliament plays a key role in facilitating the alignment of domestic legislation with international human rights treaties.

47. Being aware of the need for more vigorous action to address all forms of discrimination, the Kingdom of Morocco has adopted a number of policies and strategies designed to accompany the legislative reforms and aimed at enhancing the role played by the country's institutional structure in upholding human rights and protecting the dignity of all persons without discrimination.

48. The strategy to combat poverty has been a national priority since the 1990s, as reflected in Morocco's efforts to achieve the Millennium Development Goals (MDGs), for instance through its adoption of the National Human Development Initiative as a measure designed to accompany and support the other strategies that are being pursued by Morocco in the area of development.

49. The Moroccan Government is drawing up a plan of action in support of the Initiative in cooperation with various partners representing local associations, the private sector and civil society. It addresses all sectors of society throughout the Kingdom and is based on objective standards that take into account the degree of urgency of the situation and the pressing need of the target population for social rehabilitation. Thus, priority was given to 360 rural associations, 250 of the poorest and most marginalized urban districts, and groups suffering from exclusion and disabilities.

50. The Initiative and various other social projects continue to be implemented notwithstanding the constraints imposed by the economic difficulties that Morocco has been experiencing for the past few years. This is reflected in the increased appropriations to the social sector in the State budget. Thus, the share of the social sector rose from 47.4 % in 2002 to 55.5 % in 2005 and 67.2 % in 2007.

51. At the institutional level, the national strategy to combat poverty, vulnerability and marginalization has involved the establishment of three social poverty agencies for the eastern, northern and southern regions and prefectures of the Kingdom with a view to paying greater attention to the needs of the inhabitants and preserving their economy and culture.

52. These agencies play a vital role in the development process, as provided for in the Declaration on the Right to Development adopted by General Assembly resolution 41/128 of 4 December 1986. For instance, the agencies draw up comprehensive economic and social programmes designed to achieve optimum balance between the various regions of the Kingdom. The work of the development agency for the northern regions covers the northern part of the Kingdom, including the Amazigh areas and, for example, the city of Hasima, which was struck by an earthquake in 2005 that claimed the lives of many of its inhabitants. Many sectors of society were mobilized with a view to alleviating the impact of the disaster. The development agency for the northern regions drew up an emergency programme to afford protection against natural disasters and to assist in reconstruction. Under the programme 520 dwellings were made available and financial and material assistance was provided to disaster-stricken families. Moreover, buildings were rebuilt and public roads repaired at a budgetary cost of some 57 million dirhams. The development agency for the southern regions has also been attending to the economic, social and cultural needs of the inhabitants of those regions.

53. It should be noted that the action taken in the fight against poverty, notwithstanding the constraints imposed by the circumstances associated with the spread of poverty due to the global economic crisis, has produced positive results reflected in a decline in the proportion of the population living in poverty. With regard to data concerning the first Millennium Development Goal, i.e. the reduction of poverty, the following figures were recorded for the period from 1985 to 2004:

- A reduction in the rate of extreme poverty from 12.5 % to 7.7 %, i.e. by roughly 38.5 %;
- A reduction in the rate of relative poverty from 21 % to 14.2 %, i.e. by roughly 32.4 %;
- A reduction in the rate of vulnerability from 24.1 % to 17.3 %.

54. This decline in poverty rates was not evenly spread between the rural and urban populations and the different regions. In urban areas the rate of relative poverty dropped from 13.3 % in 1985 to 10.4 % in 1994 and 7.4 % in 2004, while the rate of decline was limited in rural areas, where the corresponding rates were 26.8 %, 23 % and 22 %. The rate of extreme poverty declined in urban areas from 6.8 % in 1985 to 3.5 % in 2004, compared with a decline from 18.8 % to 12.8 % in rural areas.

55. This disparity in the reduction of poverty rates continues to affect rural areas on account of their lack of local resources and difficult geographical situation. All these factors contribute to the marginalization of the areas concerned, which suffer from inadequate attention on the part of the central authorities or poor management of local resources. As a result, some Moroccan villages find themselves in a difficult situation and more vigorous action is necessary to end their isolation and place them on an equal footing with other areas that enjoy better economic and social conditions.

56. With a view to promoting rural development, improving the social and economic circumstances of the inhabitants of rural areas and supporting their rights, a plan of action based on a qualitative approach to agricultural and rural development policies, programmes and projects has been elaborated. It provides for an improvement in the income of needy members of the rural population and in the economic situation of women, guaranteed access to health services for rural women, men and children, an improvement in food supplies for the poor, and assured access for rural children to schools, at least up to the preparatory level, by 2015. Action has also been taken to reduce illiteracy rates among men and women to 20 % by 2010 and it is hoped to abolish illiteracy in the 10 to 25 age group by 2015.

57. Rural areas have benefited from social development projects that guarantee access to health and education services, projects aimed at ending rural isolation through drinking-water and electricity supply programmes, and the national rural roads programme.

58. The drinking-water supply programme for rural areas launched in 1995 has achieved major results. The rate of supply increased from 40 % in 2000 to 52 % in 2002, 70 % in 2005 and 77 % in 2006.

59. Moreover, the rural coverage of the electric power supply increased from 45 % of rural areas in 2000 to 62 % in 2003, 88 % in 2006 and over 90 % in 2007.

60. The national rural road programme also achieved major results during the period from 1995 to 2005: 5,561 kilometres were built and 4,613 kilometres were repaired, which corresponds to a total of 10,174 kilometres of rural roads. During the second stage of the programme, from 2005 to 2015, it is planned to build and repair 15,500 kilometres of roads at an average annual rate of 1,500 kilometres.

61. These achievements, however commendable, fall short of the country's aspirations. The Kingdom of Morocco will therefore persist in its efforts to break the isolation of remote rural areas, some of which still have no roads linking them to urban centres, a circumstance that adversely affects their social and economic situation. These areas are characterized by difficult topographic conditions which call for considerable financial resources and hence an increase in the State budget for infrastructure as well as the involvement of the private sector and civil society institutions in achieving local development.

62. It should be noted in this connection that the national strategy to universalize basic education will focus in its future programmes on educational development in rural areas and attach special importance to the rural population and environment. This approach will be based on:

- School enrolment and action to prevent dropping out;
- Allocation of a portion of educational expenditure to poor families; thanks to a royal initiative, 1 million schoolbags were distributed to needy children at the beginning of the 2008-2009 school year;
- Improvement of the living and professional conditions of teachers;
- Expansion and improvement of school canteens.

63. In the area of literacy education, the Ministry of Agriculture, together with the Ministry of Employment and the Ministry of Social Development and Solidarity, prepared a functional literacy programme based on agricultural activities as a means of instruction. It is funded by the National Literacy Programme. A total of 69,011 children in rural areas benefited from the programme to prevent dropping out during the 2006-2007 academic year, compared with 17,393 during the 2005-2006 academic year. Moreover, 7,648 women and girls benefited from the programme during the 2006-2007 academic year. These initiatives had a positive impact on the average illiteracy rate in Morocco, which declined from 43 % in 2004 to 38.5 % in 2006 and 34 % in 2008 among persons aged 10 years or over.

64. Notwithstanding Morocco's efforts to eradicate illiteracy, its achievements still fall short of its aspirations and the Government's policy is still far from achieving its aims. This is due to a variety of causes, foremost among them the limited budgetary funds allocated to the fight against illiteracy, the lack of continuous coordination among the Government agencies involved, and the difficulty of achieving literacy goals in some remote rural areas on account of the shortage of educational facilities, on the one hand, and the limited response of prospective beneficiaries, on the other. The Kingdom of Morocco therefore plans to take more vigorous action to reduce the illiteracy rate, especially in villages and remote areas.

The situation of women with respect to non-discrimination

65. Enhancement of equality: On 19 May 2006, the Moroccan Government launched and commenced implementation of a national strategy aimed at achieving justice and equality between the sexes. Based on an initiative by the Secretariat of State for the Family, Children and People with Disabilities, the strategy has been implemented in conjunction with relevant governmental and non-governmental bodies and with the support of the United Nations Population Fund (UNFPA). The strategy seeks to incorporate a gender component in development policies and programmes, to reduce existing differences between the sexes in the economic sphere and to promote women's participation in the political process. It is based on a

comprehensive and integrated approach involving coordinated and complementary contributions by all actors concerned.

66. In this context, a special gender report was incorporated for the first time in the economic and financial report relating to the Finance Act, which is a series of reports concerning budgetary reform based on results-based and gender-responsive budgeting.

67. This project forms part of a broader programme entitled “Strengthening economic governance through applied gender analysis of government budgets” that is being implemented under the supervision of the United Nations Development Fund for Women (UNIFEM) in 20 countries. The aim is to support national capacities to incorporate a gender approach in sectoral budgeting. Morocco succeeded for the first time in producing a gender-based report that was incorporated in the economic and financial report accompanying the 2006 Finance bill.

68. With a view to protecting women from all forms of violence and exclusion, a strategy to counter violence against women was adopted in the form of a partnership between governmental bodies, women’s listening and legal advice centres, and civil society actors. As part of the strategy, a free countrywide telephone hotline was established for women and girl victims of violence. It takes calls from complainants in Arabic, Amazigh and other languages, and emergency calls are answered seven days a week until midnight. The complaints are recorded and referred to collaborating institutional bodies, including those dealing with health, justice and national security, and the Royal Gendarmerie in emergency cases, and to the listening and legal advice centres for women victims of violence.

69. With the same end in view, a National Observatory to Counter Violence against Women was established as a coordinating body in pursuance of the national strategy to counter violence against women. Its mandate consists in monitoring and collecting quantitative and qualitative data concerning the prevalence of the phenomenon of violence against women. It studies the data and makes proposals for appropriate solutions on a case-by-case basis.

70. The following are some practical measures taken to prevent domestic violence:

a) The establishment of family divisions in the lower courts: there are now about 67 such divisions;

b) Provision for cases of domestic violence at the level of public prosecutors’ offices; in this connection, the Ministry of Justice published a circular containing recommendations to public prosecutors’ offices that have produced the following results:

- Establishment of units in all courts to receive women victims of violence;
- Coordination between public prosecutors’ offices and human rights associations in addressing violence against women;
- Provision for legal assistance to women and for moral support;
- Monitoring of the phenomenon by filling out forms for the purpose of compiling statistics;
- Drawing on international experience in countering violence against women; for instance, a number of judges and staff members of the Ministry of Justice and of other government agencies involved in countering violence against women have benefited from Spanish experience in this regard.

71. The following are some of the projects currently being undertaken to counter violence against women:

- Creation of shelters for women victims of violence and provision, where necessary, for psychological care for the perpetrator;
- Recourse by the courts to the assistance of social workers;
- Intensification of campaigns to raise awareness of the danger of the phenomenon and of the means of redress. Notwithstanding the efforts undertaken to curb domestic violence through legal action, a number of challenges related to the shortage of judges, qualified human resources and adequate facilities must still be addressed.

Protection of women's health

72. Regional women's centres have been established with a view to providing effective health care for women. They coordinate and support local efforts on behalf of women in vital areas such as reproductive health, literacy education, vocational training and income-generating activities. Effective action in this regard was initiated through the establishment of a regional women's centre in the city and region of Ouarzazate in the framework of a plan which provides for the gradual inauguration of similar facilities in other parts of the Kingdom.

Participation of women in the running of public affairs

73. Moroccan women are active in many different fields and have recently penetrated areas of social activity that were previously monopolized by men. The principle of equality has thus become the basic criterion for the assumption of office.

Promotion of awareness of women's rights

74. The Moroccan Centre for Information, Documentation and Research on Women (CMIDEF) was established on the basis of an initiative by the Secretariat of State for the Family to promote and generate awareness of women's rights. Its objectives include support for national policies concerning women's rights through the creation of specialized technical agencies in various fields, which focus on and assess activities relating to women, particularly legal support, employment, economic integration, health and education.

75. With a view to enhancing women's image in the media, a National Charter was drafted to serve as a moral basis for the fair treatment of women and as a frame of reference to ensure that women are portrayed fairly and equitably by the whole range of national media outlets and with due respect for their nature and image. These various efforts to promote women's rights were acknowledged through the selection of Morocco by the United Nations from a list of 16 countries that had benefited from United States support in the context of the Millennium Challenge Compact during the 2006 financial year.

The status of children's rights

76. In the context of its policy of taking more vigorous action in support of vulnerable groups, Morocco has given special attention to the situation of children and adopted a number of measures aimed at protecting this social group, particularly the implementation of international treaties on the rights of the child and accession to the two Optional Protocols to the Convention on the Rights of the Child. It has also ratified International Labour Organization (ILO) Convention No. 138 (1973) concerning the Minimum Age for Admission to Employment

and Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, as well as Recommendation No. 190 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour. A Decree of 19 December 2004 listed prohibited forms of labour for young people under 18 years of age, women and employees with disabilities, in accordance with the provisions of international treaties.

77. To deal with the situation of unaccompanied children, Morocco set up a National Commission representing a number of different ministries to devise practical procedures for rescuing and protecting unaccompanied Moroccan children with illegal status in some European countries such as Spain and Italy. The Commission studied and analysed the phenomenon. A memorandum of understanding was also signed between Morocco and Spain on 23 December 2003 requiring both parties to repatriate unaccompanied children. Morocco is continuing to take action on behalf of this group of children so that they can live a decent life as cherished members of society.

78. The Kingdom has taken major steps in cooperation with relevant civil society organizations to protect and preserve the human dignity of children living in the streets, who may be involved in shady dealings such as drug-taking and live a life of hardship. A basic difficulty in addressing this issue is that the children concerned have been driven into the streets by a number of factors including, primarily, their family. This dimension must be taken into account in future strategies to deal with the phenomenon and efforts on behalf of this group of children must be redoubled.

79. Under the heading of strategies and policies in support of the rights of the child, Morocco adopted a National Plan of Action for Children covering the period 2006-2015 entitled "A Morocco Worthy of its Children". The Plan focuses on promoting children's rights in the areas of health, education and training.

80. In the area of legislation, the Kingdom of Morocco has recently updated its body of legislative enactments through the adoption of amendments consistent with international standards pertaining to the rights of the child, such as:

- Establishment of special courts for juvenile offenders;
- Prohibition of the participation of children as artists in dangerous games that adversely affect their health and morals (arts. 14 to 17 of the Act concerning the status of artists);
- Raising of the age of criminal responsibility to 18 years;
- Raising of the minimum age of employment to 15 years;
- Creation of special bodies to deal with juveniles in the judicial police, the Public Prosecution Service and juvenile courts;
- Compulsory declaration of births;
- Assignment of the names of the father and mother to children born outside wedlock;
- Adoption of a law concerning foster care (*kafalah*) for abandoned children that makes it easier to comply with the rules governing such care and guarantees that the children benefit from appropriate care without discrimination;
- Entitlement to Moroccan nationality of a child born to a Moroccan father or a Moroccan mother.

81. With a view to ensuring more effective protection for people with disabilities and children with special needs, Morocco has taken major steps to safeguard the interests of these groups by updating its legislation. It has enacted the following laws:

- Act concerning the social protection of persons who are blind or visually impaired;
- Act concerning the protection of persons with disabilities;
- Accessibility Act.

82. Moreover, the Government created a ministerial department responsible for persons with disabilities in 1994. The following are some of the programmes that it has developed on behalf of this social group:

- A social rehabilitation programme;
- A school integration programme for children with disabilities;
- A support programme to provide technical aids for children with disabilities from poor families;
- A support programme for disability and child care associations.

83. With a view to enabling children with disabilities to exercise the right to education, the Ministry of National Education has been implementing a strategy since 2004, in conjunction with the agency responsible for the situation of persons with special needs, aimed at increasing the school enrolment rate of children belonging to that category. As a result, the number of pupils in integrated classes increased from 611 beneficiaries in 2000 to 2,093 in 2006, and the number of integrated classes increased from 47 in 2000 to 432 in 2006. Moreover, the programme has been expanded to the country's prisons to enable inmates with disabilities to exercise their right to education.

The Amazigh component of the population

84. In response to paragraph 18 of the Committee's concluding observations (CERD/C/62/CO/5) concerning the integration of Amazighs so that they are placed on the same footing as the other components of Moroccan society, the Kingdom reaffirms that its people constitute a single nation with a single multi-dimensional identity composed of diverse cultural components: Arab, Amazigh, Andalusian, African, Islamic, Christian and Jewish. It is a country that lives in unity amid diversity, enriched by the mixed Arab and Amazigh blood that has been a characteristic of the Moroccan people for centuries. They are a single people joined together by common bonds.

85. The policy pursued by Morocco does not treat the Amazigh question as one of racial discrimination but rather as one related to the project of building a democratic society and a modern State based on equality, social solidarity and allegiance to the basic constituents of national identity. It is a policy that promotes Amazigh culture as a fundamental component of the national personality and cultural identity of the Moroccan people. Responsibility for its preservation and promotion therefore lies with the entire nation and it is not just a local or regional issue.

86. The view that the Amazigh question is an ethnic or racial issue relating to an indigenous people in our country is an erroneous one. As stated by His Majesty the King in his speech in Agadir, Amazigh culture "belongs to all Moroccans without exception". Moroccans, whatever their origin, constitute a single people with the same rights and the same duties. Moreover,

Morocco is proud of the fact that many of its citizens of Amazigh origin participate in running the affairs of the country with proven expertise and professionalism and with dedicated patriotism, holding high office as ministers, notaries, secretaries of political parties, members of Parliament, senior army officers and ambassadors, or by managing business firms and supporting the national economy.

87. A number of measures have been taken to promote the Amazigh language as a component of the Moroccan nation, culture and society. The establishment of the Royal Institute for Amazigh Culture (IRCAM) on 17 October 2001 constituted a major advance in terms of the promotion of cultural rights and support for diversity in Morocco. The Institute undertakes research into Amazigh culture and seeks to enhance its status as a fundamental component of national culture and the cultural heritage. The following are some examples of the Institute's activities:

- Assisting in the development of basic and in-service training programmes for Amazigh teaching staff, civil servants who must use Amazigh in the course of their duties, and anyone who wishes to learn the language;
- Assisting universities in setting up Amazigh linguistic and cultural research and development centres and in training their staff;
- Studying methods of writing Amazigh that make it easier to teach the language by:
 - Producing appropriate teaching materials and compiling dictionaries and glossaries of specialized terms;
 - Preparing work plans for teachers to be applied in general education; such plans must be consistent with the State's general national educational policy.

88. Immediately after the establishment of the Royal Institute for Amazigh Culture, the Tifinagh alphabet was adopted. As the Institute developed the rules and standards, it became known as the "IRCAM Tifinagh" alphabet. Morocco thus became the first country to take practical action to settle the question of how to write the Amazigh language, basing itself on the natural script. Tifinagh may be said to have entered the computer era by the front door since the International Standards Organization (ISO) decided by consensus to adopt the Tifinagh symbols as part of the international alphabet code system.

89. With a view to integrating the Amazigh language and culture into curricula and syllabuses, the Royal Institute for Amazigh Culture and the Ministry of National Education, Higher Education, Training and Scientific Research signed a Partnership Agreement that provided for the establishment of a joint Coordination, Oversight and Assessment Committee. The Amazigh project under the Agreement was launched in 5 % of educational establishments at the beginning of the 2003/04 academic year. Full integration will be a gradual process based on horizontal and vertical procedures. It was planned to reach the fourth year of primary education during the 2006/07 academic year with coverage of 30 % of the educational establishments on the school map.

90. Since autumn 2003, IRCAM has been producing Amazigh language teaching materials for the first year of primary education, for instance the booklet *Awal Ino* with flash cards and an accompanying tape with recordings of the texts contained in the booklet. The first official Amazigh textbook entitled *Tifawin a Tamazight* was published in mid-April of the 2003/04 academic year. It consists of a book for the pupil and a teacher's handbook. The first four levels have now been published. Alongside these textbooks, the Institute has published an important set of teaching guidelines to ensure that the most effective use possible is made of the

educational materials. With regard to higher education, the Agadir Arts Faculty introduced Amazigh studies at the master's degree level during the 2006/07 academic year.

91. IRCAM developed a strategy in partnership with the Ministry of Communication aimed at supporting the integration of Amazigh into the media, especially the audio-visual media.

92. With a view to preserving Amazigh identity and in response to the observations of the Committee on the Elimination of Racial Discrimination concerning the entering of Amazigh first names in the civil register, civil status departments at the commune and district level have begun to accede to requests for the registration of Amazigh names. In the event of a dispute, the matter is referred to the High Commission on Civil Status for a ruling. A number of applications for the registration of names of Amazigh origin have been submitted to the Commission for consideration in the light of legal provisions governing civil status and the basic principle that the name should be Moroccan. In recognition of the diversity of Moroccan identity and culture, the Commission has accepted a large number of Amazigh names, including the following: Amazigh, Amlal, Ous, Idir, Tasnim, Todla, Tifawt, Masinissa and Numidia.

Article 3

93. As mentioned in its previous national reports, the Kingdom of Morocco has always strongly condemned and opposed all forms of racial discrimination and its legislation prohibits all practices aimed at racial segregation between its regions or the human or cultural components of its population.

94. In view of the need to promote the effective and balanced development of the whole territory of the Kingdom, special attention has been given to the Saharan provinces of Morocco since 1976. This is reflected in social, economic and cultural programmes aimed at the development of housing, health, education, infrastructure, the administration, the economy, services, sports and culture.

95. This initiative has been backed up by a strategy aimed at ensuring that all regions benefit from basic infrastructure and facilities. Pursuant to a regional policy adopted in 1990, the Kingdom was divided into 16 administrative regions with regional boards that implement development programmes. Each region has its own budget in support of programme implementation, an initiative that has had a favourable impact on the administration of local resources, promoting balance and integration between the different regions of the Kingdom.

96. As a result of its experience at the regional level, Morocco has adopted a new vision of the regional approach involving a shift from the territorial to the political dimension with a view to promoting local democracy. It was in this context that Morocco proposed autonomy as a peaceful solution, enabling the inhabitants of the Moroccan Sahara to become involved in achieving sustainable local development on behalf of the country's Saharan citizens.

97. The Moroccan Government, in cooperation with various partners, is taking the necessary steps to ensure that the inhabitants of the Saharan regions can exercise and enjoy all economic, social and cultural rights. Moreover, the regions concerned receive special assistance under the National Social Development Initiative, and a special Agency has been created to provide them with economic, social and cultural support.

98. The Agency has taken action in support of the economic and social reinvigoration and development of the southern regions since its establishment on 6 March 2002. It has drawn up an integrated development plan comprising a series of programmes aimed at turning the regions

into a pole of economic growth with distinctive features complementing those of other regions, thereby benefiting all Moroccans, in both the north and the south of the country, without any distinction or discrimination, in accordance with the principles set forth in the Constitution.

99. The Agency's programme for the period 2004-2008 comprises some 226 projects costing roughly 8 billion dirhams and focusing on six key areas:

1. Inadequate housing: construction of about 9,824 affordable homes in Oued El Dahab-Lagouira and in Laayoune-Boujdour-Saquiya El Hamra; renovation of residential areas in Guelmim-El Smara; and construction of 500 affordable homes in Asa Alzak, Awsard and Tan-Tan;
2. Traditional and coastal fishing villages;
3. Water and the environment: this project is intended to supply the inhabitants with drinking water by building channels, digging wells and desalinating seawater;
4. Road building and port construction; general access to the electricity supply;
5. Local tourism and traditional regional crafts.

The cost of the 2006-2007 phase of the programme was 3.06 billion dirhams, 1.26 billion of which – some 40 % – was met by the Agency.

100. The results of these initiatives may be grouped under the following headings:

1. Infrastructure: The regions have been provided with the following facilities and services:
 - (a) Two main airports;
 - (b) Three main ports;
 - (c) A 5,883-kilometre national road network, of which 2,203 kilometres are paved roads;
 - (d) A drinking-water supply that covers 90 % of the region;
 - (e) An electricity supply that covers 80 % of the region.
2. Socio-educational and cultural facilities: The regions have been provided with the following facilities and services:
 - (a) Enrolment of 82 % of children in 78 educational institutions; a teacher training college and a number of vocational training centres have been established;
 - (b) The regions currently have 4 cultural centres, 3 sports complexes, 13 youth centres and 15 women's clubs; Morocco plans to redouble its efforts in the future in order to build on its achievements in this area.
3. Health facilities: The region has been provided with 8 hospitals, 21 health-care centres and 15 clinics; there is one physician for every 2,253 inhabitants.
4. Housing: The construction sector in the Saharan provinces of Morocco has recorded strong and accelerating growth. New towns have sprung up in less than 30 years and the quality of housing has improved. The Government is continuing its efforts by implementing programmes to address inadequate housing, to build affordable accommodation and to renovate districts and towns. Former corrugated iron dwellings in the Unity Camp in Laayoune have

been demolished and programmes aimed at eliminating shanty towns and upgrading the architectural environment in the Saharan provinces are being implemented. The State has invested a total of roughly 1,414 billion dirhams in these programmes and by 2009 they will have benefited almost 44,750 families in various southern provinces and towns.

5. Services: The Government continues to provide services to the population of these regions and to expand and diversify them by carrying out studies aimed at remedying desertification and sand drift. It grants loans in support of small-scale and medium-scale projects; provides material and moral support to civil society institutions; boosts energy and consumer resources; and helps to provide employment opportunities for unemployed young people. It also supports the regional press, radio broadcasting (Dakhla and Laayoune radio stations) and the visual media through the regional Laayoune television channel, which is managed by young graduates from the region.

101. Local cultural differences in terms of customs and traditions between the northern, southern, central, Atlas and Saharan regions and between Arabs and Amazighs have never been a divisive factor but rather enhance national unity. This is a general rule that applies to everyone and benefits everyone, including the population of the Saharan provinces. Persons from these provinces enjoy equality in terms of treatment, the channelling of investment and the creation of employment opportunities in accordance with the principle of equal living conditions, equal investment of resources and equal sharing of wealth.

102. As sustainable development calls for the involvement of local stakeholders in the elaboration of projects and programmes to achieve that goal, Morocco established, through an initiative of His Royal Highness the King, the Royal Advisory Council on Saharan Affairs in 2006. The Council is composed of representatives of more than 40 tribes of the Moroccan Sahara as well as prominent human rights defenders and representatives of civil society organizations.

103. The Royal Advisory Council on Saharan Affairs undertakes a variety of activities with national political, social and economic dimensions. In addition to its role as a consultative body on issues pertaining to the defence of the territorial unity of the Kingdom, the Council may issue advisory opinions on human development and propose initiatives and projects aimed at promoting the human, social and economic development of the southern regions in coordination with all national and local bodies. This highlights the national dimension of the Saharan question, which does not concern a particular group as such, but rather its status as an integral part of the national dimension, a component of society, a territory forming part of the territorial unity of the Kingdom and a culture contributing to the Moroccan cultural heritage.

104. The Saharan regions constitute an integral part of the Kingdom, and its inhabitants, as Moroccan citizens on an equal footing with their compatriots in the other regions, enjoy the same treatment, are subject to the same laws and have the same rights and duties, especially in terms of guarantees of due process, personal safety, and freedom of movement, expression and action. Nobody is arrested or prosecuted save in accordance with the rules laid down by law. As a State based on the rule of law must apply the law equally to all its citizens, the arrest and prosecution of some inhabitants of the regions concerned on the ground of assembly without a permit were undertaken in accordance with the law. The judicial proceedings against the Saharan Moroccan parties were just and fair, and the suspects enjoyed all legal guarantees to the extent that the acts they had committed fell within the scope of the law, to which all citizens are subject without discrimination and without exception.

Article 4

105. In view of its support for human rights and the principle of equality and its rejection of all discriminatory ideas aimed at marginalization and exclusion, Morocco opposes racist propaganda and theories by all means at its disposal.

106. By virtue of its constitutional espousal of human rights principles, Morocco is committed to continuous compliance with internationally recognized principles and to the legal safeguarding of such principles by defining the rights involved and by securing respect for them through the imposition of criminal penalties for all violations.

107. Article 39 bis of the Press Code, as amended on 3 October 2002, is applicable in this context. It condemns and prohibits racial discrimination in the mass media, public discourse, during public assemblies or in public places. Such acts are punishable with a prison term of between one month and one year and a fine of between 3,000 and 30,000 dirhams.

108. This prohibition is applicable to incitement to racial discrimination, as stipulated in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. It is applicable both to the main perpetrators of such acts and to accomplices whose involvement may be limited to the provision of assistance, including funding, for racist activities. The accomplice incurs the same penalty for the offence concerned. These provisions have been maintained and the relevant legal safeguards have been enhanced in the draft Press Code, which is awaiting completion of the formalities for referral to the Parliament with a view to its adoption and entry into force.

109. The Moroccan judiciary has dealt rigorously and stringently with such cases of incitement to discrimination, as demonstrated by the judgements handed down. By way of example, mention may be made of the judgement delivered by the Ouarzazate court of first instance on 12 January 2007 in judicial proceedings against a person for the offence of incitement to discrimination under article 39 bis of the Press Code.

110. This judgement confirms that the Moroccan judiciary supports international efforts to further global human rights concepts and endeavours to apply the provisions of international treaties, particularly the Convention against racial discrimination. The judiciary addresses the issue of racial discrimination whenever the Public Prosecution Service obtains knowledge of the existence of racial discrimination in the context of judicial proceedings.

111. For instance, the Public Prosecutor's Office attached to the Tangiers court of first instance summoned the manager and editor of the newspaper *Al-Shamal* after it published an offensive article on Africans in its issue No. 283 of 2005. When questioned by the Public Prosecutor's Office, the editor of the newspaper stated that the choice of title had simply been a professional error. The paper published a three-page apology. The Public Prosecutor's Office submitted the article to the President of the court, who was responsible for taking judicial decisions on urgent applications, requesting him to order the withdrawal of the issue in question from the market. As a result, the judicial police withdrew the issue from newsstands and bookshops.

112. The Moroccan legislature has also taken steps to extend the applicability of this prohibition to other areas, especially through the adoption of major amendments to the Associations Act on 23 July 2002. The Act prohibits the establishment of associations that promote discrimination. A similar provision is contained in the recently adopted Political Parties Act.

113. In accordance with the Convention against racial discrimination, article 3 of the Associations Act stipulates that any association constituted on a racial basis or with the aim of promoting any form of incitement to discrimination shall be considered illegal. Article 17 of the same Act reiterates this precept with respect to political associations, which are also required to comply with the provisions of article 3; in other words, the constitution of political associations based on incitement to discrimination is prohibited.

114. Breaches of the provisions of the Associations Act, which basically safeguards the principle of equality and prohibits all forms of discrimination, entail criminal penalties. Thus, in addition to the civil penalty whereby the association is declared null and void, article 20 imposes punitive sanctions. Any person found to have committed such offences is subject to a fine of up to 10,000 dirhams.

115. The outlawing of discrimination in Morocco is not confined to racial incitement but also extends to all manifestations of discrimination, including the establishment of political organizations based on discrimination, incitement to discrimination or ideas of racial superiority. Discrimination is also prohibited in the political sphere through the ban on political parties based on discrimination. Pursuant to article 4 of the Political Parties Act adopted in 2007, any political party that is based on a particular religion, language, race or region or, in general terms, on postulates that are discriminatory or contrary to human rights is deemed to be illegal. Thus, Moroccan law treats institutions that are based on discrimination or incitement to discrimination as illegitimate and sanctions their establishment. Moreover, membership of such organizations is deemed to be illegal.

116. The legislature has enacted legal provisions aimed at ensuring that political parties comply with these principles, for instance by imposing penalties for any violation of aforementioned article 4 involving the dissolution of parties in breach of its provisions. The Public Prosecution Service and any concerned individual can apply to an administrative court to have a party constituted on a discriminatory basis dissolved. The court can order the provisional closure of the party's offices pending a decision on the matter. Article 53 of the Political Parties Act is applicable to such procedures.

117. In practice, there are no political parties in Morocco based on discrimination because of the diverse membership of existing parties, which are composed of Moroccan Amazighs, Arabs, Muslims, Christians and Jews. The Moroccan authorities prohibited the formation of one political party on this ground, namely the Amazigh Democratic Party. A Moroccan court judgement held that its establishment was null and void because it was based on racial origin in breach of the Political Parties Act and international treaties. Although the Moroccan administrative authorities banned the party in question, they have granted their approval in a number of rulings for the establishment of new political parties.

Article 5

The right to equal treatment before the tribunals and other organs administering justice

118. The basic principle of equality is applicable to all persons appearing before the courts. The Moroccan judiciary's role in applying that principle to all parties is based on the universal right to a defence and to due process without discrimination on grounds of sex, religion, language, race or any other characteristic. In the area of criminal law, the Code of Criminal Procedure enshrines this right in procedures that are in conformity with internationally recognized standards and that ensure its enjoyment on an equal footing by all parties. Both the

Criminal Code and the Code of Criminal Procedure consistently apply the principle of equality to the accused and take no account of his or her sex, race or creed. For example, if a (Moroccan or foreign) accused is unable to speak the Arabic language, which is the official language of the judicial system, the judge is required to appoint an interpreter or a person who can communicate with the accused, both during proceedings before the public prosecutor's office (art. 47 of the Code of Criminal Procedure) and during the trial (art. 318 of the Code of Criminal Procedure).

119. In accordance with these rules, the conduct of judicial police officers is subject to judicial supervision, either by judges attached to the Public Prosecution Service during the preliminary investigation stage or by trial judges, who can declare the judicial police records null and void if they fail to comply with the safeguards provided for in the Code of Criminal Procedure. The judiciary, as the custodian of rights and freedoms, may also, of its own motion, question the soundness of the procedures followed in the event of a breach of police custody regulations governing deprivation of liberty, in accordance with the spirit and basic postulates of the Moroccan Code of Criminal Procedure.

120. Moreover, with a view to bringing justice closer to the people and facilitating public access to justice without discrimination, Morocco has taken steps to ensure universal coverage of the national territory by the court system. It applies to that end objective and impartial criteria based on the average case load and the number of inhabitants. Since 2002 four new first instance courts have been established. Moreover, two administrative appeal courts have been established in Rabat and Marrakesh in support of specialized branches of the judicial system. It is planned to extend this initiative gradually to other parts of the Kingdom.

121. With a view to modernizing and upgrading the judicial system, steps have been taken since 2004 to implement preliminary programmes aimed at facilitating access to legal services. For instance, the Ministry of Justice has launched a new electronic portal offering services that make it easier to keep track of files and the implementation of procedures, the aim being to make legal and judicial information universally accessible and to familiarize the general public with the rights guaranteed by the laws in force and the institutions responsible for protecting them.

The right to security of person and protection against violence or bodily harm, whether inflicted by government officials or by a group or institution

122. Morocco has taken major steps to guarantee personal security, to protect people's physical safety and the safety of their property and, in general, to fight all kinds of crime. The security policy pursued to that end is based on human rights principles and on compliance with the legal provisions defining the mandate of the various law enforcement agencies and the manner in which they are to discharge their duties. The judiciary ensures that the law enforcement agencies comply with these legal principles in fighting crime, prosecuting the perpetrators and bringing them to justice.

123. The spread of the phenomenon of international terrorism has not left Morocco unscathed. It has reacted with all necessary vigour to the terrorist attacks launched against it, as a State based on the rule of law whose institutions operate on the basis of a number of procedural and substantive legal instruments.

124. With a view to protecting the security and personal safety of all citizens, the law enforcement agencies have done their utmost to foil the attempts of some terrorist groups to engage in subversive activities. Some of those involved were arrested and prosecuted and the

courts handed down various judgements against them. These efforts to maintain security and to prevent the commission of acts that jeopardize people's security and safety are ongoing. A series of inquiries and investigations led to the dismantlement of terrorist networks. The relevant files were submitted to the courts exercising jurisdiction, which handed down judgements against those involved. Moreover, the law enforcement agencies have stepped up their campaigns to dismantle terrorist cells.

125. With regard to the right to protection against the excessive use of force, especially by members of the law enforcement agencies, the legislation in force contains a number of provisions designed to guarantee such protection. Moreover, the courts afford protection against the unwarranted use of force by the law enforcement agencies, especially since the agencies concerned are responsible for maintaining law and order, protecting private and public property and the basic freedoms of the population, and preventing threats to security and stability, occupation of the public highway, disruption of traffic and interference with the welfare of pedestrians and traders, without resorting to undue force. It should be noted in this connection that the growing phenomenon of public protest, against which the law enforcement agencies may be mobilized, is basically a healthy phenomenon that reflects mature social advocacy in support of existing rights. At the same time, however, public protest and freedom of expression should remain within the bounds of the law. Moreover, the legal vacuum that exists with regard to the right to protest should be filled so that, on the one hand, people are free to exercise that right and, on the other, law and order is maintained.

126. With a view to ensuring the speedy entrenchment of human rights principles, the Kingdom of Morocco established the necessary mechanisms to guarantee the right to protection against torture and arbitrary detention, both in terms of legislation and organizational requirements and at the practical level. The Public Prosecution Service supervises and monitors the work of the judicial police, pursuing a criminal justice policy that is based on the options and principles laid down in the circulars issued by the Ministry of Justice. Judges attached to the Public Prosecution Service visit police custody facilities to check the conditions in which detainees are being held, to determine the lawfulness of their arrest and to ensure that the legal time limit for such detention is respected. They also visit prison facilities to ascertain compliance with the legal provisions governing penitentiaries and to ensure that prisoners enjoy the rights to which they are entitled. The Code of Criminal Procedure also requires the Royal Attorney-General, the royal attorney and the investigating judge to order a medical examination for a person appearing before them if the person so requests or if they notice physical traces of violence or torture. Needless to say, these mechanisms will be updated and improved in the light of continuous oversight and assessment of possible shortcomings and abuse.

127. Since the entry into force of the Act prohibiting and defining the offence of torture on 14 February 2006, the Ministry of Justice has organized study sessions and round tables for members of the judiciary and some prison governors in order to underscore the importance of the matter and to promote an ethical approach to judicial action and prison management in line with the policy of consolidating human rights. The Ministry has also issued circulars on the subject and organized programmes aimed at promoting a human rights culture and training programmes.

128. Any offence committed in this context is investigated and the authorities do not hesitate to take firm and severe action against all unlawful practices when they have access to evidence of violations allegedly committed either by officials or detainees. They also do not hesitate to take the requisite disciplinary measures against officials for dereliction of duty and to prosecute them if necessary. Thus, 8 police officers were prosecuted in 2006 and 28 in 2007. Moreover,

the Marrakesh Appeal Court, in case No. 05/139 of 11 May 2006, sentenced a judicial police officer to 10 years' imprisonment for violence resulting in unintentional homicide.

129. Law enforcement agents, including judges, officers and support staff who commit acts of violence or aggression or who violate a person's physical integrity in the performance of their duties are liable to prosecution under the Criminal Code. The relevant provisions prescribe aggravated penalties. For instance, pursuant to article 225 of the Criminal Code, the penalty of deprivation of civic rights is applicable to any judge, public official or member of the law enforcement agencies who orders or commits an arbitrary act that violates personal freedoms or national rights. Moreover, article 231 of the Criminal Code prescribes severe penalties, including life imprisonment, for judges, public officials or members of the law enforcement agencies who resort to violence during or in connection with the performance of their duties. These provisions are designed to support the principle of non-exemption from punishment. In pursuance of this principle, Moroccan law offers victims the possibility of taking legal action against such persons when their conduct has resulted in personal injury.

Political rights

Participation in elections as a voter or candidate

130. Elections are regarded as a political right enabling individuals to participate in the running of public affairs and to exercise their rights under the Constitution. The sovereignty of the nation is exercised by referendum or through elected institutions. With a view to ensuring that this constitutional right is exercised without discrimination, the voting age has been lowered to 18 years to allow young people to become involved in the electoral process. Moreover, His Majesty announced the lowering of the minimum age of candidacy from 23 to 21 years on 10 October 2008 on the occasion of the opening of the legislative session. An electoral website has been created to ensure the transparency of the electoral process. It can be used by the general public to consult the electoral roll in order to file administrative or legal challenges and to keep track of the electoral process and the counting of votes. The law provides for a number of mechanisms such as the representation of candidates in polling booths and the presence of their representatives during the counting of votes. The last elections to the Council of Deputies were observed by a number of civil society and national bodies, including in particular the Advisory Council on Human Rights, which was allowed to assign delegates to observe the electoral process. International observers and regional civil society organizations also observed the process.

131. The judiciary, at the constitutional, administrative and ordinary levels, plays an important role in safeguarding the right to vote and ensuring the soundness of the electoral process, from the compilation of the electoral register to the conduct of the electoral campaign and the announcement of the final results. During the last elections to the Chamber of Deputies, the Moroccan Government took effective measures to curb practices by voters, candidates or the administration that might adversely affect the fairness of the electoral process. The Ministry of Justice and the Ministry of Internal Affairs issued a joint circular setting out the requirements for a fair election and describing conduct and the use of unlawful means that might adversely affect the will of voters. Moreover, provision was made for the application of deterrent legal measures and the prosecution of persons violating electoral law. To that end, circulars were issued to public prosecutors' offices urging them to take vigorous action against all acts intended to undermine the fairness of the electoral process, to issue instructions to judicial police officers aimed at ensuring that investigations were undertaken in the best possible

circumstances, and to submit the requisite applications to the relevant judicial body in order to ensure adequate deterrence and guarantee the fairness of the elections.

132. Proceedings were initiated against some persons, from various regions and sectors, for the offence of offering gifts and donations with a view to influencing people's votes and acting as mediators for financial donations to secure votes. Such action was taken against 12 persons who won seats in the elections held to renew one third of the membership of the Chamber of Councillors and against 55 officials, private-sector employees, local elected representatives or members of chamber of commerce and industry. Pursuant to the judgements delivered at first instance and on appeal, the offenders were sentenced to effective or suspended terms of imprisonment and some were prohibited from standing for election to Parliament for a specific period.

133. Furthermore, the Moroccan Government has adopted a number of measures, including the enactment of a law regulating electoral propaganda and ensuring access by political parties to the audio-visual media without discrimination. The law specifies the amount of media time to which each party involved in the electoral process is entitled during the electoral campaign, laying down detailed and systematic rules established by the High Authority on Audio-visual Communication.

134. Pursuant to the royal decision announced by His Royal Highness the King on 6 October 2005 concerning the establishment of the Council for the Moroccan Community Abroad, the participation of Moroccans resident abroad will become more effective, since they are to be granted the right to participate in the electoral process as voters and candidates in the countries where they are resident.

135. A number of electoral procedures have been adopted with a view to broadening the participation of women in elected bodies. Ten per cent of seats in the Chamber of Deputies have been reserved for women, so that there are now 34 women parliamentarians. Women have also gained the confidence of voters in a number of constituencies at the local level and have been elected to many local government institutions. They have also been elected to the second chamber of Parliament. There can be no doubt that the participation of women is set to increase significantly. Moroccan society expressed its strong aspiration to support that process when Parliament adopted the Political Parties Act. Article 22 of the Act requires political parties to specify in their statutes the ratio of women and young people who must participate in the party's governing bodies. Civil society movements also called for the reservation of one third of the seats for women and young people in the July 2009 municipal and provincial elections.

136. The Chamber of Councillors, aspiring to ensure fair elections and bearing in mind the fact that the electoral system makes no provision for observers, has established a committee to oversee the elections on the following basis:

- Appointment of appropriately trained observers from among its own members;
- Appointment of civil society observers;
- Participation of international observers in the observation process.

Participation in government and in the conduct of public affairs at all levels**Equal access to public service**

137. In accordance with the Constitution (arts. 8 and 12), participation in the taking of decisions that have a major impact on the economic, social and political situation in Morocco is open to citizens of both sexes. The only restrictions on participation are objective criteria pertaining to training and possession of the physical requirements necessary to exercise this right. Hence, electoral office and administrative positions are open to all members of society without discrimination on grounds of sex, racial origin, religious affiliation or any other characteristic.

138. To remedy women's low level of participation, measures have been taken to encourage women to become involved in public affairs and to occupy decision-making positions in the legislative, executive and judicial branches. Women have become advisers to His Majesty the King and have been included in a number of Cabinets. For instance, the current Moroccan Government has seven women ministers.

139. As a result of the advancement in their status, many Moroccan women now hold leadership posts in the administration both at home and abroad, as ambassadors, vice-chancellors of universities, managers, heads of ministerial departments or security chiefs. Women are increasingly assuming positions of administrative responsibility in the context of the social project aimed at strengthening the foundations of democratic society and at modernizing institutions. The procedures for appointment to positions of responsibility now require the inclusion of a woman's name in the list of candidates.

140. The Ministry of Religious Endowments and Islamic Affairs has trained 100 women spiritual guides to work in mosques, cultural clubs, social centres and prison facilities. Women also occupy positions of responsibility for the first time in local scientific councils and in the Higher Scientific Council chaired by His Majesty the King. Moreover, women have been granted the right for the first time in Morocco to join the police force, which was previously monopolized by men. To date 19 women have been trained as police officers and are currently discharging their duties.

141. Women have been represented in the judiciary since the early 1960s. The first woman judge in Morocco was appointed in 1961. There has been a substantial increase since then in the number of women judges: women now account for around 20 % of all Moroccan judges, or 592 out of a total of 3,153 members of the profession. Women have also acceded to the highest ranks of the judiciary, presiding over a division of the Court of Cassation and over a number of courts, and serving as a member of the Constitutional Court.

Other civil rights**The right to freedom of movement and residence within the borders of the State**

142. The Moroccan Constitution and legislation guarantee freedom of residence and movement and freedom to leave and return. The judiciary is also committed to safeguarding these freedoms and ensuring that nobody encounters any restrictions in exercising them. Reference may be made in this connection to the influential judgements handed down by the administrative courts. For instance, the Rabat Administrative Court, in a judgement of 7 December 2000 on case file No. 00/40, held that every citizen has the right to reside with his or her family in any part of the territory of the Kingdom and that the authorities concerned are

required to issue the person concerned with a residence certificate on presentation of the requisite documents. In cases concerning the denial of a passport, the administrative courts have annulled administrative decisions whereby some citizens were denied passports, describing such action as a breach of freedom of movement and travel.

143. The Moroccan courts have also issued judgements in support of freedom of movement and assembly, as guaranteed by article 9 of the Constitution, holding that any unjustified administrative interference aimed at prohibiting the exercise of such rights constitutes a breach of the basic human rights principles set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The right to leave any country, including one's own, and to return to it

144. There is no provision in Moroccan law that restricts citizens' freedom to travel abroad, apart from the restrictions applied pursuant to an order issued by the judicial authorities, for instance a decision to close the borders to persons wanted in connection with financial offences or terrorism. Such decisions can be rescinded at any time in response to a ruling by the judicial authority based on evidence requiring that the border closure should be lifted. Moreover, the persons concerned are entitled to file an appeal with the relevant judicial authority.

145. The judicial authorities have taken action with a view to ensuring that everyone enjoys this constitutional right. Thus, the administrative courts have delivered a number of judgements reaffirming the right to leave one's country and to return to it freely, referring in this connection to the provisions of the Constitution and international human rights treaties ratified by Morocco. The principle involved concerns freedom of movement not only within the Kingdom but also beyond its borders. While the Constitution guarantees the right of all persons without exception or discrimination to freedom of residence and movement within the Kingdom, this right is also applicable to people's movements outside the country. It follows that they have the right to travel and to return without any restriction apart from conditions imposed on a person's departure by the judicial authorities. This principle has been upheld by the judiciary in a number of judgements, for example in Supreme Court decision No. 373 of 12 December 1991, which states in its declaratory part: "Whereas freedom of movement is guaranteed by the Constitution, it may not be restricted except in conformity with the law".

The right to nationality

146. The Moroccan Nationality Code enacted in 1958 was amended in 2007 by Act No. 62-06, which eliminated the former provisions discriminating between men and women in terms of the transmission of nationality to their children. This initiative reflected the determination of the Kingdom of Morocco to honour its obligations by aligning its domestic legislation with the international treaties that it has ratified, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

147. The Moroccan Nationality Code was reviewed in the light of these obligations and article 6 was amended to permit Moroccan mothers to transmit Moroccan nationality to their children on an equal footing with Moroccan fathers, bearing in mind the principle of equality of citizenship and the need to preserve family ties. In line with this amendment, Morocco withdrew its reservation to article 9, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women, pursuant to which women must enjoy equal rights with men with respect to the transmission of Moroccan nationality to their children. This

measure constitutes a further step towards the elimination of discrimination between the sexes and the advancement of women.

The right to marriage and choice of spouse

148. The latest amendment to the 2004 Family Code was an important legislative initiative. With a view to promoting the universal values of justice, fairness and equality and ensuring the requisite protection for the family and children, the marriageable age was raised to 18 for both sexes.

149. The Family Code recognizes the principle of the equal right of men and women to marry. To begin with, the engagement, according to article 5 of the Code, is “a mutual promise of marriage between a man and a woman”. Hence, it does not refer solely to the man’s pledge as in the previous version, so that the woman and man are equally entitled to take the initiative of asking for the other party’s hand in marriage. Moreover, they may both withdraw from the engagement on equal terms. The purpose of marriage is to create a stable family under the joint care of the two spouses. The same principles and conditions are applicable to both, including equality in terms of the marriageable age. Moreover, the right of matrimonial guardianship (*wilaya*) is now enjoyed by women and may be exercised by adult women in accordance with their choice and interests (art. 24).

150. The Family Code also seeks to ensure balance and reciprocity between the spouses in terms of rights and duties, and to promote relations between them that are based on courtesy, mutual respect, affection and understanding, and a commitment to preserve the interests of the family. They are also deemed to be jointly responsible for running the home and looking after their children. The Code includes many other provisions aimed at ensuring legal and practical equality between the spouses, even in the case of polygamy, to which a restrictive legal approach is adopted based on the principle that marriage to a single wife is the rule and that polygamy is the exception or is permissible on condition that the wives are equitably treated in all areas of marital life, a condition that is not easy to fulfil.

151. Although the Code permits polygamy under exceptional circumstances, the court may authorize it only if its objective justification and exceptional character have been established. As this is the case only where the requisite conditions and rules have been fulfilled, polygamy is well-nigh impossible in practice. Statistics show that there has been a steady decline in the polygamy rate. It declined from 0.30 % of the total number of marriages recorded in 2006 to 0.29 % in 2007.

152. The Code also seeks to ensure equality between the spouses in terms of the management of property by establishing the principle of separation of their personal property. However, the Code introduces new provisions concerning the management of property acquired by the spouses during marriage, in particular additional property accruing as a result of the wife’s work and services during the marital relationship. In 2007 a total of 900 documents concerning the joint management of property were registered, compared with 400 in 2006.

153. With regard to the choice of a spouse, the Family Code affirms the right to marry and start a family in terms that are consistent with international treaties and make no distinction on grounds of race, language, nationality, region, class or wealth. The basic requirements for marriage are uniform and the legal rules are applicable to persons in terms of their status and not their sex. With a view to promoting the application of the provisions of the Code in practice, the Ministry of Justice continuously monitors their implementation in cooperation with the

different actors involved (courts, lawyers, women's associations and human rights bodies) and seeks to ensure that the Code is properly applied by the judicial authorities.

The right to own property alone as well as in association with others

154. The ownership of property is recognized as a right under article 15 of the Moroccan Constitution. To that end, mechanisms to protect real estate have been established by law under the real property protection regime. Moreover, the right to ownership and acquisition of title is protected under criminal law. Thus, deterrent penalties are imposed on anyone who violates the right of ownership or acquisition of title. A special legal procedure is applicable to expropriation in the public interest. The exercise of this legal right is subject to judicial oversight in pursuance of the principle set forth in the last sentence of article 15 of the Constitution, according to which expropriation may not be ordered save under the circumstances and in accordance with the provisions prescribed by law. This principle has been reaffirmed by the Moroccan courts. For instance, the Meknes Administrative Court stated in a judgement of 2 April 1998 that: "Whereas article 15 of the Kingdom's Constitution clearly stipulates that expropriation may be ordered only under the circumstances and in accordance with the provisions prescribed by law".

155. With a view to promoting freedom of initiative in Morocco, a number of legal provisions have been adopted in support of the right to own property alone or in association with others. Mention may be made of the Rental Act, which lays the basis for real-estate ownership, and the Joint Ownership Act. Both have had a beneficial impact on property ownership, the proportion of which has been rising, especially in cases of joint ownership.

The right to inherit

156. The provisions governing inheritance in Moroccan legislation are linked to the religious characteristics of the groups constituting the Moroccan population. They are based on the cultural values set forth in the Islamic sharia in the case of Muslim Moroccans and on Jewish cultural values in the case of Jews. Moreover, foreigners are subject to the provisions of national legislation, in accordance with the Decree of 12 August 1913 concerning the civil status of foreigners in Morocco. With regard to Moroccan Muslim women, a comparison between women and men may indicate that men's right to inherit is double that of women, but this is true in only some cases. The inheritance may also be distributed in such a way that the woman's share is equal to that of the man. One example is the share of the father and mother in property left by their child if they have a son: each of the two inherits one sixth. Moreover, there are cases in which a female can inherit more than a male. Take, for instance, the case of the daughter and husband of the deceased: the daughter inherits one half and the husband one quarter.

157. A woman may prevent a man from inheriting, for instance where there is a sister on the mother's side with a daughter or granddaughter and a brother on the father's side. In such cases, the share of the inheritance will differ from case to case in the light of objective considerations related to the distribution of residential property between the sexes and the achievement of balance between the rights and duties involved. Moreover, the Family Code contains new provisions in this regard. For instance, in the case of the death of a grandfather, grandsons and granddaughters on the daughter's side now stand to inherit the same amount as those on the son's side. This right was granted as part of the mandatory testamentary provisions contained in article 369 of the Code.

158. It should be noted in this context that the Kingdom of Morocco is currently completing the procedures required for a review of its position with respect to its reservations and interpretative declarations concerning some provisions of the Convention on the Elimination of All Forms of Discrimination against Women. This action was prompted by the major developments in national legislation reflected in the promulgation of the Family Code and the review of the Moroccan Nationality Code.

The right to freedom of thought, conscience and religion

159. The Constitution of the Kingdom of Morocco recognizes Islam as the State religion. However, this does not exempt the Kingdom from guaranteeing freedom of worship for the persons practising other religions. This is the approach adopted in the Moroccan Nationality Code, which does not take the religious dimension into account when granting or withholding nationality. It adopts a pluralist approach with respect to an individual's personal status, referring to the provisions of the Personal Status Code concerning Muslim Moroccans, the provisions of the Personal Status Code concerning Jewish Moroccans and the provisions of the Personal Status Code concerning persons who are neither Muslims nor Jews.

160. With a view to enhancing freedom of worship, the State is seeking to eliminate all forms of religious fanaticism and to promote a culture of tolerance, coexistence and dialogue as a source of diversity and strength for the country, in conformity with the principles on which Moroccan society is founded, particularly the magnanimous teachings of the Islamic religion which have led Morocco to espouse religious tolerance as the basic principle governing its approach to religious worship. It respects the different revealed religions and guarantees freedom of religious worship for all members of the Jewish and Christian religions, irrespective of whether they are Moroccan nationals or foreigners. They can practise their religious rites, build places of worship and celebrate religious festivals and events in complete freedom.

161. The safeguarding of freedom of belief entails protection of the rights of individuals, respect for their religious denomination and prevention of acts aimed at exploiting the ignorance and poverty of some groups to convert them to particular religions or sects. The law does not permit the principle of freedom of religion to be exploited in order to stir up religious feelings leading to the commission of acts that undermine people's faith. Thus, the Criminal Code imposes penalties aimed at deterring the use of violence or threats to compel a person to practise or attend a particular religious rite or not to attend, or to use means of temptation to undermine a Muslim's faith or to convert him or her to another religion by exploiting the person's weakness or need for assistance or by exploiting educational or health-care institutions, shelters or orphanages.

162. Pursuant to article 120 of the Prison Organization Act, prisoners may practise their religious faith under appropriate conditions. The Act requires prison facilities to allow them to communicate with their religious representatives. Moreover, articles 106 to 109 entitle them to perform their religious rites, to receive visits from representatives of their religion, and to have access to religious books and other items needed to perform their religious rites and to keep them in their possession for spiritual sustenance. Prisoners who are not Muslims also receive visits from representatives of their religions. In 2005, for instance, visits were arranged for three representatives of the Jewish religion and for seven representatives of the Christian religion to the prisons of Sala, Casablanca, Marrakesh and Kenitra. Moreover, a religious celebration to mark the New Year was organized for 15 Christians held at the local prison of Ain Sebaa in Casablanca.

The right to freedom of opinion and expression

163. Morocco has made considerable progress in the area of freedom of opinion and expression. This is reflected in the large number of media outlets and in the diverse forms of expression that may be encountered both in the media and in the demonstrations that are now held freely provided that they comply with the legal provisions in force. Basing itself on other legislation in comparative law, the Moroccan legislature regulated the press by means of the Decree of 15 November 1958, as amended on 3 October 2002, which guarantees freedom of the press and of the printing, publication and circulation of books, the right of citizens to information, and the right of access of the other media to sources of information.

164. As this freedom, like all other freedoms, is subject to various constitutional, legal and ethical rules, the legislation referred to above defines a number of offences that may be committed by the media or individuals and prescribes deterrent penalties. Such offences include incitement, defamation, abuse, attacks on the Islamic religion, the monarchy or territorial unity, breaches of public order (*ordre public*), violations of public morals, the publication of documents pertaining to criminal proceedings or proceedings concerning misdemeanours before they have been discussed at a public hearing, and the defamation of foreign heads of State and diplomatic representatives.

165. A draft review of the Press Code is currently being prepared in coordination with stakeholders and national human rights associations. It is expected to support freedom of expression and opinion and to respond to the expectations of those working in the media. The draft Code is one of the outcomes of the ongoing discussion of press freedom and the limits of such freedom in the light of the recent legal proceedings against some national newspapers. The proceedings are being conducted in accordance with the legal principles applicable to such trials and comply with legal and judicial guarantees, on the understanding that anyone who breaks the law must be answerable before the courts.

166. The most important amendments to the Code consist in the abolition of a large number of penalties that restricted freedom, and the attribution of discretionary authority to the courts to choose between imprisonment or a fine and to take mitigating circumstances into account. The draft provides for the establishment of a “National Press Council” in which journalists, publishers and representatives of civil society are to be represented on an equal footing. It also contains new provisions concerning material for children, adolescents and people with special needs. Thus, article 87 stipulates: “Periodical publications, films and pictures intended for children shall not contain any image, drawing or subject matter that praises robbery, lying, theft, hatred or depravity and that may adversely affect the morals of children and adolescents or incite to racial discrimination.” When the draft Code is adopted, it will lay the basis for a further strengthening of Morocco’s performance in terms of freedom and democratization of the media and diverse manifestations of freedom of expression.

The right to freedom of peaceful assembly and association

167. The Constitution of the Kingdom of Morocco guarantees the right to freedom of assembly in accordance with the legal rules in force. The administrative courts have delivered a number of judgements confirming the right of associations to obtain a receipt for the deposit of their statute. According to one such administrative court judgement, delivered on 26 September 2001, “the right of assembly is not a gift that is granted or withheld by the administration at will, but a basic legal right enjoyed by citizens”. Discussions are still under way in Morocco concerning the practice of applying certain restrictions to some associations which either affect

their establishment or entail the prohibition of their activities. Even if these practices are not legally justified, the victims need to have access to the courts to ensure that the law is enforced and that they can freely exercise their right to freedom of assembly and association without arbitrary interference from any source, be it the public authorities or natural persons.

168. Morocco adopted the Political Parties Act in support of the principle of plurality and its conviction that an effective democracy cannot exist without strong parties. The Act establishes the legal framework for the democratic establishment, organization and running of political parties so that they can play their constitutional role as legally constituted bodies open to all Moroccans, both female and male, free from all forms of discrimination, fanaticism or prejudice, and taking due account of the basic principles of national identity and territorial unity and respect for human rights.

169. Moreover, the Associations Act was amended (art. 2) on 24 July 2006 so that associations based on discriminatory criteria are null and void. A large number of associations exist, including local and national Amazigh associations operating in various social and cultural fields to promote Amazigh culture as a component of Moroccan national culture without any discriminatory or exclusionary dimension. The courts have reaffirmed the right to form associations freely and without discrimination on the basis of the rules laid down by law. They have stated that the administration's refusal to accept the deposit of an association's statute constituted abuse of authority and may be subject to appeal. In this context, the Agadir Administrative Court annulled a decision by the local authorities in Laayoune whereby they refused to issue a receipt to the Sahrawi Association for Victims of Gross Human Rights Violations.

Economic, social and cultural rights

The right to work (free choice of employment and just and favourable conditions of work)

170. Workers' rights in Morocco received a major boost from the enactment of the new Labour Code, the provisions of which are in conformity with international standards in the area of employment. The right to work is guaranteed by the Moroccan legal system as a key right that can be restricted only on the basis of general objective conditions applicable to the nature of the work or the qualifications required to perform it. The right to work is also legally protected in cases where it is threatened by the exercise of the right to strike. Thus, the Supreme Court stated in its decision No. 575 issued on 21 June 2000 that "although the right to strike is constitutionally protected, it should not constitute a ground for impeding the normal activities of the employing corporation. Its aim is rather to defend workers' acquired and legal rights...".

171. For the first time in the history of employment legislation in Morocco, article 9 of the Labour Code clearly prohibits discrimination among wage-earners on grounds of descent, colour, sex, disability, marital status, belief, political opinion, trade union membership, or national or social origin, in a manner that violates or undermines the principle of equality of opportunity or treatment with respect to employment or recruitment, the management and assignment of work, vocational training, remuneration, promotion, the right to social benefits, disciplinary measures and dismissal. It follows that women have the right to sign an employment contract and the right, whether they are married or unmarried, to join trade unions and to become involved in managing and running them. All discriminatory measures based on workers' union membership or activities are prohibited. Morocco's involvement in the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights is a further demonstration of its efforts to bring its domestic legislation into line with the

provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. Moreover, it has criminalized sexual harassment of women employees, which is treated as a major offence on the part of an employer, entailing compensation for the harm suffered by the employee concerned.

172. With a view to preventing the exploitation of domestic workers, the Labour Code stipulates that, when a domestic worker leaves the national territory in the company of her employer for a maximum period of six months, the employer must undertake to return the worker to Morocco at his or own expense and to cover, if need be, the cost of treatment in the event of an illness or accident. This undertaking is signed in accordance with an official model kept by the Moroccan authority responsible for employment. Legislation laying down the terms and conditions of employment of domestic workers is currently being drafted as well as legislation on artisans employed in traditional industries.

Protection against unemployment

173. Pursuant to the provisions of the Labour Code, employers in companies with 10 or more employees who plan to dismiss all or some of their employees for structural or economic reasons are required to inform the employees' delegates or trade union representatives at least one month before the date on which the dismissals are to begin, and to provide them at the same time with the information they require in that connection, including the grounds for dismissal and the number and categories of employees concerned. The employers are also required to engage in consultations and negotiations with them in order to consider ways of preventing dismissal or alleviating its adverse impact, including the possibility of reassignment to other posts.

174. An enterprise cannot be shut down completely or partially, if this would lead to the dismissal of the staff, unless it is impossible for the enterprise to continue operating and authorization has been issued by the governor of the prefecture or province, in accordance with the procedure laid down in articles 66 and 67 of the Labour Code. The Moroccan courts have sought to address this question in the staff dismissal procedure, for instance in the case of judgement No. 95/1257 delivered by the Supreme Court, which states in its declaratory part that: "Whereas the Governor's failure to respond within three months to the application for exemption is equivalent to implicit permission by analogy with an application for closure, notwithstanding the difference between the two cases, the decision that is challenged is based on an unsound justification and should therefore be quashed."

175. Employees are entitled on dismissal, if the employer has obtained authorization, to compensation for the period of notice and for dismissal, in accordance with articles 51 and 52 of the Code. They are also entitled to priority in the event of re-employment, in accordance with the conditions laid down in article 508 of the Code.

176. With regard to unemployment, the number of unemployed persons totalled 1,062,000 in 2006, compared with 1,414,000 in 1999, which represents a reduction of 24.5 %. The decline ranged from 24.3 % in urban areas to 27.1 % in rural areas. The national unemployment rate fell from 13.8 % to 9.7 % during the period in question. It dropped from 14.1 % to 9.7 % for men and from 13.2 % to 9.7 % for women. The average unemployment rate recorded in the second half of 2008 was 9.6 %. With regard to age groups, a marked decline in the unemployment rate was recorded for persons in the 25 to 34 age group: from 20.7 % to 14 %. The unemployment rate of persons holding an intermediate education certificate dropped from over 26.9 % to 18.7 %. The unemployment rate of 19.5 % recorded for persons holding a

certificate of higher education represents a reduction of more than 8.1 %. Nevertheless, the results of the measures taken in this area fall short of aspirations and more vigorous action to reduce the general scourge of unemployment is planned.

177. With regard to the Government's programmes aimed at eliminating unemployment, a national programme called "My Enterprise" was launched in 2006 to promote self-reliant employment through the establishment of 30,000 small-scale enterprises that will create almost 90,000 job opportunities by 2008. Thus, 108,926 persons were integrated into the workforce between 2006 and the end of September 2008, and it is hoped to integrate 46,000 more by the end of the year. It is also hoped to achieve a gradual reduction in the employment rate by providing support and oversight for small-scale enterprises, taking into account regional characteristics and ensuring the sustainability of the economic system by providing for oversight of newly established enterprises, especially during the early stages of their business operations. This programme will benefit proprietors of enterprises with an investment value ranging from 50,000 to 250,000 dirhams, with the possibility of joint participation in a single company with an investment value of less than 500,000 dirhams, provided that the State's share is limited to 10,000 dirhams per company and that a maximum of 85 % of bank loans is guaranteed. A national debate concerning employment involving all stakeholders was held in September 2005. The event led, inter alia, to the adoption of a number of recommendations and initiatives aimed at reducing unemployment and assisting young people in setting up small-scale enterprises.

178. In 2005, the National Agency for the Promotion of Employment and Skills registered over 69,316 job-seekers. In the course of the year, it integrated over 24,000 job-seekers into the workforce, an increase of 20 % compared with 2004. Over 12,030 job-seekers were integrated into the workforce through employment contracts abroad in 2008, especially in Spain. This represents an increase of 50 % compared with 2004, which is attributable to an increase in travel by persons seeking employment and to the availability of the requisite facilities. The State, represented by the Ministry of Employment and the Ministry of Finance, concluded a contract with the Agency in the context of an employment initiatives event. The purpose of the contract is to define the commitments of both parties to the modernization and development of the Agency's activities so that it can play a pivotal role in stimulating employment with a view to attaining the Government's target of integrating 200,000 job-seekers into the workforce by 2008.

179. Morocco is faced with numerous challenges in its efforts to prevent unemployment, in particular the unemployment of persons with certificates of higher education, who remain dependant on the capacity of the employment market to absorb the annual cohorts of graduates from universities and higher education institutes, despite all efforts to ensure their integration. The problem of unemployment is also linked to other structural circumstances relating to the trend in growth rates. In fact, employment has become a global phenomenon and nobody has been spared, although rates vary from country to country. As the Kingdom of Morocco is aware of the importance of persevering with its efforts to expand the employment market and to ensure that the training provided corresponds to the market's needs, the current Government has assigned top priority to employment, as reflected in its official statement and in a number of relevant initiatives. With regard to the future outlook, it is planned to integrate about 46,000 job-seekers into the workforce in 2009, to support the establishment of 2,000 small enterprises under the "My Enterprise" programme and to promote employment offers abroad by handling about 15,000 job offers.

The right to equal pay for equal work

The right to just and favourable remuneration

180. The Labour Code prohibits wage discrimination between men and women for work of equal value, in keeping with ILO Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, which Morocco ratified in 1979. Article 346 of the Code stipulates that wage discrimination between men and women for work of equal value is prohibited, and labour inspectors who visit industrial, commercial, service and agricultural facilities verify compliance with legislative provisions guaranteeing effective wage equality.

181. The Labour Code also prohibits the payment of wages that are less than the minimum wage, in keeping with ILO Convention No. 26 (1928) concerning the Creation of Minimum Wage-Fixing Machinery, which Morocco signed on 14 March 1958. In pursuance of this provision, the Moroccan Supreme Court reaffirmed in decision No. 45 of 12 January 2005 that wages are a matter of public policy and may not be less than the legally established minimum wage.

182. Although working women are protected by law, this does not necessarily mean that their employment situation is satisfactory and that they have achieved all their aspirations. Working women still experience difficulties in the form of lower wages than men and even in terms of working hours. This is due to the conduct of some employers who engage in unlawful practices. Action must be taken by the authorities responsible for the employment sector to put an end to such conduct by punitive means, by training or by promoting awareness of the need to respect the rights of working women.

The right to form and join trade unions

183. Article 3 of the Moroccan Constitution recognizes the freedom to form trade unions. With a view to supporting this constitutional guarantee, Morocco has demonstrated its support for the relevant international rights regime by ratifying ILO Convention No. 98 (1949) concerning the Application of the Principles of the Right to Organise and to Bargain Collectively. Although it has not yet ratified ILO Convention No. 87 (1948) concerning the Freedom of Association and Protection of the Right to Organise, the contents of the Convention were taken into account in article 396 of the Labour Code, which states that trade unions participate in the elaboration of national economic and social policies and that they are consulted on all disputes and issues pertaining to their field of competence. The Minister of Labour stated on 17 October 2008 that his Ministry was determined to take legislative and other measures to protect the right to work and to enhance trade union freedoms.

184. The preamble to the Labour Code states: “Trade union freedom is a fundamental labour right that workers and employees exercise, according to recognized methods, in order to defend their material and moral rights and to advance their economic, social and professional interests.” Moreover, article 398 of the Code states that wage- and salary- earners are free to join the trade union of their choice. Trade unions have legal personality, civil standing and the right to take part in legal proceedings, and they may exercise all the rights of a civil party before the courts. Article 400 of the Labour Code allows trade unions to join international unions of wage- and salary-earners.

185. Morocco now enjoys a significant degree of trade union pluralism, with a total of 21 trade unions. This demonstrates the flexibility of the establishment procedure and the ease of

access to trade union membership. The State actually provides assistance in kind and sometimes financial subsidies to union federations to meet some or all of the cost of renting premises or of organizing educational activities for workers, in accordance with the provisions of article 424 of the Labour Code. In view of the importance of social dialogue, the Ministry of Labour has taken steps to institutionalize it. During the September 2008 round, two committees for social dialogue were established, one for the public sector and the other for the private sector. On completion of their work, a document setting out the issues on which agreement was reached will be published in the form of a social agreement.

The right to housing

186. With regard to the precepts governing the housing sector, it should first be made clear that the exercise of the right to housing is subject to economic considerations based on the interplay of supply and demand. Hence, there is no scope for any form of discrimination in the exercise of this right on grounds of sex, religion or racial or cultural origin. The exercise of the right to housing through ownership or renting depends solely on the availability of the requisite financial means. It follows that the basic difficulty that arises in this area is how to ensure that the supply of housing corresponds to the demand of persons exercising this right.

187. In managing the housing sector, the Government has given top priority in its policy to a review of the conditions governing the supply of housing, focusing on the provision of affordable homes and taking action against substandard housing. To this end, it initiated work on new social housing (140,000 dirhams) enjoying full tax exemption.

188. To address urgent needs in the housing sector, priority was given to slum clearance in urban areas, and to intervention procedures to deal with housing in danger of collapse and improvised housing that fails to meet legal standards. Four programmes were elaborated to deal respectively with housing in danger of collapse, the restructuring of illegal housing settlements, the provision of social housing in the southern regions and slum clearance.

189. With regard to housing in danger of collapse, the authorities have estimated that almost 120,000 families fall into this category. They live in buildings located in old towns, illegal housing settlements and old housing compounds. The programme to address the issue relies on a local approach, which seeks to identify endangered buildings and conduct meticulous technical surveys. Local mechanisms can then be put in place to ensure continuous monitoring in order to prevent disasters resulting from sudden collapse. The programme will subsequently provide for the resettlement of families whose homes need to be demolished on account of their condition, and will devise procedures to maintain and reinforce housing which, according to the technical survey, is not at risk.

190. By September 2008, action had been taken on behalf of 110,800 families, who received financial benefits totalling approximately 911.48 million dirhams. Other similar procedures are currently being implemented, including those provided for under the four agreements signed in December 2004 under the supervision of His Majesty the King. The agreements form part of the emergency programme for the city of Fez, which provides for the rehousing of 1,167 families and the consolidation of 3,600 homes over a period of five years, at a cost of some 228.14 million dirhams, of which 190.14 million dirhams is to be financed by the Housing Solidarity Fund.

191. With regard to the programme for the restructuring of illegal housing settlements, in 2002 the number of families living in illegally built settlements was estimated at 540,000, 74.5 % in urban or peripheral urban areas and the remaining families in rural areas requiring

planning permission. In the light of these estimates, a programme was adopted for the period until the end of 2005 covering 191 settlements housing an estimated 291,000 families at a total cost of 3.8 billion dirhams, of which 47.37 % was provided by the State. The activities carried out under the programme covered 62 settlements housing some 63,000 families by the end of 2005, and some 338,989 families by May 2007 at a total cost of 3.8 billion dirhams, of which 1.9 billion dirhams were provided by the State. The programme covering the period up to September 2008 covers 313 settlements housing an estimated 533,254 families at a total cost of 6.5 billion dirhams, of which the State will provide 3.3 billion dirhams.

192. With regard to slum clearance, the national “Cities without Slums” programme was launched by His Royal Highness in July 2004. The time frame for the programme is 2004-2012. It will require an investment of some 25 billion dirhams, of which some 10 billion dirhams will be provided by the Housing Solidarity Fund. The programme will benefit some 298,000 families living in about 1,000 slums. By September 2008 a total of 112,000 slum housing units had been knocked down and rebuilt. More than 20,000 units have been completed and the beneficiary families have been installed, and 70,000 units are still under construction. Moreover, contracts had been reached with some 269,000 families by the end of October 2008.

193. Acting on its commitment to regenerate marginalized housing areas in the aftermath of the painful events involving terrorist operations in 2003, the Moroccan State assumed responsibility for the task of redeveloping the areas in order to end their isolation. To this end, it took steps to regenerate Douar Skouila and Touma, providing them with basic facilities such as lighting, drinking water, sewage systems and health care.

194. This action was accompanied by measures to simplify the procedures for the supply of construction services by the creation of 85 single windows, which will cover 66.3 % of urban communes and 45.7 % of rural communes by June of the current year.

The right to public health

195. The right to public health, like the right to education, housing, food and a healthy environment, is a basic prerequisite for the preservation of human dignity. As everyone has the right of access to health care without discrimination, the Kingdom seeks to achieve this strategic goal by facilitating access to medical services through the development of the health-care infrastructure, the establishment of basic health insurance, implementation of disease prevention and control programmes, and promotion of health safety. Morocco has vigorously pursued its health policy by means of a strategy focusing on three areas: implementation of disease prevention and control programmes; improvement of the supply of medical services and facilitating access to such services; and promotion of health security and safety.

196. The aims of the disease prevention and control programmes include reducing the maternal mortality rate and the mortality rate of infants under five years of age, and controlling the spread of contagious diseases.

197. In the area of disease control, a decentralized policy aimed at monitoring contagious diseases was pursued. The programme to establish regional disease observation and monitoring centres (16 centres in 2003) was expanded through the establishment of regional centres to monitor contagious diseases (69 centres in 2003). In the same context 120,000 persons were vaccinated against meningitis. Morocco’s action under the programme to fight chest diseases won recognition from the World Health Organization (WHO), which awarded it a gold medal in 2004.

198. The Ministry of Health has also assigned priority to the programme to address the causes of visual impairment. It organized campaigns against eye disease in regions that lack adequate facilities in this area, in cooperation with a number of NGOs, associations and local authorities. In 2004, action was taken in the public sector to restore the eyesight of more than 24,000 persons suffering from eye lens opacity.

199. In the fight against AIDS, Morocco has promoted access to free treatment. The first national AIDS monitoring and prevention campaign in the Arab and Islamic world was launched in 2004. Local authorities and civil society organizations have been closely involved in raising awareness of the risk of HIV/AIDS and in familiarizing the general public with methods of AIDS prevention and control.

200. With regard to non-contagious diseases, Morocco has been taking vigorous action against diabetes in a manner designed to ensure conformity with international standards. Morocco has also joined the international anti-smoking campaign and has signed the Framework Convention on Tobacco Control.

201. In 2007, the Lalla Salma Association against Cancer and the Ministry of Health launched a major campaign to promote awareness of the adverse impact of smoking in educational establishments. Moreover, the Ministry of Health has taken strong action to spread a reproductive health culture and to provide the services required for health care and family planning. Numerous programmes have been adopted, some of the most important being the National Family Planning Programme and the National Maternity without Risk Programme. Morocco is also actively involved in efforts to achieve the Millennium Development Goals, especially goals 5 and 6 which relate to core provisions of the Convention on the Elimination of All Forms of Discrimination against Women, since they concern women's right to health. The Ministry of Health decided to permit the introduction of a women's health register to improve the monitoring of women's health, since it contains the data required to check action taken pursuant to the childbirth without risk strategy.

202. With a view to reducing child mortality and enhancing child protection, the Ministry of Health developed a strategy aimed at supporting action to include new vaccinations in the national vaccination programme, to universalize the integrated child health-care strategy, and to build on the achievements of the Maternity without Risk Programme.

203. With a view to strengthening the health-care infrastructure, the Moroccan Government has continued to establish primary health care units in remote rural areas. It has completed the construction and equipment of 138 primary health care centres, developed projects for the maintenance and adaptation of 65 centres, and provided equipment for 206 primary health care centres, 19 centres for diabetic patients and 400 patient reception units.

204. In the context of infrastructural support, measures have been taken to upgrade hospital facilities by improving the emergency, x-ray and laboratory equipment of 40 hospitals located in different regions and prefectures of the Kingdom. Similar measures have been taken to upgrade the equipment of specialized hospital units such as the heart and arterial surgery department, the x-ray department and the heart disease department of Avicenna Hospital in Rabat. Four scanners were purchased and installed in the hospitals of Taza, Bani Malal, Kenitra and El Ayoun. Moreover, the Ministry of Health has developed the research and cooperation capacities of the National Health Institute and renovated the Pasteur Institute in Tangiers, providing it with advanced equipment that was funded in the context of cooperation with Italy.

205. With a view to improving the facilities for treating cases of kidney failure, 32 centres for blood purification were established and medical materials were supplied to a number of remote areas. This action was accompanied by the necessary maintenance and training as part of the five-year contract programme for the provision of 250 items of equipment.

206. With regard to measures aimed at facilitating access to medical services and as part of its medical drugs policy, the Moroccan Government has drafted a new Drugs and Pharmaceuticals Code aimed at restructuring the pharmaceuticals sector in the light of international standards. It has also exempted some drugs used to treat chronic diseases from taxes and duties, and has undertaken a study of drug prices in Morocco.

207. One of the most important steps taken to facilitate access to medical care was the adoption by an Act promulgated on 3 October 2002 of the basic health coverage scheme. The Act constitutes one of the basic components of the Government's social policy aimed at ensuring universal access to health-care services and improved funding of the health-care system by means of the gradual introduction of basic health coverage, which is composed of two basic schemes: the first involves basic compulsory health insurance for economically active persons and persons receiving pensions from the central and local authorities, public-sector agencies and the private sector; and the second is a medical assistance scheme for persons whose circumstances preclude them from joining the first scheme.

208. Vigorous action has been taken to draft all the implementing regulations for the compulsory health coverage scheme, and numerous measures have been adopted to implement the two schemes. For instance, a funding plan for public-sector coverage has been adopted. The total number of beneficiaries is 3.2 million, including 700,000 new beneficiaries. Average coverage is 100 % of the cost of treatment of chronic and costly diseases and of treatment in public hospitals; 90 % of the cost of treatment in private medical establishments; 80 % of the cost of outpatient treatment ; and 70 % of the cost of drugs, based on prices charged in Morocco.

209. In view of the specific characteristics of private-sector work in terms of wages or pension schemes, it was decided that compulsory health insurance should be introduced gradually. The scheme will initially cover those eligible for social security and their dependants and pensioners who are entitled to at least 70 % of the minimum wage. There will thus be 4.6 million beneficiaries, including 1.3 million insured persons, 2.9 million dependants, 108,000 pensioners who are entitled to at least 70 % of the minimum wage, and 240,000 other beneficiaries.

210. Pensioners who do not meet the above conditions can benefit from the medical assistance scheme. A financial plan specifying areas covered by the scheme was developed. It covers hospitalization, chronic or incapacitating diseases, monitoring of child health until the age of 12, and prenatal and obstetric services. The cost of treatment is refunded at a rate of 70 % on the basis of national reference costs. This rate may be increased to 90 % for treatment in public hospitals. It should be noted that the funding of the compulsory basic health coverage scheme for the private sector is subject to the gradual coverage of persons earning high salaries, who currently benefit from optional coverage. This category represents 20 % of the economically active population and 60 % of total earned income. As a result, a reduction in the five-year renewable transitional period stipulated in article 114 of the Health Coverage Act will be required.

211. With a view to promoting health security and safety, the responsible authorities have updated the ministerial decision of 26 July 1967 pursuant to which certain contagious diseases must be declared and measures taken to prevent them from spreading.

212. Moreover, a strategic preventive approach is being applied to ensure the quality of drugs and the supply of blood and blood derivatives, and to prevent radiation and blood poisoning. Steps have been taken to improve the monitoring of pharmaceuticals in both the public and private sectors. Vigorous action has also been taken to equip the National Drug Control Laboratory with a view to ensuring its status as a reference laboratory. The laboratory monitors the quality of drugs and pharmaceuticals by means of physico-chemical analyses and biological tests. It is also recognized as a reference laboratory by the League of Arab States and is a member of the European Reference Laboratory Network.

213. An awareness-raising campaign on the risks of poisoning from scorpion stings has been launched. A telephone hotline operates 24 hours a day, taking calls from members of the public and giving them advice concerning poisoning risks.

214. In spite of the action taken to develop and improve the country's health services, Morocco still faces challenges in terms of the scale of the medical facilities available compared with the size of the population, the shortage of qualified human resources and the difficulty of ensuring access to health-care services, especially in remote rural areas. Moreover, the quality of the health-care services provided needs to be improved.

The right to social security and social services

215. Economically active persons in Morocco benefit from the social security system run by the Moroccan Inter-professional Pension Fund in the case of public-sector employees and the National Social Security Fund in the case of private-sector employees, as well as the from collective fund responsible for the payment of retirement pensions. The implementation of social security legislation in the private sector is monitored by two main mechanisms: the labour inspectorate and the social security inspectorate. They discharge their functions in accordance with article 146 of the Decree regulating social security, as amended. Thus, social security schemes are monitored by social security representatives, inspectors and monitors, and by labour inspectors. Monitors can verify the number of users and check social security declarations and employment records. The legislation provides them with several legal mechanisms, such as reports, warnings and seizures, to ensure the effective implementation of the Social Security Act.

216. The inspection and monitoring of the National Social Security Fund is carried out by officials who monitor, together with agents of the Fund, the conformity of the social security statements submitted by employers with the wages paid, and ensure that companies and employees are registered and that salaries are declared. Fines and penalties for employers who do not comply with social security law have been increased to enhance their deterrent effect. Over the last few years, the Fund has taken a number of measures to improve the quality of services provided to members and to ensure that inspection and monitoring activities are carried out professionally. These measures include: the establishment of a planning system that ensures greater transparency and clarity and protects companies from infringements of any kind; and the creation of a procedure for handling appeals against the findings of inspection and monitoring procedures. With the same end in view, the Fund has sought to modernize and develop the system by providing for direct collection of revenues. These measures have led to a marked improvement and collection is now carried out promptly and accurately.

The right to education and training

217. Since independence Morocco has pursued an education policy that is aimed at guaranteeing the universal right to education, eradicating illiteracy and providing services free of charge. Education has also been made compulsory and this has led to an increase in school enrolment. More than 6 million children are now enrolled in primary and secondary education alone. Owing to the size and diversity of the country, a solid infrastructure that can be adjusted to take account of the characteristics of each region is required. In view of the need for a qualitative leap forward in the area of education, curricula, syllabuses and textbooks were improved and a qualitative and contemporary approach was adopted. In addition, a number of studies concerning form and content were undertaken to identify the country's needs and priorities. General agreement was then reached on the drafting and adoption of the National Charter for Education and Training as a basic framework for structural reform and the training of human resources, in view of the importance of schools as a basic vehicle for reform, a safety valve and a means of achieving the modern democratic society to which Morocco aspires. The entire decade from 2000 to 2009 has been devoted to the reform and reinvigoration of the education sector as one of the country's top priorities.

218. During the early part of the decade, a series of institutional, legal, organizational and educational reforms were undertaken at different levels of the education system. At the institutional level, structural reforms were aimed at regulating primary education, establishing a basic system for private education, establishing regional education and training academies, restructuring central administrative bodies in line with new regulations, and implementing provisions on management of the education and training system at the central, regional, provincial and local levels.

219. In addition, school textbooks were reviewed from the perspective of human rights education. Syllabuses and curricula were revised to promote greater use of modern information and communication technology, efforts were focused on developing students' skills and capacities and examinations were revamped. Other measures of educational reform included the organization of in-service training courses for men and women. A basic law on national educational personnel was enacted, and the Mohammed VI Foundation for the Promotion of Social Work for Education and Training was established and commenced its activities. The reforms have focused on students as the ultimate beneficiaries by making education compulsory, creating opportunities for students without discrimination, and seeking to ensure that the measures taken are not designed merely to overload students with information and data, but to develop their skills and their ability to think logically and to apply and use the information they receive.

220. The year 2004 was a time for reflection, as it marked the midpoint of the Decade. It provided an opportunity for appraisal of educational policy and for an assessment of the results of the National Charter for Education and Training. Symposiums were held which focused on improving the quality of the education system, speeding up the training process and disseminating information. The Government has adopted a three-year programme targeting 8,600 institutions and 5.5 million students and earmarking 1 billion dirhams for the purchase of 100,000 computers. A total of 223,000 teachers will receive special training.

221. The foundations have been laid for a new system of governance based on a policy of effective decentralization. In the past few years, efforts have focused on: raising school enrolment to over 6 million, giving priority attention to rural areas, particularly enrolment of rural girls (82.2 %, compared with less than 25 % in the mid-1970s); combating the drop-out

phenomenon; providing informal education to cater for children over the legal age for admission to education (6 years); promoting the eradication of illiteracy; increasing the number of schools; and resolving the administrative and material problems of teaching and administrative staff.

222. About 651,263 people benefited from the illiteracy eradication programme during the 2007-2008 period. As a result of the reforms, the drop-out rate has fallen from 70 % in 1996 to 20 % at present. Women accounted for 80 % of the beneficiaries of literacy education. To speed up enrolment in literacy eradication programmes, the Government organized a national campaign in 2003 called the “March of Light”. The aim is to make 1 million people literate each year and eventually to eradicate illiteracy.

223. A national informal education programme for young people in the 16 to 18 age group has also been elaborated and is due to be implemented before the end of the National Decade for Education and Training (2000-2009). Beneficiaries of the programme should be able to enrol or re-enrol in the formal education and training system once they have reached the requisite academic level.

224. During the 2008/09 school year, 3,937,124 new pupils enrolled in the first year of primary education, compared with 3,878,640 pupils during the 2007/2008 school year, which represents an increase of almost 1.5 %. A total of 1,491,627 new students enrolled in the first year of the first cycle of secondary education during the 2008/09 school year (i.e. an increase of 3.7 % compared with the previous school year) and 794,703 students enrolled in all branches of the second cycle of secondary education during the current year, compared with 713,663 the previous year (i.e. an increase of almost 11.4 %).

225. The total figure for pupils in primary and secondary education is therefore almost 6.3 million, distributed as follows: primary education: 4,162,400 pupils (an increase of 3.4 % compared with the previous school year); secondary education, first cycle: 1,383,600 students (an increase of 12.3 %); secondary education, second cycle: 673,300 students (an increase of 6.3 %). In rural areas, the figures for the same school year were: primary education: 2,054,600, of whom 46 % were girls (an increase of 5.2 %); secondary education, first cycle: 296,100 (an increase of 16.3 %); and secondary education, second cycle: 49,300 (an increase of 4.5 %).

226. The total capacity of the three cycles now stands at about 137,045 classrooms, an increase of about 5,380 classrooms compared with the previous school year.

227. The total number of students enrolled in rural education increased in 2006 to 2,279,617, compared with 1,871,969 in 2000. This figure reflects the progress achieved in enrolment in rural schools. The enrolment ratio for four- and five-year-olds increased to 55 %, compared with 51.3 % the previous year; the figure for rural areas was 275,000, which represents an increase of 14 % compared with the previous school year. The number of six-year-old pupils enrolling in the first year of public and private education increased from 454,415 in 2001 to 515,356 in 2005 and 530,000 in 2006.

228. The Ministry took a number of steps to prevent pupils from dropping out of primary school and the first cycle of secondary school and to reduce school wastage. To address the phenomenon, enrolment was permitted from the age of 6 years, compared with 7 years previously. Joint local committees were set up to identify cases of drop-out and school wastage and their causes and to seek remedies. Awareness-raising campaigns were organized for parents and pupils; needy children were provided with textbooks and school materials; the network of boarding schools for the two cycles of secondary school was expanded, and hostels were

opened for first-cycle students; school meals were provided for children coming to school from remote areas under the “School Canteen” programme.

229. As a result, meals were provided during the 2008/09 school year for some 1,021,876 primary school pupils, compared with 920,027 pupils during the 2007/08 school year. Ninety per cent of pupils provided with school meals came from rural areas. The coverage of school meal services in rural areas amounted to 47 % of pupils, half of whom were girls. In first-cycle secondary schools, 29,300 students benefited from school meal services, compared with 20,915 during the previous school year.

230. During the 2005/06 school year, the number of first-cycle secondary school students receiving study grants exceeded 46,000, compared with 40,211 during the previous school year. In the case of second-cycle students, the figure was 56,700 for 2005/06, compared with 45,500 for 2004/05. The network of boarding schools was also extended. Thirteen first-cycle boarding schools and seven second-cycle boarding schools were opened or reopened. The total number of boarding schools for the two cycles stood at 198 and 211 respectively. In order to support these efforts, some civil society institutions awarded scholarships and provided accommodation for pupils, especially for girls from rural areas who study outside their communities. Moreover, the initiative whereby 1 million schoolbags were distributed to children from needy families during the 2008/09 school year led to an increase in the enrolment rate and encouraged school attendance.

231. To promote easier access to schools, some local Ministry offices have implemented pilot school transport projects in rural areas in recent years, which have promoted school enrolment, particularly among rural girls. The Ministry has urged all managers of regional education and training academies and its own representatives to take the necessary steps to support and extend school transport services in rural areas in coordination with all stakeholders, particularly parents’ and guardians’ associations, local authorities and communities, business firms and non-governmental organizations dealing with rural education. Moreover, with a view to ensuring the successful expansion of school transport in rural areas and in accordance with the slogan “School transport in support of good schools”, the Ministry has added 20 new buses to its fleet, serving 10 new provincial locations, especially those in greatest need of such facilities.

232. In other initiatives to improve access to schooling, tent schools have been opened to encourage the children of nomads living in mountainous or remote regions to attend school. During the 2005/06 school years, 12 tent schools in the town of Figuiç were equipped with various educational and training materials under the MEDA programme.

233. As private education plays a role in achieving the goal of universal enrolment, it is expected to cater for 20 % of students by the end of the decade. The number of students enrolled in the private sector has increased sharply over the last few years. Thus, the number of students enrolled at all levels of private education rose from 447,500 in 2007/08 to 476,880 in 2008/09, an increase of more than 6.6 %.

234. During the first five years of the reform process, the expansion of higher education continued. In 2003, a process of educational re-engineering was launched, based on a system of bachelor’s and master’s degrees and doctorates, modules and educational streams. Steps were taken to improve scientific research, to train staff, and to establish eight multidisciplinary colleges in towns and regions with no university institutions. Attention was focused on training managers to reorganize existing institutions and to standardize management procedures in line with the practices used by universities under the terms of the Higher Education Act. The

number of baccalaureate holders has risen by 8.4 %. The total number rose from 369,581 in 2006/07 to 396,849 in 2007/08, an increase of 7.38 %.

235. Notwithstanding the progress made through the implementation of its education policy, Morocco plans to take more vigorous action to achieve better results. There are a number of challenges to be met in this context, especially the achievement of universal education by 2015, the elimination of school wastage, especially in rural areas, enhancement of the quality of education and the preparation of the accelerated programme for 2009-2012. This will require the adoption of advanced and up-to-date curricula and syllabuses focusing on quality standards, the provision of social support for students from poor and low-income groups, and the building of infrastructure in semi-desert and remote areas to ensure universal enrolment. It will also be necessary to promote equality in education and training as well as equality of opportunity. The indicator of equality between the sexes in most branches of national public education rose from 0.80 % in 2000 to 0.86 % in 2006.

236. Other challenges facing education policy in Morocco are related to the inflow of large numbers of illegal migrants from sub-Saharan countries, a large proportion of whom settle in Morocco. This creates problems when it comes to guaranteeing social rights, including the right to education and training, especially for children.

The right to equal participation in cultural activities

237. In his speech in Agadir on the establishment of the Royal Institute for Amazigh Culture, His Majesty the King made a strong commitment to the preservation and promotion of a national identity based on diverse religious, ethnic and cultural components. To that end, a number of measures were taken to foster Amazigh culture as a component of the Moroccan nation, culture and society, and to promote and review Amazigh books, which featured prominently at the 14th International Exhibition of Books and Publishing in Casablanca from 9 to 18 February 2007.

238. Several initiatives have been taken in recent years to develop the cultural infrastructure, to increase the funds allocated to culture and to enhance the status of the Amazigh language in various spheres of society. Thus, a number of programmes dealing with the Amazigh language and culture have been launched on Moroccan radio and television. Programmes continue to be broadcast in the three dialects of the Amazigh language, and there are plans to create an Amazigh-language channel in the context of the audio-visual outreach project and action to highlight the diversity of Moroccan culture.

239. The Royal Institute of Amazigh Culture has developed a strategy aimed at supporting the integration of Amazigh into the media, especially the audio-visual media, through a partnership agreement with the Ministry of Communications. As a result of the meetings held with various parties involved in the media, a number of projects have been launched, included the following:

- An extension of the broadcasting periods of the Amazigh radio station from 12 to 16 per day with effect from 15 November 2005, which led to a major increase in the number of listeners;
- Adoption of a new approach which involves paying tribute to the symbols of Amazigh culture and giving special attention to children's interests;

- Replacing the practice on the first television channel of broadcasting a single news bulletin combining the three dialects of Amazigh with a number of different morning broadcasting slots, especially for the coverage of national and international events.

240. With regard to the other channels, there have been major changes during the current broadcasting period in programmes concerning Amazigh culture. For instance, since the beginning of 2006 the second channel has broadcast a number of Amazigh language programmes on sports, medicine and culture, and the programmes *Lahzat Shi'r* and *Namadhiyal Amazighiya*. It has also covered a number of artistic and outreach activities. An Amazigh television channel called *Al-Amazighiya* will shortly be launched. It is expected to make additional high-quality contributions to the Moroccan media scene.

241. The action undertaken by the Institute in support of Amazigh cultural dissemination and outreach has led, inter alia, to the publication of more than 90 works dealing with literature, history, anthropology, linguistics, teaching methods, artistic expression, etc. The Royal Institute of Amazigh Culture has also organized a large number of scientific symposiums and meetings on a range of subjects falling within the scope of its mandate with a view to disseminating the Amazigh language and culture and familiarizing people with its symbols and characteristics.

242. The right to engage in cultural activities is a right guaranteed to everyone in the Kingdom, irrespective of his or her nationality, race, religion or origin, provided that the right is exercised in accordance with the applicable legal norms. The right to participate on an equal footing in cultural activities is enjoyed by both Moroccans and foreigners, and by both women and men. Morocco is the scene of diverse cultural activities, which bring together many different nationalities, prominent civil and political figures and artists throughout the year.

243. With a view to facilitating access for all to cultural activities, the Moroccan Government has developed facilities aimed at promoting the role of young people, and supporting cultural exhibitions and clubs as well as events involving civil society associations and prominent national and international figures. As culture is a right that must be exercised without discrimination, the right to participate on an equal footing in cultural activities is enjoyed by all members of society, including detainees, who also have the right to engage in cultural activities and to organize entertainment and educational events in prisons together with individuals or groups from outside the penitentiary facility. Thus, individuals and associations, including Amazigh associations, participate effectively in these activities. Moreover, detainees who speak different dialects and languages are allowed to watch or listen to programmes broadcast by the national media in the dialects and languages concerned.

The right of access to any place intended for use by the general public (transport, hotels, restaurants, cafes, theatres and parks)

244. The laws and regulations governing places intended for use by the general public are applied strictly and universally and contain no provision conducive to discrimination between the people who frequent such places on grounds of sex, colour, religion or any other characteristic. Public transport facilities and other public services are regarded as public utilities, and the body responsible for their management, be it a public corporation or a private company, is required to comply with the basic rules governing public utilities, which include, in particular, the principle of equality between users. Hotels, restaurants and cafes are run by private companies whose treatment of people as customers is based on economic reasoning, the motive being material gain. Hence, customers' access to them depends solely on whether they pay for the services they receive.

Article 6

1. A State based on the rule of law

245. There can be no doubt that the judiciary plays a fundamental role in protecting and safeguarding human rights, in accordance with the principles of a State and institutions based on the rule of law. It ensures respect for judicial guarantees and is directly involved in supporting the principle of equality and in opposing all forms of discriminatory treatment based on nationality, social origin or any other factor.

246. The application of the principle of equality is discernible, first and foremost, in the judicial system itself. Access to the legal profession is open to everyone without discrimination or exception. It is a right that can be exercised on an equal footing and on the same conditions by all persons subject to the authority of the State, whether they are Moroccans or foreigners.

247. In view of the commitment of the Kingdom of Morocco to internationally recognized human rights principles, the Moroccan judiciary has applied international treaties directly in many cases, giving them primacy over domestic law in the event of a conflict between the two. This confirms the Moroccan judiciary's consistent support for human rights and the conformity of its judgements to the international treaties that Morocco has ratified.

248. In response to paragraph 13 of the Committee's concluding observations concerning Morocco's fourteenth, fifteenth and sixteenth reports (CERD/C/62/CO/5), which raises the question of judgements handed down by the Moroccan judiciary regarding cases of discrimination, the judgements delivered pursuant to the legislation prohibiting discrimination have been strongly influenced by Morocco's international obligations in that regard. Take, for example, the judgement handed down by the El Jadida court of first instance in a case in which the victim was a Tunisian national and the perpetrator was prosecuted for incitement to discrimination. The judgement delivered on 12 April convicted the perpetrator (a Moroccan national) of the offence of discrimination and sentenced him to a three-month suspended prison term, a fine of 1,000 dirhams and payment of damages of 3,000 dirhams to the victim.

249. On 19 December 2005, the Tiznit court of first instance decided to prosecute the accused for the offence of discrimination on account of the terms they had used in dealing with the victim. The court convicted the accused of the acts of discrimination attributed to them and sentenced them to two-month prison terms and a fine of 500 dirhams each. Other judgements dealing with similar cases led to the acquittal of the accused because the elements of the offence of discrimination had not been established or because of lack of proof of commission of the acts. A number of cases and complaints concerning the same offence are also pending before the courts.

250. The judgements handed down by the Moroccan judiciary in this regard demonstrate the existence of a dynamic process and of positive attitudes to human rights principles and values. They reaffirm the judiciary's role in guaranteeing human rights and in affording protection against discrimination.

251. With a view to ensuring that all persons have access to the courts and can demand recognition of their rights on an equal footing with their adversaries, Moroccan law contains provisions aimed at assisting persons with a limited income who are unable to cover the costs of litigation by not only exempting them from legal costs and fees but also providing them with the assistance of a lawyer. Moreover, a new approach to legal assistance is currently being

elaborated, pursuant to which financial support would be supplemented by assistance in obtaining access to legal information and data.

252. By virtue of its commitment to human rights principles and hence to the principle of equal treatment without discrimination, Morocco has incorporated this dimension in the legal norms and principles applicable to the extradition of offenders in the context of international legal cooperation. Pursuant to the Moroccan Code of Criminal Procedure, a request for extradition from another State can be refused on the ground that it is racially motivated. Thus, article 721 of the Code reads as follows: “Consent to extradition shall not be accorded if the Moroccan authorities have serious grounds to believe that the request for extradition concerns an offence under ordinary law and that the sole motive is to prosecute or punish a person on racial or religious grounds or on grounds relating to the person’s nationality or political views.”

253. With a view to preventing arbitrary action or abuse of legal authority by the administration, administrative courts of first instance and administrative appeal courts have been established in the main regions of the country, in accordance with the principle of decentralization of the judicial system. They deal with the following matters: annulment of decisions by the administrative authorities on the ground of abuse of authority; disputes concerning administrative contracts; and cases of compensation for damage inflicted by the acts and activities of members of the law enforcement agencies.

254. The Moroccan judiciary has demonstrated its role in defending human rights in several judgements in which it enforced the principle of equality and non-discrimination. It has reaffirmed the equality of all persons before the law and accorded them the right to promotion on an equal footing and on the same terms. It has prevented the administration from taking action against some individuals and not against others, invoking the principle of equality before the law. For example, the Supreme Court stated in the declaratory part of a decision issued on 13 January 2001 that: “The administrative courts, when assessing the administration’s compliance with the provisions governing promotion, do not create financial positions or require the administration to exceed the number of established positions; they assess the administration’s respect for the principle of equality of all members of their staff before the law and with respect to the opportunities available.”

255. Furthermore, the judiciary has reaffirmed the right of all persons to establish associations freely and without discrimination in accordance with the rules laid down by law. The role of the administrative authorities in this regard is confined to the issuing of receipts for the deposit of statutes. Moreover, they may not decline to do so inasmuch as the courts have sole authority to dissolve an association, to declare it null and void, or to close it down. For example, the Agadir Administrative Court issued a judgement on 21 September 2006 in a case concerning the refusal of the local authorities to issue a receipt to the Sahrawi Association for Victims of Gross Human Rights Violations. According to the Court’s legal ruling, the administrative authorities were bound to issue a receipt for the Association’s statute, since the receipt merely certified that the statute had been deposited and the authorities had no right to withhold it.

256. The Constitutional Council supports the role of the judiciary in protecting individual rights and freedoms by assessing the constitutionality of legislation and its consistency with respect for the individual’s constitutional and political rights, such as the right to vote and to stand for election, and equality in terms of the running of public affairs. The electoral process has been declared null and void on many occasions on account of violations of these rights or vitiation of the process by fraudulent practices or by interference on the part of the administrative authorities.

2. The role of national human rights institutions

257. Acting on its belief in human rights values and in their role and importance in international affairs, Morocco has created mechanisms aimed at protecting and promoting human rights. In accordance with the Paris Principles adopted by the United Nations General Assembly in December 1993, it has established national human rights institutions that oversee Morocco's compliance with its international obligations and with its undertaking to guarantee the rights and freedoms of all persons without discrimination. One of these institutions is the Advisory Council on Human Rights which, pursuant to article 2 of its founding Decree, can investigate human rights violations, on its own motion or in response to a petition from a victim, and issue recommendations to the responsible authorities. Moreover, it refers petitions that require a legal ruling to the courts.

258. In addition to the courts and the Advisory Council on Human Rights, Morocco established a new institution in 2001 that seeks to provide remedies for any injustices that people may suffer. It is the Ombudsman's Office (*Diwan al-Madhalim*), which acts in support of individual rights and freedoms in Morocco. This is reflected in the preamble to its Statute, which includes among the purposes for which it was established: ensuring the primacy of rights; remedying grievances; supporting the work of institutions that uphold citizens' rights; and creating focal points to intercede with the different government departments.

259. The role of the Ombudsman's Office consists in countering all forms of discrimination against persons in their dealings with the public authorities and institutions at various levels. It examines complaints filed by citizens who consider themselves to be the victims of administrative decisions taken by different public authorities and institutions. The Ombudsman and his delegates in the other public utilities coordinate with the representatives of the various authorities with a view to ensuring the speedy resolution of the problems raised by members of the public. Moreover, the Ombudsman can submit a report to the Prime Minister whenever an administrative authority fails to implement a final judgement regarding acts of an official belonging to one of the public administrations.

260. The aggrieved party can file complaints directly or through an intermediary with the Ombudsman or with his ministerial and regional delegates. To facilitate access to the Ombudsman's Office through the complaint procedure, the Act regulating the Office allows the aggrieved party to opt for either a written or an oral procedure. A written application must be approved and signed by the party filing the complaint. It must also describe the steps taken vis-à-vis the authority concerned in defence of the right constituting the subject matter of the complaint.

261. Moreover, if the complainant is unable to file a written complaint, he or she may submit the complaint orally with the supporting arguments and documentation. However, the submission by the aggrieved party of a complaint to the Ombudsman's Office does not constitute a ground for the termination, suspension or deferral of an appeal that the aggrieved party is legally entitled to file with the courts.

262. The role of the Ombudsman's Office in protecting the rights and freedoms of all persons against discrimination in their dealings with the public authorities is also reflected in the investigations conducted with a view to determining the existence and nature of the wrongful acts alleged by the complainant. The public authorities and institutions concerned are required to provide the Ombudsman's Office with the support it requires to investigate all aspects of the dispute. Moreover, the Ombudsman or his delegates are entitled to examine the documents pertaining to the complaint under investigation, and the Ombudsman may endeavour to settle

the dispute through conciliatory action aimed at remedying the injustice suffered by the aggrieved party.

Article 7

263. Human rights education constitutes a mainstay of action to promote and consolidate a human rights culture, as recognized in a number of international instruments and activities, including the International Convention on the Elimination of All Forms of Racial Discrimination, the United Nations Decade for Human Rights Education (1995-2004) and the proposed World Programme for Human Rights Education (2005-2007).

264. Acting on its commitment to implement the provisions of the Convention, especially article 7, which requires States to adopt immediate and effective measures, particularly in the fields of teaching, education and culture, with a view to combating prejudices which lead to racial discrimination and to promoting understanding and tolerance among nations, Morocco has taken a number of measures to spread a culture of human rights, since such rights constitute humane existential principles shared by all human beings. Morocco has espoused this type of action from the outset and joined the Swiss Confederation in sponsoring a proposal that the Human Rights Council should adopt a United Nations Declaration on Human Rights Education and Training.

265. At the domestic level, Morocco is implementing a national human rights education programme aimed at incorporating human rights principles in the curricula and syllabuses of primary and secondary education establishments. Subject matter imbued with human rights values has been incorporated in textbooks, in accordance with an approach focusing on texts, examples and supportive educational materials. The objective is to promote values of equality, decency, tolerance and coexistence, to support the right to be different, and to ensure respect for the principle of fairness and rejection of all forms of violence. A booklet setting out duties has been included in school syllabuses. It includes the duty to avoid becoming involved in disputes triggered by discrimination on grounds of sex or colour, and the duty to respect basic human rights principles. Human rights has also been included as a subject at university level. The creation of specialized higher education units means that human rights will play a pivotal role in training and research.

266. With a view to promoting a human rights culture among wide sectors of the population, especially among groups that implement the law as part of their daily work and whose espousal of a human rights culture will have a positive effect on their enforcement of the law in the areas for which they are responsible, human rights has been included as a subject in the training programmes of police officers, members of the gendarmerie and public officials. Moreover, the training programmes of these groups have been reviewed from a human rights perspective.

267. The subject of human rights has also been incorporated in the training courses for judges at the Higher Judicial Institute, and the content of the courses has been expanded since the early 1990s. In addition, field courses have been introduced for officials working in prisons in order to promote a human rights culture in their areas of responsibility and to influence their daily conduct and treatment of the persons subject to their supervision. This process has been accompanied by an awareness-raising and cultural campaign to make the general public aware of the importance of human rights and to promote values based on tolerance. For instance, a number of television and radio programmes on the subject have been broadcast, and symposiums and training courses have been held for law enforcement officers. The programme

targets broad sectors of society, including the Government, national institutions, civil society organizations and human rights defenders.

268. The efforts of the Kingdom of Morocco in the area of education and the promotion of a human rights culture were supported in April 2006 by the launching of a joint initiative involving national institutions, various government departments, local authorities, civil society organizations and human rights defenders. The initiative led to the development of a national plan of action to promote a human rights culture and a society with shared values, one in which the principles of decency, freedom, equality, solidarity, tolerance, and acceptance of difference and diversity govern the relations between its members in their private and public lives, and also imbue the procedures followed by public authorities and institutions in their treatment of individuals. The plan in question is called the “National Plan of Action for the Promotion of a Human Rights Culture”.

269. This five-year Plan of Action focuses on three key areas which are interactive and interconnected, namely education, awareness-raising and vocational training. These areas constitute the basic ingredients of a social strategy aimed at ensuring the prevalence of human rights values and a human rights culture among the individuals, groups and institutions of which society is composed.

270. Furthermore, a national plan of action for democracy and human rights is to be launched in early 2009 once the committee to oversee its implementation has been appointed. It is a major project on which consultations were initiated at a national symposium held in April 2008. The action plan will be implemented by the Government in cooperation with national institutions, the Parliament, trade unions, professional, legal and scientific associations, universities, the media and the United Nations Development Programme, and it will be supported by the European Union.
