



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

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**Committee on the Elimination of Racial Discrimination**  
**Seventy-seventh session**

**Summary record of the 2033rd meeting**

Held at the Palais Wilson, Geneva, on Tuesday, 17 August 2010, at 10 a.m.

*Chairperson:* Mr. Kemal

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*The meeting was called to order at 10 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** *(continued)*

*Seventeenth and eighteenth periodic reports of Morocco* (CERD/C/MAR/17-18; CERD/C/MAR/Q/17-18) *(continued)*

1. *At the invitation of the Chairperson, the delegation of Morocco took places at the Committee table.*
2. **Mr. Jilali Sghir** (Morocco) said that Act No. 02-03 on foreigners' entry into and residence in Morocco and on illegal emigration and immigration contained important provisions for the protection of illegal immigrants and complied completely with provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Article 29 stipulated that foreigners granted refugee status or who were awaiting a decision on their request for asylum could not be expelled from the country. Under article 17, a foreigner granted refugee status, along with his spouse and children who were minors, had the right to a residence permit. Finally, article 21 stipulated that orders to escort foreigners to the border could only be made by the administration on the basis of reasoned decisions. Such operations were carried out with scrupulous respect for the law. Illegal migrants had the right to legal counsel and to an interpreter if they did not understand Arabic.
3. The national strategy against human trafficking, adopted in 2007, focused on the protection of victims and made a clear distinction between them and traffickers. It comprised three components: (a) prevention, in the form of measures to counter such factors as illiteracy, poverty and violence that made certain groups vulnerable to trafficking; (b) combating trafficking networks (2,800 such networks had been dismantled since 2004); and (c) protection of victims against exploitation. Victims were at the heart of concerns and were entitled to medical and psychological care as well as rehabilitation and, if necessary, help towards voluntary return. To date, 10,000 illegal migrants had opted for voluntary assisted return. Corrupt officials involved in the exploitation of illegal migrants were liable to prison terms of 2 to 5 years. With regard to the policy of rescue on the high seas, Morocco had, since 2006, rescued more than 7,000 sub-Saharan Africans found on board unseaworthy vessels. Act No. 02-03 also governed the residence of legal migrants, who like Moroccan nationals benefited from the right to housing, health care and social services, as well as to freedom of movement. To date, 75,000 foreigners were legally resident in Morocco. The Ministry of the Interior had signed two partnership agreements with NGOs that worked with sub-Saharan migrants with a view to discouraging illegal immigration. Morocco had also introduced a major South-South co-development policy.
4. It was difficult to assess how many migrants were in transit as such migration flows were often hidden. Estimates suggested the number had fallen considerably since 2004, thanks to the strategy of combating trafficking rings and awareness-raising campaigns. Typical gathering points, such as forests, no longer attracted such alarming concentrations of people in transit. Xenophobic attitudes to migrants were not rooted in Moroccan society but found expression only in the reprehensible behaviour of certain individuals.
5. **Mr. Mokhtar** (Morocco) said that the delegation's country was not made up of different ethnic groups and that the Moroccans were a single people. The Amazigh issue could therefore not be regarded as an ethnic question. There was a certain diversity due to the mixed origins of Moroccans and the variety of cultural components. Census information in the country was gathered using the same criteria as elsewhere in the world. The last census, conducted by the Office of the High Commissioner for Planning dated from 2004 and the data gathered could be consulted at the Office's website ([www.hcp.ma](http://www.hcp.ma)).

6. Associations could be established by lodging a simple declaration with the relevant local authorities. The number of associations had grown considerably and there were currently more than 50,000, of which around 500 were Amazigh associations. In 2009, the Royal Institute of Amazigh Culture had entered into 251 partnership agreements with associations to which it had paid subsidies totalling DH 6 million. With a view to promoting use of the Amazigh language, the institute had established an Amazigh alphabet that had been recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO). With regard to the registering of Amazigh forenames in the civil registry, Moroccans were free to choose whatever forenames they wished for their children. Act No. 37-99 on civil status stipulated that forenames must have a Moroccan character and should not be morally offensive or present a threat to law and order. The lists of prohibited forenames to which the Committee had alluded had been dropped with the passing of the Act. Of a total of 3.6 million forenames submitted to the civil registry since 2003, 454 cases concerning Arabic as well as Amazigh names had posed a problem and only 95 had been officially rejected. On 9 April 2010, the Ministry of the Interior had put out a new circular on the choice of forenames declaring that there was no list of admissible or inadmissible forenames. Since the adoption of that circular, no disputes or complaints had been recorded by the civil registry.

7. Teacher training in the Amazigh language was extremely important for ensuring high quality education. In 2007–2008, 34 teacher-training centres had trained a total of 1,476 teachers in the language as well as in Amazigh culture and teaching theory. Continuous learning programmes in the Amazigh language had been available since 2003 and used to train 8,845 teaching staff. Moreover, six higher learning establishments offered classes in Amazigh, which 228 students had attended in 2007–2008.

8. There were no displaced persons in Morocco. The Country Rapporteur had probably had in mind persons originally from the southern provinces who had found refuge in one of the camps at Laayoune after the United Nations had invited them to register on the electoral rolls for a referendum on self-determination. Those persons had settled in more or less appropriate locations, but their situation had been regularized in 2008 when they had been granted access to property.

9. **Mr. Abdenabaoui** (Morocco) said that in the wake of the events of 11 September 2001 and attacks carried out on Moroccan soil, the Government had passed the Anti-Terrorism Act No. 03-03, which had been incorporated in the new Code of Criminal Procedure and had entered into force on 5 June 2003 after the terrorist attacks of 16 May 2003 in Casablanca. That Act contained general provisions similar to those of anti-terrorist legislation adopted in other countries. Terrorism was a heinous crime but efforts to combat it were always pursued with due respect for human rights and, in particular, the right to a fair trial. The Act was, therefore, in line with the provisions of the Criminal Code and the Code of Criminal Procedure, while providing for several derogations, especially with regard to detention in police custody, which could last up to 96 hours in terrorism cases instead of the 48 hours established in the Code of Criminal Procedure. Under the Criminal Code, house searches could only take place between 6 a.m. and 9 p.m., but in terrorism cases they could be carried out at night outside those hours. Terrorism suspects had the same rights as other suspects, including the right to legal counsel and an interpreter, the right to appeal and the right to the presumption of innocence. Moreover, all trials were held in public. Act No. 03-03 was not retroactive and could therefore not be applied to offences committed before 2003. Only the Appeals Court of Rabat was competent in terrorism cases.

10. In order to ensure equality of treatment before the courts and other organs of justice, judges must employ interpreters or other persons capable of conversing fluently with Moroccans or foreigners who did not speak Arabic, the official language of the justice system, in initial hearings and during trials. The Code of Criminal Procedure, which had

been modified in 2003, would again be revised to bring it into line with the general reform of the justice system announced by the King on 20 August 2009. Comments from the Committee on that subject would be given due consideration by the Ministry of Justice at the appropriate time.

11. The Criminal Code was applicable to all persons present in the country, regardless of whether they were foreigners, Moroccan citizens or stateless persons. It had been modified in 2003 in line with article 1 of the Convention to establish clearly that acts of discrimination were offences under Moroccan law. It defined discrimination 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” (CERD/C/MAR/17-18, para. 13). The definition of discrimination in Moroccan law was thus broader than that contained in article 1 of the Convention, which only prohibited distinctions or preferences based on race, colour, descent, or national or ethnic origin. Discrimination had also been made a criminal offence in labour legislation. Article 9 of the Labour Code prohibited all forms of discrimination based on the above-mentioned grounds and a new provision in legislation on the press, associations and political parties established penalties for all acts of discrimination.

12. In Morocco, as in most Islamic countries, inheritance laws were based on the principles of sharia law. That did not mean that they were discriminatory, as they did not aim to deny women equality with men in that area. In conformity with the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights, Morocco had set to work on the reform of legislation in order to bring it into line with the international instruments it had signed and ratified. Considerable legislative change had ensued, including such legal instruments as the 2004 Family Code, which was considered a major development in legal and social terms. Indeed, the Code was characterized by a modern approach that eliminated all distinctions between men and women, ascribing to both similar rights and obligations, and thus preserved the dignity and rights of both sexes.

13. Turning to the treatment of prisoners, he said that until 2008 the prison service had simply been an arm of the Ministry of Justice. In order to improve the situation of prison inmates, a new department responsible for the reintegration of prisoners into society had been established in the Ministry and granted greater financial and human resources with which to operate. Moroccan legislation incorporated all the safeguards contained in the Standard Minimum Rules for the Treatment of Prisoners.

14. **Mr. Ajraoui** (Morocco) said that the 2004 reform of the Family Code was a legislative milestone that enshrined the universal values of justice, equality and equity and provided a framework for protection of the family and children. Family divisions had been established in courts specialized in family matters, whose judges received continuous specialized training, and public-awareness campaigns on family rights were conducted nationally on a regular basis. Divisional judges also held regular meetings to harmonize implementation of the Code, discuss recurring problems and propose solutions that were then communicated to all sections. A follow-up unit had been established in the Ministry of Justice to provide judges — where necessary and without prejudice to their independence — with legal advice. The implementation of the new Family Code was assessed every year and the relevant data were added to a database that ensured the monitoring of rulings made under the provisions of the Code and the detection of any resulting difficulties.

15. The Nationality Code had been adopted in 1958, shortly after independence, and had been modified in April 2007 as part of the work of harmonizing Moroccan legislation with international human rights instruments signed by Morocco. The changes concerned served

to affirm the precedence of the provisions of international conventions over those of the Code, upheld the principle of equality between men and women in the transmission of nationality to their children and simplified the conditions for the granting of nationality to children with a foreign parent. Under the modified Code, foreign women could acquire Moroccan nationality through marriage and foreign men through naturalization. The principal requirement in both cases was that the person concerned had been resident in Morocco for five years at the time of application. Moreover, Moroccan women did not lose their citizenship upon marrying foreigners. The loss or deprivation of Moroccan citizenship was governed by a special procedure that did not take into account marriage or gender.

16. **Ms. Rhardisse** (Morocco) said that her country had ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol on 8 April 2008. The Prime Minister had ordered that 5 per cent of jobs in the private sector and 7 per cent in the public sector be reserved for disabled persons.

17. Morocco, which had signed the Convention on the Rights of the Child in 1993, had put in place a national plan of action for children covering the period from 2006 to 2015 and entitled “A Morocco Worthy of its Children”, whose aim was to promote the rights of the child in the areas of health and education (CERD/C/MAR/17-18, para. 79). Morocco had also signed the International Labour Organization’s C182 Worst Forms of Child Labour Convention, 1999, and C138 Minimum Age Convention, 1973, and a draft bill to criminalize domestic work for girls under the age of 15 was being considered by parliament. Morocco had also signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women.

18. **Mr. Ouzgane** (Morocco) said that the support agency for economic and social development in the southern regions (para. 98), established in March 2002, was charged with preparing a comprehensive development plan comprising ambitious programmes to transform those regions into a pole of economic growth with distinctive features that would benefit all Moroccans, whether in the north or south, without distinction. The agency’s principal mission was threefold: to study economic and social development projects for the southern regions with the State and potential investors; to raise the funds for projects to be financed wholly or in part by the agency; and to monitor implementation of economic and social development programmes.

19. The King had established the Royal Advisory Council on Saharan Affairs in 2006 after a visit to the south of the country. It undertook a variety of activities with political, social and economic dimensions at a national level. In addition to its role as a consultative body on issues pertaining to the defence of the Kingdom’s territorial unity, it could also 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. Its mission was to help defend the specifically Moroccan character of the Sahara region. It also participated in the work and meetings of international organizations dealing with territorial integrity. The Council presented an annual report of its activities to the King.

20. **Mr. Najim** (Morocco) said that the Ombudsman’s Office, which had been established in 2001, was responsible for considering all complaints of discrimination, whatever their nature. Since its inception, the Office had published two reports, covering the periods 2004 to 2005 and 2006 to 2007 respectively, and was preparing its third. Between 2004 and 2007 it had received 23,000 complaints, of which it had considered 12,000, none of them involving racial discrimination. The Office was active on the national and international stages and had, for example, organized a seminar in 2009 on strengthening the role of the Ombudsman.

21. The Justice and Reconciliation Commission, which had been set up in 2004, examined complaints of infringements of individual or collective rights, ruled on compensation for victims and worked on national reconciliation with regard to violations committed between 1958 and 1999. There had been no general amnesty for those responsible for human rights violations. In 2006, the Commission had submitted a report on its activities in which it had made recommendations to the Moroccan Government. Those recommendations had led to the establishment of the National Plan of Action for the Promotion of a Human Rights Culture, part of the extension of the national human rights education programme launched in 1994. The preparation of a national plan of action for democracy and human rights was continuing, with a view to strengthening human rights institutions and to raising human rights awareness among different sectors of society (civil society, the media, political parties and trade unions).

22. **Mr. Ajraoui** (Morocco) said that, although the Constitution did not expressly affirm the precedence of international instruments to which Morocco was a party over domestic law, its preamble stated that the Kingdom of Morocco adhered to the principles, rights and obligations deriving from the charters of the organizations of which it was a member. Several provisions of domestic legislation, such as articles 713, 723 and 741 of the Criminal Code and article 1 of the Nationality Code, stipulated that the international instruments ratified by Morocco prevailed over domestic law. Moreover, the principle of the primacy of international law over domestic law had been applied with growing frequency in rulings by Moroccan courts, several of which in recent years had been based on the provisions of international instruments. That trend was likely to gather momentum as the Moroccan Government made strenuous efforts to improve the human rights training of judges.

23. On the sixtieth anniversary of the Universal Declaration of Human Rights, the King of Morocco had announced the removal of reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities.

24. **Mr. Prosper**, returning to assertions by the Moroccan delegation that Moroccans, in spite of the multiplicity of their origins, were a single people, noted that the State party remained opposed to the idea of gathering statistics disaggregated by ethnicity. National origin was not a useful criterion when trying to discern the make-up of the population because it provided no clues of a racial or ethnic nature. With all due regard for the delegation's remarks on the harmony that reigned among all sectors of society, where disaggregated statistics were lacking the State party had no means of verifying if that harmony was real and to assess progress made where appropriate. He hoped, therefore, that the State party would reconsider its position on that issue.

25. **Mr. Hilale** (Morocco) said that the diversity of the Moroccan people, a result of centuries of mixing population groups, constituted the pride and strength of his country. The Government, however, judged the gathering of disaggregated statistics according to ethnicity to be inappropriate since, given how long ago that mixing of peoples had taken place, it had become practically impossible to determine the ethnic origins of individuals. Public policy was not based on considerations linked to ethnicity but rather on the Government's desire to ensure national unity and equality throughout society, so that all citizens could exercise their basic rights without discrimination. Rather than highlighting differences, the Government had elected to promote osmosis between the different population groups and to encourage them to express their cultural identity, as demonstrated by the measures taken for the Amazighs.

26. **Mr. Lahiri** underlined that, when a group identified itself as an ethnic minority on the basis of provisions in the Convention and the State party concerned was reluctant to

recognize its existence, the principle of “one country, one nation” did not preclude the occurrence of certain forms of discrimination.

27. According to some sources, the Amazighs accounted for anything from 42 per cent to 60 per cent of the population of the southern regions and the 40 tribes that lived in the Moroccan Sahara represented 300,000 people. It would also be interesting to know how many descendants there were of black slaves sold as concubines. Although the Committee had no intention of questioning the State party’s “one people, one nation” concept, it did need statistics disaggregated by ethnicity to judge whether all social groups had access to services and could take part in public life without discrimination. Could the State party not meet the Committee part of the way, given that it recognized itself that its population was characterized by its great diversity?

28. **Mr. Hilale** (Morocco) said that no official statistical study on the Amazighs had ever been conducted and that the suggested figures of 42 to 60 per cent were wholly incorrect. The Amazighs were present not only in the south of the country, but also in the centre, north and Atlas Mountains. They did not constitute an ethnic minority but rather three linguistic groups. To date, there was no record of any court case involving racial discrimination and the report of the Working Group on Enforced or Involuntary Disappearances after its mission in Morocco (A/HRC/13/31/Add.1) made no mention of any Amazighs who had been victims of enforced disappearance because of their cultural identity. The delegation was of the opinion that neither statistics nor the recognition of one or the other minority would lead to the end of racial discrimination, but rather the Government’s determination to ensure the equality of all groups in Moroccan society.

29. **Mr. Avtonomov**, remarking that discrimination was not always the result of deliberate State policy but could have deep historical roots, maintained that the State party needed to gather statistics in order to obtain a clearer picture of the situation of different population groups and, if necessary, to take special temporary measures to redress the balance in their favour. He reminded the State party of the Committee’s general recommendation No. 32 on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination.

30. He welcomed efforts made by Morocco to establish parity and improve the situation of women who, if they came from minorities, were vulnerable to twofold discrimination.

31. He had trouble understanding what was meant by forenames with “a Moroccan character”. Classical Arabic was spoken in numerous countries in the region and nothing could justify the prohibition of a forename in Morocco that was more or less common in one or other of those countries. In the same way, given that Amazighs were present throughout North Africa, it seemed difficult to claim that an Amazigh forename had “a Moroccan character” or otherwise. He asked if Jewish forenames posed a problem and whether the State party intended to compile a list of what could be considered Moroccan forenames.

32. He also wished to know if it was enough to have lived and worked legally in Morocco for five years in order to apply for naturalization or whether other conditions had to be met, if preference was given to citizens of certain countries and if it was easier for foreigners whose spouse was Moroccan to obtain Moroccan citizenship.

33. **Mr. Amir** asked the delegation to clarify whether the State party had made a reservation to article 15 of the Convention at the time of its accession.

34. **Mr. Hilale** (Morocco) replied that Morocco had not made a reservation to article 15.

35. **Mr. Abdenabaoui** (Morocco) said that the Moroccan people had a single identity, forged down the centuries, and that nothing could prevent it from maintaining its traditions and preserving its centuries-old cultural heritage. The most common forenames in Morocco

were those of Berber, African or Moroccan origin that had established themselves over time. Forenames often indicated to which groups their bearers belonged without that necessarily being a reason for discrimination. On the other hand, the civil registry rejected forenames from languages or cultures too distant from Moroccan society.

36. Foreigners married to Moroccan nationals were dealt with under specific legislation: foreign wives of Moroccan nationals obtained nationality by decree while foreign husbands did so by prime ministerial decision. The requirement that applicants for naturalization speak Arabic was motivated by the desire to promote integration rather than discrimination.

37. **Mr. Ewomsan** said that languages were never neutral but were a reflection of given lifestyles, cultures, practices and behaviour. Noting that Morocco wished to preserve national unity, all the while stressing its cultural diversity, he wondered if the authorities considered the recognition of ethnic communities to be an obstacle to national unity.

38. **Ms. Crickley** requested additional information on the national strategy aimed at achieving justice and equality between the sexes, in particular whether the State party had put in place indicators and mechanisms to monitor its implementation and whether women who were vulnerable to racism or racial discrimination benefited from it. She would also like to know if the competent authorities ensured that the national strategy to combat poverty took men and women from minority groups into equal account with the rest of the population. She asked how the State party managed to distinguish between “desperate” acts committed against members of certain minorities from those that were truly xenophobic or discriminatory. Additional information on the distinction established by the State party between ethnic groups and indigenous peoples would be welcome.

39. **Mr. Diaconu** wondered whether Morocco recognized the competence of the African Commission on Human and Peoples’ Rights since it had withdrawn from the organization and if it was a party to the African Charter on Human and Peoples’ Rights. He asked whether, in the framework of the activities of the Justice and Reconciliation Commission, any perpetrators of serious crimes and enforced disappearances had already been declared guilty and criminally responsible for their acts.

40. He reiterated the need for the State party to gather data disaggregated by ethnic groups in order to better calibrate education policy, spur the creation of newspapers for different population groups and promote the culture and languages of those groups.

41. **Mr. de Gouttes** said Morocco was a great country that could play an important role in the world and be an example for the region, hence the significance of the civil law reform it had undertaken or its policy on women’s rights. No country was free of racism and Morocco would benefit from the compiling of statistics on the number of racist acts committed in the Kingdom in order to combat that phenomenon and to promote the rights of ethnic groups and Amazighs.

42. The reform of criminal law was no less important and Morocco could take a number of additional measures to: criminalize the spreading of racist, xenophobic and extremist ideas as well as indirect discrimination and double or multiple discrimination; reverse the burden of proof for acts of racial discrimination in civil matters; authorize, in criminal matters, the practice of “testing” in order to reveal discrimination in employment, housing or access to public spaces; and ensure the access of all, including persons from minority groups, to an interpreter and, thus, to justice.

43. **Ms. Dah** (Country Rapporteur) welcomed the determination of the State party to comply with the rules of international human rights law, as well as the legal and institutional reforms on which it had embarked to that end since 2003. Legislation should be modified to bring it into line with the principles set out in paragraphs 1 and 4 of the Convention. The State party should also compile statistical data, especially on mother



tongues and languages spoken in Morocco and the location of different population groups, and establish a series of socio-economic indicators. It should update its core document — which, although it dated to 2002, was out of date — to include the new institutional and legal framework that had emerged from the reforms undertaken.

44. She appreciated the fruitful dialogue held with the Moroccan delegation, which had given the Committee a clearer insight into the period of transition towards modernity in which the State party found itself and the obstacles that lay in its path. She was aware that the main challenge of modernization was to change attitudes without betraying one's roots.

45. **Mr. Hilale** (Morocco) equally welcomed the open and sincere dialogue that had been established with the Committee and renewed Morocco's commitment to continue on the road to modernization. He asked the Committee to bear in mind, when preparing its concluding observations, the historical context that had made Morocco what it was today, a country endowed with its own identity, social harmony and diversity, which could set an example for the region and the world.

46. *The Moroccan delegation withdrew.*

*The meeting rose at 1 p.m.*