

# MOROCCO

## EXECUTIVE SUMMARY

Morocco is a monarchy with a constitution, under which ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers. The king may dismiss ministers, dissolve parliament, and call for new elections. International and domestic observers judged that the November 25 parliamentary elections were credible and relatively free from government-sponsored irregularities. Security forces reported to civilian authorities.

Beginning in the spring, the country underwent a four-month constitutional reform process. In a March 9 speech, the king outlined the guidelines for the new constitution. A commission of experts whom he appointed wrote it, with input from an “accompanying mechanism” coordinating with political parties and numerous nongovernmental organizations (NGOs), associations, and individuals. The king presented the text publicly on June 17, and the populace adopted it in a referendum on July 1. This new document safeguards the essential powers of the king as the supreme arbiter among political forces, while marginally increasing the authority of parliament. The new constitution made significant steps in codifying civil liberties and advancing gender parity. Arab Spring-inspired social upheaval was relatively mild, although a new protest movement emerged, the February 20 Movement, that staged near-weekly peaceful demonstrations across the country to demand political, economic, and social reforms as well as an end to government corruption, to which the government sometimes responded with excessive force (see below).

The most significant, continuing human rights problems were the lack of citizens’ right to change the constitutional provisions establishing the country’s monarchical form of government, arbitrary arrests, and corruption in all branches of government.

Other human rights problems reported during the year included police use of excessive force to quell peaceful protests, resulting in dozens of injuries and at least four deaths; torture and other abuses by the security forces; incommunicado detention; poor prison and detention conditions; political prisoners and detainees; infringement of freedom of the press; lack of freedom of assembly; lack of independence of the judiciary; discrimination against women and girls; trafficking in persons; and child labor, particularly in the informal sector.

There was a problem of police and security force impunity, but the government took steps to address the issue.

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

### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports that the government or its agents committed arbitrary or unlawful killings. On February 20, five protesters died in a bank fire in Al Hoceima. Security officials said that the five were among a large group engaged in vandalism and robbery when the fire broke out, but human rights NGOs and family members alleged police brutality and a cover-up. In addition, NGOs and the February 20 Movement alleged that two other protesters died during protests as the result of police officers' use of excessive force. Authorities denied those charges but opened investigations in both cases.

Kamal Ammari, a participant in a February 20 Movement demonstration in Safi, was severely injured in clashes with police on May 29 and died four days later. Officials initially denied responsibility but later declared the cause was a severe respiratory illness. Ammari's family, domestic and international human rights NGOs, and eyewitnesses challenged the government's version of events, alleging that he died as a result of police beatings. The National Council for Human Rights (CNDH), created and funded by the government, which succeeded the Consultative Council on Human Rights (CCDH) on March 1, conducted an investigation but did not release conclusions. Additionally, Karim Chaib, a protester in a demonstration on February 20 in Sefrou, was injured severely when security forces violently dispersed the crowd. He died on February 23, allegedly from wounds sustained during this police crackdown. No results were available in either investigation by year's end (see section 2.b.).

There were no charges filed resulting from a continuing investigation into the September 2010 death after two days of imprisonment of Fodeil Aberkane following an altercation with police. Authorities were investigating one police officer and five guards, three of whom were in pretrial detention.

### **b. Disappearance**

The country's penal code requires security forces to inform a detainee of charges and inform the detainee's family of his or her whereabouts within 48 hours. The antiterrorism law provides an exception to this rule by permitting authorities to

detain suspects without informing their families for up to 96 hours. This initial detention period may be renewed twice--with the written authorization of the prosecutor--up to a total detention time of 12 days. In addition authorities may prevent communication between the detainee and his/her lawyer for up to two days after the initial four-day detention expires (see section 1.d.).

The government stated that it followed the law in all cases and that there were no cases of disappearance. However, the domestic NGO the Moroccan Association for Human Rights (AMDH), the international NGOs Human Rights Watch and Amnesty International, and the Party of Justice and Development (PJD), an Islamist-oriented political party, claimed that in several cases from 2010, authorities did not follow the provisions of the penal code or the antiterrorism law and that prolonged periods in unknown locations amounted to disappearances in these cases.

During the year the PJD, the February 20 Movement, and several domestic human rights NGOs mounted a public campaign calling for the closure of an alleged secret detention facility at Temara. Government authorities denied the facility existed and continued to claim that arrest and pretrial detention were mistakenly equated with abduction and forced disappearances and that families were informed about the whereabouts of those detained. However, authorities permitted the CNDH and several members of parliament to tour the Temara facility (see section 5). In the wake of the public campaign calling for the closure of the Temara facility, there were fewer reports of incommunicado detentions.

Regarding the unresolved cases of disappearance dating back to the 1970s and 1980s, the CNDH continued to investigate claims of enforced and involuntary disappearances. The government reported that since 2004 it had provided reparations to 25,442 victims of disappearance or other abuses committed between 1956 and 1999 or to their family members. Reparations were in the form of money, health care, employment, or vocational training. A total of 345 beneficiaries received reparations during the year amounting to the equivalent of more than five million dollars. The CNDH also began shifting its activities to community reparation projects and supported 107 of these--such as women's empowerment, income generation, and preservation of the environment--in 13 provinces. The CNDH continued to review open claims for reparation and occasionally received new claims, especially in Western Sahara.

Human rights groups representing Sahrawis, an ethnic minority living throughout the country and constituting the majority of the population of Western Sahara at

the time of the contested disappearances, voiced concern over the slow pace at which the CNDH was addressing outstanding and new claims. An association of victims and their families claimed that at least 114 cases remained unresolved and accused the government and CNDH of failing to acknowledge many additional cases of disappearances, especially from Western Sahara, that occurred between 1956 and 1999.

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

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

The law against torture requires judges to refer a detainee to a forensic medical expert when the detainee or his or her lawyer requests it or if judges notice suspicious physical marks on a detainee. The government reported that as of September public prosecutors and magistrates had requested expert medical examinations for 19 individuals, compared with 31 requests in 2010. Media and human rights NGOs documented cases in which the antitorture law provisions were not implemented.

A lawyer for Islamist detainees in the Toulal 2 prison in Meknes conveyed the account of several prisoners that, on August 1, guards brutally beat and raped with a stick at least four Islamist prisoners. According to numerous prisoner witness statements, one prisoner, Abdullah Al-Manfa'a, had been reciting the Qur'an for his fellow inmates when guards dragged him from his cell and abused him. Other prisoners protested and at least three of them received the same treatment. The government reported that an August 9 medical exam ordered by the Meknes court of appeals revealed no signs of abuse. The prosecutor then closed the investigation into the affair.

Many civil society actors claimed that torture occurred at a police administrative facility in Temara where police maintained detention cells. On May 18, two CNDH members, along with members of a parliamentary ad hoc committee, made a previously announced three-hour visit to the facility and reported that they "found no indicators that would confirm, at the time of the visit, that this facility is a place of illegal and unlawful detention" (see section 5).

## **Prison and Detention Center Conditions**

Prison conditions remained poor and generally did not meet international standards. Prisons were overcrowded, resulting in poor hygienic conditions. There were no reports regarding inadequate provisions for ventilation, temperature, lighting, and access to potable water. The Moroccan Observatory of Prisons (OMP), an umbrella grouping of lawyers promoting better prison conditions, and human rights NGOs continued to report during the year that prisons were overcrowded, prone to violence, and failed to meet local and international standards. The government stated that its 61 prisons held 65,279 inmates as of October 1. The government reported that it had opened seven new detention facilities during the year to reduce overcrowding as well as to improve living conditions. OMP reports in 2008 and 2009 maintained that the adult prison system operated at approximately 133 percent capacity. In many cases those imprisoned as minors completed their sentences as adults.

The government reported that 77 inmates, 54 of whom were hospitalized and under the care of the Ministry of Health, died in prison. Due to lack of access to information, local human rights NGOs were unable to comment on these numbers. The government acknowledged that providing adequate care was difficult in overcrowded conditions.

The Directorate General for Prison Administration (DGAP), a separate agency that reports directly to the prime minister and informally to the king, has responsibility for managing all prisons in the country. It has its own budget and central administrative apparatus. The Ministry of Justice directs the development and reform of penal policy.

Three detention facilities, known officially as Reform and Education Centers (RECs), were reserved exclusively for juveniles up to the age of 20. Several other adult prison facilities have dedicated areas for juvenile inmates. Although their separation was called for by law, juveniles were sometimes held with adults, particularly in pretrial detention and in police stations due to the lack of juvenile prison facilities. As of August 31, NGOs reported that there were an estimated 6,000 juveniles under the age of 20 at various prisons. Human rights groups reported that young offenders were abused by other minors, older inmates, and prison guards. Government figures indicated that fewer than 3 percent of prisoners were women, and there was less overcrowding in the women's sections. Women were held separately from men.

The government continued implementing vocational and educational training programs in prisons. The Mohammed VI Foundation for the Reinsertion of Prisoners, managed directly by the king, provides educational and professional training to young inmates on the verge of release. The foundation runs RECs in 38 of the country's 61 prisons and works with more than 4,000 prisoners each year. Graduates of the foundation's training programs have a recidivism rate of 3 percent, in contrast to the national average of 40 percent. During the year the government opened seven new prisons in Sale, Tetouan, Meknes, Tiflet, Khouribga, Oued Zem, and Beni Mellal. The government closed a number of prisons due to poor sanitary conditions.

Some human rights activists asserted that the prison administration reserved harsher treatment and conditions for certain prisoners, such as Islamists. The government denied allegations that it accorded different levels of treatment to any inmates. Prisoners frequently employed hunger strikes to demand improved prison conditions or protest lengthy pretrial detentions. Most of these ended within several days in response to concessions from the government or prison authorities. Although prison authorities provided meals to prisoners three times per day, the amount of food provided was inadequate, and families and friends regularly supplemented prisoners' diets.

The government rarely permitted prison visits by independent human rights observers, local human rights groups, international groups, or the media. As in years past, family members of prisoners accounted for the majority of prison visits. At least 244 visits were by judiciary authorities for various oversight reasons. The DGAP also reported that 46 regional or parliamentary commissions made prison visits during the year, as well as the Temara visit of the joint CNDH-parliamentary group. Authorities documented 128 visits by domestic NGOs during the first nine months of the year. NGOs reported that although international NGOs visited prisons in previous years, the DGAP's director general discouraged such visits, and they ceased. The International Committee of the Red Cross did not make any requests to visit prisoners.

The CNDH, like the CCDH before it, acted as an ombudsman for human rights and continued to expand the scope of its activities. The CNDH received complaints from prisoners and from individuals writing on behalf of their imprisoned family members (see section 1.e.). On several instances the CNDH intervened directly with authorities to secure royal pardons or address poor detention standards.

Government policy permits NGOs that provide social, educational, or religious services to prisoners to enter prison facilities, but it does not permit NGOs that only have a human rights mandate to do so except with special authorization. There were no reports that prisoners and detainees were denied permission to practice their respective religions. The OMP and members of various NGOs, including the Moroccan Organization for Human Rights (OMDH), the AMDH, and the Association of Victims of Grave Human Rights Abuses (ASVDH), visited prisoners regularly to distribute food and personal items and check on their health and well-being as “friends or family,” not as human rights NGO representatives.

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

The constitution prohibits arbitrary arrest and detention, although police used both practices. Police did not always observe due process. According to local NGOs and associations, police did not always identify themselves when arresting suspects nor did they consistently obtain warrants. Police reportedly held some detainees without charging them.

#### **Role of the Police and Security Apparatus**

The security apparatus includes several police and paramilitary organizations with overlapping authorities. The National Police (DGSN) manages internal law enforcement and reports to the Ministry of Interior. The Auxiliary Forces also report to the Ministry of Interior and support gendarmes or police. The Royal Gendarmerie, which reports to the Administration of National Defense, is responsible for law enforcement in rural regions and on national highways. Both the Royal Gendarmerie and the judicial police report to the royal prosecutor. The Department of Royal Security is a branch of the DGSN and reports to the king.

Civilian authorities maintained effective control over the security forces, but the government did not have effective mechanisms to investigate and punish abuse and corruption. There was no systematic prosecution of security personnel who committed human rights abuses. Corruption and impunity reduced police effectiveness and respect for the rule of law. Petty corruption was widespread among the police and gendarmes, and broader, systemic corruption undermined law enforcement and the effectiveness of the judicial system.

In February 2010 the king issued a royal high directive designed to modernize and professionalize the DGSN by making it an autonomous directorate. The government stated that these changes were aimed at improving the quality of

recruits and reducing corruption. Various components of the king's directive were implemented during the year. While the directive did not include provisions for additional training of security forces, the government increased investigations, prosecutions, and training--including a human rights component--for security personnel.

The Ministry of Interior increased investigations of abuse, human rights violations, and corruption across all security services under its purview. During the year the government reported that it arrested, prosecuted, or opened investigations regarding government authorities or security officials at all levels for crimes ranging from assault and battery to petty bribery throughout the country and Western Sahara. There was no available information on the number of convictions and punishments during the year, and many more incidents of alleged corruption were never investigated. Cases often languished in the investigatory or trial phases without resolution.

### **Arrest Procedures and Treatment While in Detention**

Police may arrest an individual after a general prosecutor issues an oral or written warrant; in practice warrants were sometimes issued after the arrest. Warrants generally were issued on the basis of evidence and exclusively by authorized officials. The law permits authorities to deny defendants' access to counsel or family members during the initial 96 hours of detention under terrorism-related laws or 48 hours of detention for other charges, during which police interrogated detainees and alleged abuse or torture was most likely to occur.

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

NGOs continued to report that as many as 40 percent of adult detainees and more than half of incarcerated minors were in pretrial detention. The law provides for a limited system of bail, but bail was rarely granted. Some judges were unaware of legislation permitting the use of the bail system or other alternative sentencing provisions. The law does not require written authorization for a person to be released from detention. In some instances judges released defendants on their own recognizance. The antiterrorism law does not include a system of bail. Under a separate military code, military authorities may detain members of the military without a warrant or public trial.



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

Arbitrary Arrest: It was common practice for security forces to arrest a group of persons, take them to a police station to be questioned, and then release them without charge.

Pretrial Detention: Although the government claims that accused persons are brought to trial within two months, prosecutors may request as many as five additional two-month extensions of pretrial detention. Technically an accused person may be kept in detention for as long as one year prior to trial. There were reports that authorities routinely held detainees beyond the one-year limit. According to the government, as of October 1, pretrial detainees made up 45 percent of the 65,279 inmates in prison.

Amnesty: The government used royal pardons rather than a parole system as the principal judicial mechanism for early release. Pardons may take the form of release, sentence reduction, or transfer.

The king pardoned 2,826 prisoners during the year. Included in these were the April 14 royal pardons for 190 of the Salafists rounded up after the 2003 Casablanca bombings, including five prisoners who had been convicted and sentenced to lengthy prison terms in connection with the Belliraj terrorist cell case in 2009. Domestic and international observers had long maintained that the five were not guilty of any crimes but had been convicted on fabricated charges because of their political beliefs. The five were Mustapha Moatassim, Mohamed Marouani, Mohammed Amine Regala, Alaa Badella Maa El Ainin, and Abdelhafid Srite. The CNDH recommended the pardons following the social unrest that began in February.

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

The constitution provides for an independent judiciary, but in practice the courts often did not act independently and were weakened by corruption and extrajudicial influence. Corruption and extrajudicial influence on judges and other court officials was commonplace and widely acknowledged by NGOs, lawyers, and government officials.

After significant campaigning by his family and by domestic and foreign human rights activists, retired colonel-major Kaddour Terhzaz was pardoned and released from prison on March 2. He was arrested in 2008 for allegedly threatening the country's security through divulging national defense information and convicted of treason. Various NGOs stated that no witnesses were allowed to testify at his military trial and that he was denied access to his attorney.

In April authorities released the last three of the seven Sahrawi activists arrested in 2009 on charges of "intelligence cooperation with a foreign entity" and "incitement to disturb public order" after a trip to Algeria and the Sahrawi refugee camps near Tindouf. Four others had been released previously in 2010. Technically, all seven have been "provisionally released." Charges against them have not been dropped.

### **Trial Procedures**

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

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

If the judge determines that a confession was obtained under duress, the law requires that it be excluded from evidence. Human rights NGOs charged that

judges often decided cases based on forced confessions, especially in cases of Sahrawis or individuals accused of terrorism. Police statements about detainees' statements were sometimes used in place of defendants' confessions when there was a possible question of duress.

### **Political Prisoners and Detainees**

Legislation does not define or recognize the concept of a political prisoner. The government did not consider any of its prisoners to be political prisoners and stated that all individuals in prison had been convicted or had been charged under criminal law and were awaiting trial. However, several NGOs, including the AMDH, Sahrawi organizations, and Amazigh activist groups, asserted that the government imprisoned persons for political activities or beliefs under cover of criminal charges.

The royal pardons granted to the six men associated with the Belliraj case and the release of the last of the "Sahrawi Seven" (see above) prompted an open, public debate regarding the concept and status of political prisoners in the country. Recently released political prisoners freely appeared before the media and accused the government of having fabricated criminal charges against them to mask the political motivations for their detentions. Even government officials who had long denied the existence of political prisoners engaged in open discussions of the question.

On April 18, Ilham Hasnoui was released after receiving a 10-month sentence, which she has already served. Hasnoui, an activist with the Marxist group Annahj Addimocrati, had been detained without trial for 10 months. She was eventually charged with destruction of public property--among numerous other charges--due to her alleged role in a 2008 riot at Cadi Ayad University in Marrakech. Hasnoui, along with several others, was arrested two years after the riot. Human rights groups claimed that members of the group had been severely beaten and deprived of food and water for 48 hours.

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

Although individuals had access to civil courts for lawsuits relating to human rights violations and filed such lawsuits, the courts were not entirely independent or impartial in civil matters due to extrajudicial influence and corruption. There are administrative as well as judicial remedies for alleged wrongs.

A national ombudsman resolves civil matters when the judiciary is unable to do so and has gradually expanded the scope of its activities. As of October 1, the ombudsman had received 1,250 complaints; it judged 841 to be valid and referred those cases to other public administrations as appropriate. The CNDH continued to serve as a conduit through which citizens expressed complaints about government malfeasance or human rights violations.

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

While the constitution states that an individual's home is inviolable and that a search may take place only with a search warrant, authorities occasionally entered homes without judicial authorization, monitored private communications or movements without legal process, and employed informer systems.

Although less than in previous years, authorities reportedly searched and shut down activities in the homes of members of the Justice and Charity Organization (JCO), an Islamist charitable and sociopolitical group the government tolerated but did not officially recognize. Members used their homes for "open houses" where they held politically oriented meetings. JCO members claimed the Ministry of Interior's General Directorate of Territorial Surveillance was responsible for the harassment. In almost every case, authorities detained, questioned, and later released JCO members without charges.

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

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

#### **a. Freedom of Speech and Press**

##### **Status of Freedom of Speech and Press**

The law generally provides for freedom of speech and press, although the government continued to restrict freedom of the press through the legal system. Government-provided figures for the year showed that 154 journalists or media outlets faced criminal or civil charges, an increase from previous years. These numbers included cases the government initiated as well as private citizens' libel complaints. Numerous human rights groups criticized the steady stream of criminal prosecutions, newspaper closings, and libel suits.

Freedom of Speech: The law criminalizes criticizing Islam, the institution of the monarchy, state institutions such as the military, and the government's official position regarding territorial integrity and claim to the Western Sahara. But during the year's historic period of social unrest in Morocco and across the region, many members of NGOs, political parties, and the February 20 Movement claimed they felt more at liberty to discuss perceived shortcomings of the monarchy and Islam, so long as they did not question them directly. Article 19 of the previous constitution that codified the king's role as "Commander of the Faithful" was a common topic of debate at universities, in the media, and throughout society.

On September 9, rapper and February 20 Movement supporter Mouad Belghout, who had been sharply critical of the monarchy in his songs, was arrested and charged with assault against a pro-monarchy demonstrator. A theory supported by numerous eyewitness accounts held that Belghout had been incited to fight and that authorities used the fight as an excuse to arrest and disproportionately punish him. He remained in detention at year's end.

Freedom of Press: The antiterror law and press code include provisions that permit the government to jail and impose financial penalties on journalists and publishers who violate restrictions related to defamation, libel, and insults. Prison sentences may be imposed on those convicted of libel. Consequently, the press reported gingerly on controversial and culturally sensitive topics involving the military and national security. This was less the case than in previous years, however, and many NGOs and February 20 Movement organizers reported an overall relaxing of both self-censorship and government restrictions on sensitive topics. The broadcast media, subject to the same restrictions but more under government sway, was more circumspect than newspaper, magazine, or book publishers.

On June 9, a court in Casablanca sentenced Rachid Niny, the editor, publisher, and leading columnist for the country's highest-circulation daily newspaper, *Al Massae*, to one year in prison and a 1,000 dirham (\$130) fine. Niny had been charged under the penal code with "denigration of a judicial ruling" and "knowingly publishing information about a nonexistent crime." According to lawyers, journalists, and some politicians, Niny's arrest and conviction were politically orchestrated due to his criticism of the government's application of antiterror laws, including the existence of a secret detention and torture center at Temara, as well as his critical coverage of corruption involving high-level government officials.

Violence and Harassment: Authorities subjected some journalists to harassment and intimidation during the year.

Censorship or Content Restrictions: The government rarely censored the domestic press; however, it exerted pressure both by subsidizing some publications and occasionally intimidating journalists in an effort to get them to self-censor. The press code lists threats to public order as one of the criteria for censorship. Journalists self-censor, and the broadcast media is either wholly or partially government owned. Publications and broadcast media must obtain government accreditation, and the government has the ability to deny and revoke accreditation as well as to suspend or confiscate publications. In January 2010 the Ministry of Communication began applying regulations requiring foreign stations to receive ministry approval on a monthly basis in order to report on or record individuals outside Rabat. On occasion the government blocked the entry of foreign periodicals that contained, for example, caricatures of the king or the Prophet Mohammed.

Libel Laws/National Security: The antiterror law provides for the arrest of journalists or the filtering of Web sites that are deemed to “disrupt public order by intimidation, terror, or violence.”

### **Internet Freedom**

The government applied laws and restrictions governing speech and the press to the Internet. There are neither specific laws nor a body of judicial decisions concerning Internet content or access. The government generally did not restrict access to the Internet. Individuals and groups generally were careful to respect the official boundaries and were able to engage in peaceful exchanges of views via the Internet, including by e-mail. The government did not publicly attempt to collect the personally identifiable information of persons over the Internet in connection with citizens’ peaceful expression of political, religious, or ideological opinion or beliefs.

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

By law and in practice, the government has the right to criminalize presentations or discussions questioning the legitimacy of the monarchy, Islam, state institutions, or the status of Western Sahara; however, the government generally tolerated political and religious activism on university campuses. Islamist groups wielded considerable influence on campuses. In some cases they won student union

elections and acted to constrain academic freedom by intimidating or harassing students or professors. The Ministry of Interior approved the appointments of university rectors.

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

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

#### **Freedom of Assembly**

The law conditions the right to freedom of public assembly on acquiring Ministry of Interior permission. Some NGOs complained that the approval process was inconsistent. The creation of the February 20 Movement dramatically increased the number, size, and geographical dispersion of demonstrations, particularly prior to the July 1 referendum on the new constitution. The majority of these demonstrations were tolerated, even if unauthorized.

However, on May 15, 22, and 29, security forces violently dispersed February 20 Movement protests in various cities, resulting in dozens of injuries and allegedly the death of Kamal Ammari in Safi (see section 1.a.). Security forces were also blamed for the deaths of Karim Chaib in Sefrou (see section 1.a.) and Mohamed Boudroua in Safi. The government ordered investigations into these two deaths; they remained open at year's end.

The May 15 protest was held in the vicinity of a government facility in Temara that many human rights NGOs claimed was a secret prison where detainees were routinely tortured. In the weeks following the July 1 referendum, February 20 Movement protesters were frequently met by pro-monarchy demonstrators who were both physically and verbally abusive. The AMDH and other human rights NGOs claimed they saw security forces encouraging these groups to harass the February 20 Movement protesters and helping them to identify individuals that the police had selected for particularly harsh treatment. Human rights groups blamed at least one death on October 27 in Al Hoceima on the actions of counterprotesters.

Other protests were also violently dispersed throughout the year, particularly in Casablanca, Tangier, Khourigba, and Safi. Human rights activists claimed that a March 15 crackdown on protesters in the phosphate town of Khouribga caused one death.

### **Freedom of Association**

The constitution and the law provide for freedom of association, although the government refused to recognize officially NGOs that espoused ideals counter to a monarchical form of government, the Malachite Rite of Sunni Islam as the state religion, or the territorial integrity of the country. The establishment and functioning of associations is governed by a 1958 decree. According to the government, approximately 100,000 NGOs and associations were registered.

New NGOs are required to register with the Ministry of Interior. A proposed organization must submit its objective, bylaws, address, and photocopies of members' identification cards to the ministry. In practice the government has denied official recognition to NGOs that advocate against the monarchy, Islam as the state religion, or territorial integrity. The ministry issues a receipt to the organization that signifies formal approval. If the organization does not receive a receipt within 60 days, it is not formally registered. Many organizations the government chose not to recognize functioned without the receipts, and the government tolerated their activities. Several organizations, including the ASVDH and the JCO, have won administrative court judgments confirming that their applications for registration conform to the law; however, administrative courts have no enforcement powers beyond ruling that authorities exceeded their powers and cannot force government officials to recognize NGOs.

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

During the year authorities continued to monitor JCO activities and on occasion disrupt them.

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



See the Department's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

In-country Movement: The law provides for freedom of movement within the country. This right was generally respected in practice, although the government restricted movement in areas regarded as militarily sensitive, including the demilitarized zone in Western Sahara.

Foreign Travel: The law provides for freedom of foreign travel, and this right was generally respected in practice, although the Ministry of Interior restricted the freedom of civil servants to travel outside the country, including teachers and military personnel. Civil servants and soldiers must obtain written permission from their ministries to leave the country.

Exile: While the law provides for forced exile, there were no instances of forced exile during the year. Abdelkrim Mouti reportedly remained in political exile in Libya. Mouti has lived abroad since 1975, claiming that Moroccan authorities are preventing his return by denying him a passport. He was convicted in absentia in 1980 for the assassination of a prominent politician but maintained his innocence.

Emigration and Repatriation: The government encouraged the return of Sahrawi refugees if they acknowledged the government's authority over Western Sahara. The government continued to make travel documents available to Sahrawis, and there were no reported cases of Sahrawis being prevented from traveling (see the Western Sahara report).

#### **Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. As of December the UNHCR reported approximately 800 refugees and 400 asylum seekers in the country.

Access to Asylum: The country has not adopted national refugee legislation, nor has it established asylum procedures meeting international standards. It defers to

the UNHCR as the sole agency in the country entitled to grant refugee status and verify asylum cases. In this void the UNHCR conducted refugee status determinations during the year and expected to continue this work in the future even as it sought increased involvement by the government.

Refugee Abuse: Refugees and asylum seekers--as well as migrants--were particularly vulnerable to criminal gangs involved in human trafficking. There were credible reports of government authorities expelling illegal migrants, particularly at the border town of Oujda but also into the desert along the border with Algeria. NGOs reported that authorities left some migrants without food and water; however, unlike in previous years, there were no reports of migrant deaths as a result.

Access to Basic Services: Refugees were unable to obtain residence permits that would officially allow them access to the national health-care system.

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

Citizens do not have the right to change the constitutional provisions establishing the country's monarchical form of government. The law provides for, and citizens participated in, regular, free elections based on universal suffrage for the parliament's Chamber of Representatives and municipal councils. The parliament's Chamber of Counselors and the regional councils are indirectly elected through representatives. Citizens voted to accept a new constitution on July 1 and ratified it September 13.

The king may dissolve parliament in consultation with the prime minister. As head of state he appoints the head of government. According to the constitution, the king presides over the Council of Ministers--the supreme decision-making body--except in cases when he delegates that authority to the head of government. Constitutional changes outlining this division of responsibility came into effect on July 29, and it remained unclear by year's end which authorities the king might delegate and which he might maintain. Matters of religion, security, and strategic policy legally remain the purview of the king. The constitution obliges the king to choose the prime minister from the party with the most elected seats in the Chamber of Representatives. The constitution authorizes the prime minister to nominate all government ministers, although the king may dismiss them.

The constitution may not be changed without the king's approval. The king, head of government, or parliament may propose amendments to the constitution, but only the king has the power to put constitutional amendment proposals to a national referendum.

### **Elections and Political Participation**

Recent Elections: In the November 25 legislative elections, which saw a turnout of approximately 45 percent of the registered electorate, the Islamist PJD won 107 of the 395 seats at stake in 92 constituencies. Of the 395 seats, 60 were reserved for women and 30 for those less than 40 years of age.

The law mandates the CNDH to supervise and facilitate the work of domestic and international observers. Accordingly, the CNDH fielded an estimated 3,500 domestic observers. The CNDH also accredited more than 300 international observers. Political parties and the vast majority of the 3,500 domestic observers considered the elections free, fair, and transparent. Most international observers considered them credible elections in which voters were able to choose freely and deemed the process relatively free of government irregularities.

Political Parties: Political parties faced fewer government-imposed restrictions as a result of the new constitution. The Ministry of Interior applied new laws that made it easier for political parties to register. By law a political party may not challenge the monarchy, Islam as the state religion, or territorial integrity.

Participation of Women and Minorities: Women's representation in political parties' decision-making structures increased during the year, and female politicians featured prominently in the press on a variety of issues. The November elections saw an increase of women in the Chamber of Representatives from 34 to 67.

### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. It was common knowledge that corruption was a serious problem in the executive branch--including the police--as well as the legislative and judicial branches of government. There were reports of government corruption during the year.

The judiciary's lack of independence and susceptibility to influence were widely acknowledged, including by the king. During several speeches throughout the year, the king highlighted the issue of corruption. Since 2009 the king has called for judicial system reform, including greater judicial independence, but many members of the well-entrenched and conservative judicial community have been loath to adopt new procedures, as well as new laws. Since 2007 the law has required judges, ministers, and members of parliament to submit financial disclosures.

The Central Commission for the Prevention of Corruption (ICPC) is the agency responsible for combating corruption, but it does not have the authority to require response from government institutions on anticorruption cases. Officials attributed the low number of complaints in part to the lack of legislation protecting plaintiffs and witnesses in corruption cases. The ICPC launched an Internet portal for the civil society to identify instances of corruption. In addition to the commission, the ministry and the government accountability court had jurisdiction over corruption issues.

During the year the government exhibited some efforts to address corruption, but there were no high-profile cases. The inspector general of the Justice Ministry investigated 151 ethics complaints against judges (up from 65 in 2010), which resulted in the referral of three judges to the Supreme Judicial Council for disciplinary measures.

According to observers, there was widespread corruption in the police force. The government claimed to investigate corruption and other instances of police malfeasance through an internal mechanism.

There is no freedom of information law, but the new constitution provides for the access of citizens to information held by public institutions. In practice the government did not grant access to official information to citizens and noncitizens, including foreign media.

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

The government's attitude toward international human rights organizations varied, depending on the political sensitivity of the issues. Domestic and international human rights groups generally operated in the country without government restriction (except those that advocated in favor of independence for Western

Sahara), and these groups investigated and published findings on human rights cases. Government officials generally were cooperative and responsive to their views, except on Western Sahara.

The government recognized several dozen domestic and independent human rights NGOs with national coverage. The OMDH and AMDH were considered the largest human rights NGOs. The AMDH did not cooperate officially with the government but usually shared information informally with both the government and government-affiliated organizations. The government occasionally met with and responded to inquiries and recommendations from the OMDH and AMDH as well as Transparency Maroc and the umbrella organization OMP.

Government Human Rights Bodies: The government created three entities to address issues concerning human rights. The CNDH served as the principal advisory body to the king and government on human rights. Most human rights NGOs and the public generally viewed the CNDH as a credible and proactive government advocate protecting human rights and a vehicle to seek redress in individual cases. The new Mediator Institution acted as ombudsman and considered allegations of governmental injustices, although in practice the CNDH filled many of the roles of national social ombudsman. The government also created the Interministerial Delegation for Human Rights, which promotes the protection of human rights across all ministries, serves as a government interlocutor with domestic and international NGOs, and interacts with relevant UN bodies regarding international human rights obligations.

In the case of allegations of serious human rights abuses, the parliament may create a special committee to investigate. In 2010 such a parliamentary committee composed of both majority and minority political party representatives traveled to Western Sahara to investigate the Agdim Izik camp dismantlement in November outside Laayoune. The committee released its report in January. Parliament also created an ad hoc committee in May to investigate accusations by numerous human rights NGOs of torture in a detention facility in Temara (see section 1.c.).

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

The constitution prohibits discrimination based on race, gender, disability, language, social status, faith, culture, regional origin, or any other personal circumstance. In practice the government generally enforced the law, although societal discrimination against women was a problem, particularly in rural areas.

## Women

Rape and Domestic Violence: The law punishes men convicted of rape with prison terms of five to 10 years; when the conviction involves a minor, the prison sentence ranges from 10 to 20 years. Sexual assault can result in a prison sentence of up to one year and a fine of 15,000 dirhams (\$1,797). The government generally enforced the law; however, spousal rape is not a crime, and various domestic advocacy groups, such as the Democratic League for Women's Rights (LDDF), reported that in eight of 10 cases of violence against women, the perpetrator was the husband.

Women's rights organizations pointed to numerous articles of the laws pertaining to rape that they saw as perpetuating unequal treatment for women and insufficient protection despite family law revisions. Sexual assaults often were unreported.

The number of instances of rape in the country was not available at year's end, but the government reported it had investigated 506 cases in 2010 and 278 cases in 2009. A 2009-10 national survey by the government's agency for statistics and forecasts found that nearly half of women were victims of psychological violence; one in six were affected by physical violence, and approximately 8 percent suffered from sexual violence. According to the survey, 35.3 percent reported having been subjected to physical violence at least once since the age of 18, and 23.9 percent of women ages 18-64 reported undergoing a form of physical or sexual violence in 2009. Marital violence was the most common form of violence reported. The government indicated that it expected a rise in reported incidents of violence as supporting social services became more available.

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. High-level misdemeanors occur when the victim suffers injuries that result in 20 days of disability from work. Low-level misdemeanors occur for victims who suffer disability for less than 20 days. NGOs reported that the courts rarely prosecuted perpetrators of low-level misdemeanors.

Physical abuse was legal grounds for divorce, although few women reported abuse to authorities, and most victims of domestic violence preferred to mediate the problem within the family. Women choosing the justice route preferred pursuing divorce in family courts rather than police prosecutions.

The law is lenient toward husbands who commit crimes against their wives. Police rarely became involved in domestic disputes. Several women's NGOs reported that often laws are not enforced due to societal pressures not to break up a family and to the conservative mentality of some police and court officials.

The government operated hotlines for victims of domestic violence. A small number of groups such as the Anaruz Network and LDDF were also available to provide assistance and guidance to victims. Counseling centers existed exclusively in urban areas, and services for victims of violence in rural areas were generally limited to local police. Women's shelters were not authorized under the law, but a few NGOs made efforts to make shelter for victims of domestic abuse available. Courts have "victims of abuse cells" that bring together prosecutors, lawyers, judges, women's NGOs, and hospital personnel to review domestic and child abuse cases, ensure proper procedure is followed, and determine the best interest of the woman or child.

Many domestic NGOs worked to advance women's rights and promote women's issues. Among these were the Democratic Association of Moroccan Women, Union for Women's Action, LDDF, and Moroccan Association for Women's Rights. All advocated enhanced political and civil rights for women. NGOs also promoted literacy and taught women basic hygiene, family planning, and child care.

Sexual Harassment: Sexual harassment in the workplace is a criminal offense, but only when committed by a superior, and it is defined as an abuse of authority. Authorities did not effectively enforce laws against sexual harassment. According to the government, although the law allows victims to sue employers, only a few did so, since most feared losing their job as a result or worried about the difficulty of proving the violation.

Reproductive Rights: Contraception is legal, and most forms were widely available. Individuals and couples were able to decide freely and responsibly the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. The Ministry of Health ran two programs: one with mobile clinics providing maternal and child health and family planning services in remote rural areas, and the other involving systematic home visits to encourage the use of contraception and provide family planning and primary health-care services. In practice NGOs reported that women often faced obstacles in obtaining emergency contraception from pharmacies. Skilled attendance at delivery and postpartum care were available for women who could

afford it, with approximately 63 percent of overall births attended by skilled health personnel. The most recent UN statistics showed that there were approximately 110 maternal deaths per 100,000 live births in the country in 2008 and that 52 percent of women ages 15-49 used a modern method of contraception in 2010. The major factors influencing maternal mortality and contraceptive prevalence rates were female illiteracy, lack of knowledge about availability of services, cost of services, and transportation to health centers and hospitals for those in rural areas.

Discrimination: The constitution provides women equal rights with men in civil, political, economic, cultural, and environmental affairs--an improvement from the previous constitution, which provided only political equality. The constitution created a new body to monitor gender equality issues, the Authority for Equality and the Fight against all Forms of Discrimination.

Numerous problems related to discrimination against women remained. Women's inheritances, which are determined by Sharia (Islamic law) for Muslims, vary depending on circumstances, but are less than those of men. Under Islamic law, daughters receive half of what their brothers receive, and if a woman is the only child, she receives half and other relatives receive the other half. A sole male heir would receive the entire estate. Inheritance laws were not changed during the reform of the family code and were not specifically addressed in the new constitution.

According to two Ministry of Interior decrees from 1995 and 2004, women are entitled to their share of collective lands, which make up one-third of the country's territory. While ministry decrees carry the force of law, implementation has met considerable local resistance from men. Despite considerable lobbying by women's NGOs, enforcement of these property laws remained inconsistent. However, the efforts of such NGOs prompted the Ministry of Interior to publish new circulars--which do not carry the force of law--in 2009 and 2010 that further pressed for local enforcement of women's collective lands rights. The government followed up with training for local authorities on the implementation of the land allocation process. Women's NGOs reported that the situation improved over the course of the year but wanted the government to codify their rights in formal legislation.

The 2004 family code (Moudawana) changed the marriage age for women from 15 to 18 years, placed the family under the joint responsibility of both spouses, and rescinded the wife's duty of obedience to her husband. The Moudawana removed



the requirement for woman to have a marital tutor as a condition of marriage, made divorce available by mutual consent, and placed legal limits on polygamy.

Implementation of the controversial family law remained a concern because it is largely dependent on the judiciary's willingness to enforce it, and many judges did not agree with it. Corruption among working-level court clerks and a lack of knowledge about its provisions among lawyers were also obstacles to greater enforcement of the law.

There were few legal obstacles to women's participation in business and other economic activities; however, the rate of participation in the formal labor force was only 28 percent. In practice women were not represented in leadership positions in trade unions. The majority of women were illiterate, and a typical working woman earned 25 percent of what a man earned. Women were able to travel, receive loans, and start businesses without the permission of their husbands or fathers.

## **Children**

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

Education: Girls continued to lag behind boys in school attendance beyond the primary level.

Child Abuse: Although NGOs, human rights groups, media outlets, and the UN Children's Fund (UNICEF) claimed that child abuse was widespread, there were no conclusive government statistics on the extent of the problem. Anecdotal evidence also showed that abuse of child domestic servants was a problem.

The government maintained 20 child protection centers (CPCs), five specifically for girls. The CPCs were originally intended to provide an alternative to prison for underage juvenile delinquents; however, the centers were used to house delinquents, homeless children, victims of domestic violence, drug addicts and other "children in distress" who have committed no crime. Unlike the prisons, the CPCs were managed by the Ministry of Youth and Sports.

Child Marriage: The legal age of marriage is 18 years, but parents may secure a waiver from a judge for underage marriage. The judiciary approved the vast majority of petitions for underage marriages. Although the government took

concrete steps to address it, child marriage remained a concern, especially in rural areas.

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

International Child Abductions: The country became a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction with an effective date of June 1. For information see the Department of State's report on compliance at

[http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.htm](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm)

as well as country-specific information at

[http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

### **Anti-Semitism**

Community leaders estimated that the size of the country's Jewish population was approximately 4,000 members. Jews generally lived in safety, and the government provided them appropriate security. There were no reports of anti-Semitic acts.

Some vendors at the annual government-sponsored book fair in Casablanca in February offered publications that were anti-Semitic. There was no indication that the government promoted these works.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The new constitution codifies the government's role in protecting the rights of persons with disabilities. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, and access to health care; however, the government generally did not effectively enforce these provisions. The law also provides for regulations and building codes that assure access for persons with disabilities, although the government did not effectively implement these laws and regulations. While building codes have required accessibility for all persons since 2003, the codes exempt most preexisting structures and were rarely enforced upon new structures. Government policy

provided that persons with disabilities should have equal access to information and communications, but special communication devices for the blind and deaf were generally not widely available.

The Ministry of Social Development, Family, and Solidarity has responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society by implementing a quota of 7 percent for persons with disabilities in vocational training in the public sector and 5 percent in the private sector. Both sectors were far from achieving such quotas. Since 2008 the government has opened some 400 integrated classes for children with learning disabilities, but in practice integration was largely left to private charities. Typically, families supported persons with disabilities, although some survived by begging.

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

Many of the poorest regions in the country--particularly the Middle Atlas region--are predominantly Amazigh with illiteracy as high as 80 percent. Basic governmental services in this mountainous and underdeveloped region were not extensive.

Official languages are Arabic and--with the new constitution--Amazigh. Arabic predominates, but French and Amazigh were available in the news media and, to a much lesser extent, educational institutions.

Approximately 60 percent of the population, including the royal family, claimed some Amazigh heritage. Amazigh cultural groups contended that their traditions and language were being lost rapidly to Arabization. The government increasingly provided television programs in the three Amazigh dialects of Tarifit, Tashelhit, and Tamazight. The government also offered Amazigh language classes in the curriculum of 3,470 schools. Expanding Amazigh language education was hindered primarily by a lack of qualified teachers, which the palace-funded Royal Institute of Amazigh Culture was addressing through the creation of university-level teacher training. Instruction in learning the Amazigh language is mandatory for students at the Ministry of Interior School for Administrators in Kenitra.

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

The penal code criminalizes consensual same-sex sexual activity, but these provisions were infrequently enforced. Questions of sexuality, sexual orientation, and gender identity were addressed in the media and in public with more openness than in previous years.

Sexual orientation or gender identity occasionally constituted the basis for societal violence, harassment, blackmail, or other actions, generally at a local level. There were infrequent reports of societal discrimination, physical violence, or harassment based on sexual orientation or gender identity. The government deems lesbian, gay, bisexual, or transgender orientation or identity illegal; therefore, there were no reports of official discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care.

### **Other Societal Violence or Discrimination**

There were no reports of societal violence against individuals living with HIV/AIDS, but there was a stigma attached to being tested for HIV/AIDS. Persons living with HIV/AIDS in the country faced discrimination and had limited treatment options. The Joint UN Program on HIV/AIDS reported some health-care providers were reluctant to treat persons with HIV/AIDS for fear of infection.

## **Section 7. Worker Rights**

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

The constitution provides workers with the rights to form and join unions, strike, and bargain collectively, with some restrictions. Certain categories of government employees, including members of the armed forces, police, and judiciary, are prohibited from forming and joining unions and from conducting strikes. Domestic workers are not prohibited by law from unionizing, nor are they explicitly permitted, as they are not covered by the labor code.

According to the labor code, the wages and employment conditions of unionized workers should be agreed upon in discussions between employer and worker representatives. The law allows several independent unions to exist, but the code requires 35 percent of the total employee base to be associated with the union for it to be considered representative and able to engage in collective bargaining. The law prohibits antiunion discrimination and prohibits companies from dismissing workers for participating in legitimate union-organizing activities. Courts have the

authority to reinstate arbitrarily dismissed workers and can enforce rulings that compel employers to pay damages and back pay.

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

The government did not always enforce labor laws due to a lack of sufficient inspection personnel and resources. Procedures were subject to lengthy delays and appeals.

In practice freedom of association and the right to collective bargaining were generally respected. However, the effective scope of collective bargaining was limited. Employers frequently set wages unilaterally for the majority of unionized and nonunionized workers. The country's five largest unions negotiated with the government about national-level labor issues. At the sectoral level, trade unions negotiated with private employers concerning minimum wage, compensation, and other concerns.

Labor disputes were common and were in some cases the result of employers failing to implement collective bargaining agreements and withholding wages. Trade unions complained that at times the government used the penal code to prosecute workers for striking and suppress strikes. However, trade unions reported that the right to strike was respected more during the year due to the effects of large social protests associated with the Arab Spring. Although most union federations were strongly allied with political parties, unions were free from government interference.

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

The law prohibits all forms of forced or compulsory labor. In practice labor inspectors did not inspect the small workshops and private homes where the majority of such practices occurred, as the law does not allow labor inspections in private homes. Inspectors' effectiveness was limited by their small numbers, the

broad geographic dispersion of sites, and the low level of resources at their disposal.

Forced labor, especially of children, was reported. Girls from rural areas were compelled to work as maids in urban areas, and boys experienced forced labor as apprentices in the artisan and construction industries and in mechanic shops (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

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

The minimum age for employment in all sectors is 15 years. Children younger than 16 are prohibited from working more than 10 hours per day and employers must give them a break of at least one hour. Children younger than 16 are not permitted to work between the hours of 9 p.m. and 6 a.m. in nonagricultural work, or between 8 p.m. and 5 a.m. in agriculture. The overwhelming majority of child laborers worked in rural agriculture, according to the government's statistical agency, the High Planning Commission. Seasonal agriculture work is excluded from the law. The law prohibits employment of children younger than 18 in stone quarries, mines, or any other positions the government considers hazardous. The labor code, however, does not cover domestic labor and therefore does not prohibit the employment of child maids or domestics.

The Ministry of Employment and Professional Development is responsible for implementing and enforcing child labor laws and regulations. The law provides for legal sanctions against employers who recruit children under the age of 15, with fines ranging from 27,000 to 32,000 dirhams (\$3,235 to \$3,835). Legal remedies to enforce child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of legal residence in the country for five to 10 years.

The ministry did not systematically enforce these sanctions due to a lack of resources. According to various reports, police, prosecutors, and judges rarely enforced legal provisions on "forced labor in cases involving child domestics," and few parents of children working as domestics were willing or able to pursue legal avenues that were likely to provide any direct benefit.

According to Justice Ministry officials, no one was convicted during the year for employing a child domestic. Labor inspectors responsible for enforcing the labor code do not have jurisdiction to inspect private residences. The Ministry of Employment's small cadre of labor inspectors did not monitor the informal sector. Forty-three of the 51 national labor inspectorates had an inspector trained in child labor issues. These inspectors received up to 14 weeks of training from the International Labor Organization's (ILO's) International Program on the Elimination of Child Labor (IPEC), which trained the 43 child labor inspectors as well as 50 new general inspectors during the year.

Noncompliance with child labor laws was common in practice, particularly in agriculture and private urban residences, where parents placed children as young as six years of age to work as domestic servants.

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

Reducing child labor has been the focus and secondary objective of a number of government projects, mainly through increasing training for enforcement stakeholders, improving legislation, reducing poverty, increasing school retention in rural areas, and providing increased protection services. From 2002 through 2010, through its joint efforts with the ILO's IPEC, UNICEF, and others, the Ministry of Employment reported that 16,283 children were removed from work by providing viable alternatives, and 24,560 were preventively assisted.

Child labor occurred overwhelmingly in rural areas, which accounted in 2010 for 91.2 percent of child workers, 93 percent of whom worked in agriculture, primarily on family farms. According to 2010 government statistics, labor inspectors issued 167 warnings and 45 fines to businesses for employing children between the ages of 15 and 18. In 2009, 15 businesses were fined for employing children under the age of 15.

Some children were apprenticed before the age of 12, particularly in small family-run workshops in the handicraft industry. Children also worked in the informal sector in textiles, carpets, and light manufacturing. Children's safety and health conditions and wages were often substandard. In a 2011 report the High Planning

Commission estimated that approximately 13,000 children between the ages of seven and 15 worked in urban areas in 2010, largely in the service sector.

Credible reports of physical and psychological abuse of domestic servants were common. Some orphanages were accused of complicity in the practice. The parents of children involved were paid for their children's work. Most child domestics received food, lodging, and clothing instead of monetary payment.

During the year the High Planning Commission reported that there had been a significant reduction in child labor in the last decade, claiming that in 2010 there were approximately 147,000 children from the ages of seven to 15 actively working, compared with 517,000 children in the same age group in 1999.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The minimum wage was 80 dirhams (\$9.60) per day in the industrialized sector and 52.50 dirhams (\$6.30) per day for agricultural workers. The World Bank absolute poverty level threshold wage was 70 dirhams (\$8.40) per day.

The law provides for a 44 to 48 hour maximum workweek with no more than 10 hours in a single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. The law prohibits excessive overtime. The labor code does not cover domestic workers, who are primarily female citizens.

Occupational health and safety standards are rudimentary, except for a prohibition on the employment of women and children in certain dangerous occupations. The law outlines 33 areas of hazardous work that workers under the age of 18 are prohibited from performing, which include working in mines, handling dangerous materials, transporting explosives, and operating heavy machinery.

In practice many employers did not observe the legal provisions for condition of work, and the government did not always implement or effectively enforce basic provisions of the labor code, such as payment of the minimum wage and other basic benefits under the National Social Security Fund. The country's labor inspectors attempted to monitor working conditions and investigate accidents, but



lack of resources prevented effective enforcement of labor laws, and penalties were generally not sufficient to deter violations.

Informal businesses hired approximately 60 percent of the labor force and often ignored the minimum wage requirements. In many cases several family members combined their incomes to support the family. Most workers in the industrial sector earned more than the minimum wage. Including traditional holiday-related bonuses, workers generally were paid the equivalent of 13 to 16 months' salary each year.

Although workers in principle have the right to remove themselves from work situations that endangered health and safety without jeopardizing their continued employment, there were no reports of workers attempting to exercise this right. According to NGOs, no major workplace accidents occurred during the year.