

The two faces of Human Rights in Morocco



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(This Article is about Morocco only, and does not contemplate the disputed Western Sahara territory.)



INTRODUCTION

The Kingdom of Morocco is a country located in North Africa. Its territory is spread 446,550 square kilometers, not counting the Western Sahara territory. Its estimated population in 2014 is of 33,250,000 inhabitants, of which about 90% are Arabs and Berbers. Its political capital is Rabat and its currency is the Moroccan Dirham (MAD). Their religious affiliation is Muslim counting around 99%, according to reported numbers by the government. They are also hosts to a significant number of sub-Saharan African immigrants, calculated to be around 220,000 people.

Morocco is a constitutional monarchy, and elections are held to determine parliament members. The current king is Mohammed VI. The king holds honorific powers, such as the designation of the prime minister of the party with most seats in parliament. The Prime Minister, which is head of the government, currently is Abdelilah Benkirane. Executive power is exercised through the executive branch, headed by the prime minister. Legislative power is held by the executive branch and the two chambers of parliament, the Assembly of representatives of Morocco and the Assembly of Councilors.

Agriculture activities in Morocco employ about 40 to 45% of its population, but it has problems assuring irrigation to its fields, due to its semi-arid nature. The basic major resources of the Moroccan economy are agriculture, phosphates and tourism. Electricity production is dependent on coal, but as the demand of electricity is growing at a rate of 6% per year, the country has been looking for alternative energy production, including solar plants and natural gas systems.

BRIEF HISTORY OF HUMAN RIGHTS IN MAROCCO

Human and basic Civil Rights in Morocco were always a big problem in Morocco. Despite this, it would be unfair to count the notable improvements made since the entrance into government of King Mohammed VI. Before him came the “Years of Lead”, which officially started in 1957 with king Mohammed V, which established the current democratic monarchy system, and assumed the role of king. With his death in 1961, king Hassan II assumed the duties. He repressed opposition harshly and established the bicameral system which still is as of today, but he maintained supreme power over most



aspects in political and economic affairs of the country. When opposed by different sectors of the country Hassan II was quick to declare a “State of Emergency” during which human Rights violations were many. The years of the lead are those early years of Hassan II, referred to in this way due to the disappearances, extrajudicial killings and imprisonment of political opponents. Despite these dire years, Hassan II decided to commence reforms towards human rights and civil freedom, which happened slowly, and began a reconciliation process in which he freed political prisoners in 1991, and gave parliament improved powers, at cost of his own. The freed opponents of Hassan were invited by him to participate in the elections in 1997, and one of them was invited by him to rule as a coalition.

Hassan’s son Mohammed VI assumed as king after him in 1999, and expanded the reforms which were being developed in the country. He freed more political opponents and reduced the sentences of a lot more. Also he introduced the Berbers language for the first time into Morocco’s schools in 2003. In 2004 he passed a new family code where he put restrictions on polygamy, and improved women’s rights, and instated divorce. Also in 2004 Mohammed invited Driss Benzerki, who was a former political prisoner, to lead the newly established Equity and Reconciliation Committee, although the institutions field of action was restricted to deal only with cases of disappearances, torture and arbitrary detention.

ARAB SPRING IMPACTS ON MOROCCO :

The Arab Spring was (for some, still “is”) a wave of protests, marches, riots, rallies and public demonstrations which happened in a significant part of the Arab World, which officially began in Tunisia in December of 2010. It affected numerous Arabian countries such as Tunisia, Egypt, Libya, Yemen, Bahrain, Syria, Iran, Jordan, Kuwait, Sudan, and the studied subject, Morocco. Outcomes of the Arab Spring were varied between countries, although, its effects by the end of 2012 in Morocco were praised by some, and frowned on by others. On the positive side, indeed, the government and rulers acted on some issues, giving the population more constitutional rights, and committing to respect basic civil freedom of all. The making of bills and laws which followed was attempts of compliance to that commitment, although still more changes are needed to give the citizens of Morocco more freedom. On the other side, organizations say that local authorities, and other law enforcement does very little to follow the new legislation, thus, stated that “very little has changes” since the protest. Although it may be true that



Morocco is indeed one of the countries, of which its population has benefited from the Arab Spring wave, yet, the inside perspective shows another side of the story which is difficult to confirm, but yet, to some degree, believable.

What did happen in Morocco, was a concession of power made by King Mohammed VI, and also a referendum held in the whole country, permitting the people vote to change parts of the constitution. Also the government has been compromised to fight corruption, which is significant in the country.

WOMEN RIGHTS IN MOROCCO

The participation of women in society in Morocco may not be as limited as in other more radical Islamic countries, yet, Morocco ranks 129 (among 139 evaluated countries) concerning economic participation and opportunity of women, according to a Gender Gap Report of the World Economic Forum, published in 2013. Morocco has agreed to the Convention on the Elimination of All Forms of Violence against Women (“CEDAW”), but seems to have difficulty to apply much innovation, according to women rights defenders and activists of the country. Even so, one must agree that, even although the situation of women is significantly different of western conceptions, in 2004 a new family code came into force, which is more equal towards marrying age, inheritance, divorce, and allows women the right for custody of their children and to alimony. Also, before the reforms on the code, men could remarry many times freely, and without any obligation of telling his previous wife or wives. This has been limited by the reforms.

Indeed, these changes are significant, considering that the criminal law code, up until a reenactment in the start of 2014, stated that the sexual assault of women (and girls, for that matter) was punished by prison from 1 to 5 years; but the subject would avoid going to jail by choosing to marry his victim (even if it were against her will). This happened after a two year debate, after an episode in 2012 where a 16 year old girl committed suicide, wanting to escape from her forced marriage with her aggressor. Activists have considered the reform to be positive, still, they are worried that rape is not really defined in the criminal code, and that still much has to be done on that particular field.

Although represented by some same-gender leaders, Morocco women do not feel they play an important role in the nation’s politics; currently, only one of the ministers of the cabinet is a woman, and even thou there is a law stating that at least one third of the



lower cabinet should be held by a female representative, only 66 of the 395 were held by women, as of the November 2011 elections.

CORRUPTION AND DEMOCRACY IN MOROCCO :

One particular milestone on corruption in Morocco, involving the royal family, was a scandal after the publication of a report made of an audit of the years 2006 and 2007, showing that some government owned firms and entities were costing the government a lot of money, due to large uncollected sums, and undue benefits paid to their authorities and other's in charge; some of them of the royal family. Despite the efforts made by King Mohammed VI, of attempting to show the government as willing to improve on all aspects, including corruption, the scandal affected the royal's image significantly. The report was published through order of an audit court, and involved the flag carrier Royal Air Maroc, and the National Ports Authority, both contributing significantly in state's economy. The government assured that they were going to follow the recommendation made by the audit court, and that possible legal procedures were to come, but results have not been felt or shown officially by the public yet. There is one more particular case worth mentioning of; in 2012 documents were leaked showing that some public authorities, specifically the minister of finance, and the national treasurer, approved each other's salary bonuses. Again, investigations and legal consequences were announced, but the only result after some time was the prosecution of two former public servants, allegedly the ones responsible for the leaking of the documents. Seemingly corruption is yet to be dealt with in the country, despite transparency entities in Morocco, which deem that the problem is more susceptible of growing than to decreasing.

Democracy on the other hand has shown growth, and the distribution and further empowerment of the parliament, and resignation of Royal attributions of King Mohammed VI has been of significant value to that goal. These positive results have been partly of the citizens becoming more aware of the corruption and transparency issues, but also the Arab Spring itself, which helped the population to gain more consciousness of their civic participation in the country. The new Constitution also contributes to a better democratic acceptance in the country; the Constitution of Morocco now underlines the right of good governance and also accountability of the administration.



Some articles and political analysts go as far as recommending setting the steps of Morocco towards democracy as an example for other Arab countries, which were also affected by the Arab Spring. This is perhaps not as farfetched as some critiques may initially imply, especially considering the situation of a lot of countries which have taken steps back instead towards democracy, or are still in a civil war, after their local Arab Spring events.

ACCESS TO HOUSING, EDUCATION AND HEALTHCARE :

Housing seems to be in a bubble moment in Morocco, although it hasn't reportedly "exploded". In 2003 the government came up with some housing plans for the low income families in Morocco, particularly in Casablanca and Rabat, which are the most populated cities of Morocco. Although the plan was meant to make it easier to acquire and to access housing plans, prices have been going up, and continued to do so up until mid-2013, where they stalled, but never lowered. The reason of this are varied, such as tourism and wealthy retired people choosing Morocco for their retirement which increased the demand of housing significantly for a lot of years. This tourism boom happened between 2003 and 2007, not only in the aforementioned cities but in El Jadida, Marrakech and Tangiers. Immigrants also increased significantly at the start of the 2000's, as there were favorable economic conditions in Europe at the time. Another contributing factor toward the current housing bubble situation is the public policy for internal demand for housing. In 2003 the wages of the public employees went up significantly and abruptly, making them able to acquire property, but as the, say, level B accommodations increased significantly due to high demand of immigrants and tourism, they had to opt for the level C accommodations, which were originally meant for a lower resource class. Considering that at that time the total of public workers was around 1,2 million, which now were able to influence the housing market greatly, they propelled the demand for class C accommodations, inflating the price of such, following on the line drawn by the class B housing. So, very promptly, the houses built for people of lower income, were at least 50% more expensive, even thou the plan of the government was for them to cost less. So more programs were made, but as C class housing was still in high demand, the high prices remained, and kept on scaling slowly, but notably. Other factors which influence the housing situation of Morocco are the lack of incentives locally to sell and rent, administrative rigidities and lack of land.



In the education field of Morocco, primary school is free and mandatory, and more than 90% of the children in the country are enrolled; but the dropout rate is significant. Only 50% of the total enrolled children in middle school make it to high school. Their system is organized in 2 years of preschool, 6 years of primary school, 3 years middle school, and 3 years high school. There are 14 public universities in Morocco and a great many private universities and similar institutions. Increase of public accountability have made it possible to evaluate all public Universities, and make the results public to all the public in general.

Concerning healthcare in Morocco, social security covers all workers regarding maternity, invalidity, sickness and retirements. All Citizens are able to access the public health system through their local Healthcare management systems. The social security and basic medal scheme covers them for most health services, but does not include medication at all times, especially for regular illness. A good point to mention is that France and Morocco have signed a bilateral cooperation treaty for social security, in which Moroccans employed in Morocco by a company based in France, the employer may opt to keep the employee in the French social security system.

SECOND WORLD HUMAN RIGHTS FORUM IN MARRAKESH :

Amidst the organizing of the event which started on the 27th of November 2014, there were some organizations which started to complain. Their first claim was that some organizations and NGO's officially registered and working in the country, were denied participation in the event by local organizers, and others had their activities and plans limited by the government. Their second claim was that Morocco shouldn't be portrayed as the Arab country which most benefited from the Arab Spring in the Human and civil rights field, as, 1), there is still so much to be done, and 2) reality showed that the accounted for progress was not being applied as announced by the Moroccan government officials. The movement also underlined that Morocco was not a good country to host an event of the magnitude and significance as the Human Rights Forum, as it would only be used to cover up its ongoing violations against Human Rights of its citizens. Before the event, Morocco was not handling the reports and allegations of some violations of human rights by civil rights activists and NGO's. in July of 2014 the minister of Interior, Mohamed Assad, in a speech about terrorism, referred that some NGO's and human Rights institutions only wanted to give Morocco a bad image to



affects the country's best interest. Considering other statements similar to the one made by the minister, it is indeed true that Morocco does not like to be pressured on the subject of Human Rights, but tries to keep its good image, in front of the international community. Tourism is one of the reasons for such image to be kept, and other may be the lookout for international investment in the country.

The Forum itself was considered a success by the media, the government of Morocco, the organizers and most of the attendees. Despite the protests by some of the organizations, most international attendees praised the progress of Morocco on civil and Human Rights.

TORTURE CASES

Besides corruption, torture is one of the biggest problems which affect the international image of Morocco on human rights and other civil issues. Constantly NGO's and other institutions fighting for human and civil rights in the country, report of torture cases, and the existence of "secret prisons" in the country, close to each large city, speaks low of its justice and penitentiary systems. An example of this sort of torture occurring in the country is Ali Aarrass, who was tortured in a secret prison close to Rabat, until he signed a confession to "aiding in acts of terrorism", which was followed by a formal accusation and court proceeding, in which reportedly the only proof held against him was his own confession.

It now seems that even when reporting of having been subject of torture, or filing a complaint stating one was tortured, may immediately imply jail time. In July and August 2014 two political and human rights activists where sentenced to prison for 3 and 1 year, following them reporting of having been kidnapped, tortured and raped by unknown men. During the torture they suffered they were told that this would continue happening if they decided to continue their activism.

The cases mentioned are mere examples. During protests it is very common for participants, students and activists to be kidnapped and suffer from torture or other forms of pressure unknown men or arrested by the police. During police custody, students in 2012 have reported of having been subject to inhumane treatment. They were hauled away from the protest, blindfolded and taken to an unknown site, where



they were raped, beaten, kicked, after of which their eyelashes were ripped out, to force them to scream out loud: “long live the king”.

Even though the new laws and reforms of Morocco ban torture and other violations of human rights, and pertain the equality of freedom and access to basic civil rights, it seems that torture is one problem that Morocco is unwilling to admit, and therefore, will be an ongoing difficult fight for human rights organizations and activists. The cases mentioned in this brief report are the more recent ones, and the ones which draw attention the most, but are definitely not the only cases of the country. As human rights are commonly broken and disrespected even when in legal police custody, one can make an assumption on the frequently such things happen outside of legal police custody, and in informal and/or secret prisons.

CONCLUSIONS :

Human Rights in Morocco may easily be object of criticism, as they still have a long way to go, especially in the field of equal justice, fair trial and torture. Gender equity also will need a serious impulse from the government and related institutions, to make true applicable changes. Yet, it would also be unfair not to admit a significant improvement in the field of Human Rights in general, due the king’s gradual resignation of some faculties and power, which were indeed significant, even though their application in real and ordinary everyday life for the citizens of Morocco seems difficult.

Torture, conditions of prisons and detention centers, fair arrests and legal proceedings, fair trial and impartial courts and judicial system are the principal goals to achieve for Morocco, so that indeed a significant improvement was made. Morocco and its government are perhaps still evaluating the implications of a true democratic system, and the reliance on a political structure which is sometimes qualified as impractical, difficult and bureaucratic. But from the view of those who are being governed, the system would often possibilities of improvement and development. CRW truly hopes that the goals and targets of the government, monarchy and the Moroccan people, may be joined and be developed with a common horizon, which should be the interest of the whole country and its citizens.



The organizations and activists of the country have played a key role for the progress in civil and Human Rights, which is truly admirable from every standpoint. CRW would also like to congratulate all NGO's, local institutions and activists working for civil and Human Rights in Morocco, showing results and setting an example for the rest of the world.

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