

MOROCCO 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Morocco is a constitutional monarchy with a parliamentary national legislative system under which ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers. The king shares executive authority with the Head of Government (prime minister) Saadeddine El Othmani. According to the constitution, the king appoints the head of government from the political party with the most seats in parliament and approves members of the government nominated by the head of government. International and domestic observers judged the 2016 parliamentary elections credible and relatively free from irregularities.

Civilian authorities maintained effective control over security forces.

The most significant human rights issues included reports that security forces used techniques that may have constituted torture in some cases, although the government was taking steps to eliminate the practice; allegations that there were political prisoners; limits on freedom of expression, including criminalization of certain political and religious content; limits on freedom of assembly and association; and corruption.

There were few examples of investigations or prosecutions of human rights abuses by officials, whether in the security services or elsewhere in the government, which contributed to the widespread perception of impunity.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities during the year.

Regarding unresolved cases of disappearance dating to the 1970s and 1980s, the government shifted its overall focus in recent years from individual claims to community reparation projects, while the National Council on Human Rights (CNDH), a publicly funded national human rights institution, continued to investigate individual claims. From June 2016 to February 2017, the UN Working Group on Enforced Disappearances referred 14 new cases to the CNDH of disappearances between 1973 and 1977. When warranted, the CNDH recommended reparations in the form of money, health care, employment, or vocational training to victims (or victims' families) of forced disappearance from previous years. (For more information on reparation claims in Western Sahara, see the Department of State's annual *Country Reports on Human Rights* for Western Sahara.)

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

The constitution and the law prohibit such practices, and the government denies it allowed the use of torture. In October, at a North Africa regional meeting for the national mechanisms for the prevention of torture hosted by the CNDH, Minister of State for Human Rights Mustapha Ramid acknowledged that torture still occurred in isolated cases, but said it was no longer a systematic practice and the government was working to eradicate it. The law defines torture and stipulates that all government officials or members of security forces who “make use of violence against others without legitimate motive, or incite others to do the same, during the course of their duties shall be punished in accordance with the seriousness of the violence.”

The UN Human Rights Committee's final observations on the country's sixth periodic report in December 2016 for the International Covenant on Civil and Political Rights noted that the government has taken steps to combat torture and mistreatment and that there was a “marked reduction” in such practices since its 2004 report. The committee remained concerned, however, by continued allegations of torture and mistreatment by government agents, in particular on persons suspected of terrorism or threats to national security or territorial integrity.

In the event of an accusation of torture, the law requires judges to refer a detainee to a forensic medical expert when the detainee or lawyer requests it or if judges notice suspicious physical marks on a detainee. In some cases, judges have refused to order a medical assessment when a detainee makes an allegation of abuse. The UN Working Group on Arbitrary Detention, human rights nongovernmental

organizations (NGOs), and media documented cases of authorities' failure to implement provisions of the antitorture law, including failure to conduct medical examinations when detainees alleged torture.

In October the authorities established a national detention monitoring body officially known as the National Preventive Mechanism within the CNDH, after acceding to the Optional Protocol to the Convention against Torture in 2014. In October and November, Morocco hosted meetings of the International Counter Torture Initiative Forum to encourage universal adoption of the UN Convention against Torture.

In June lawyers requested medical exams on behalf of 32 individuals detained in Al Hoceima who alleged that the police beat them. The judge denied the request, and the court convicted the 32 detainees on June 14 on charges related to violence during protests. On June 29, government spokesperson Mustapha Khalfi told press that the detainees who claimed to have been tortured would undergo medical examinations, in compliance with the king's order to investigate all torture allegations. In July, Minister of Justice Mohammed Aujjar transferred a report by the CNDH-identified medical experts to the prosecutors in Al Hoceima and Casablanca. In September the Court of Appeals referred the defendants' abuse allegations for investigation by the National Brigade of Judicial Police. The court-supervised investigations into the allegations were ongoing at year's end.

On February 13, media reported that the Kenitra Court of Appeals ordered the preventive detention of a gendarme and the investigation of two others on charges of torture of a detainee. The detainee claimed that he was raped with a baton in front of other detainees and obtained a medical certificate after being transferred to the custody of a local hospital. The defendants denied the allegations and were pending trial as of September.

During the year the CNDH reported that it received 22 complaints alleging torture by police or prison officials in internationally recognized Morocco, a 32 percent decrease from the previous year. After investigating the allegations, the CNDH substantiated allegations involving eight detainees, including seven detainees in prisons around Casablanca and one in Tangier. The directors of both prisons where the substantiated allegations occurred were relieved of duty, and other officials were administratively sanctioned. Three substantiated allegations remained in judicial process as of October.

Government statistics indicate that through August, courts referred 36 cases involving 45 detainees and implicating 53 police officers to the police's internal mechanism for investigation of possible torture or mistreatment. Results of the investigations were not available.

As of November 15, there were five new allegations of sexual exploitation and abuse by Moroccan peacekeepers deployed to UN peacekeeping operations for events that occurred in previous years. Morocco and the UN jointly investigated three of the allegations and determined them to be unsubstantiated. Two other allegations remain under investigation. Morocco and the UN completed joint investigations of nine allegations reported in previous years. They determined that two claims of sexual abuse and one allegation of sexual exploitation were substantiated, and determined that six allegations were unsubstantiated. Two allegations reported in 2016 remain pending investigation. The government indicated that one member of the military whom an investigation implicated in sexual exploitation was repatriated from the peacekeeping mission, dismissed from the armed forces, and presented to a court, where he received a six month sentence in May.

Prison and Detention Center Conditions

Prison conditions improved during the year but in some cases did not meet international standards.

Physical Conditions: The Moroccan Observatory of Prisons (OMP), an NGO focused on the rights of prisoners, continued to report that some prisons were overcrowded and failed to meet local and international standards. The Prison Administration (DGAPR) reported less overcrowding as new prisons opened, including four during the year. Since 2008 the DGAPR has built 29 new prisons to international standards, representing approximately 37 percent of the country's prisons. In the new prisons, pretrial detainees and convicted prisoners were held separately. As the DGAPR completed construction of each new prison, it closed older prisons and moved inmates to the new locations. Older prisons remained overcrowded, however, resulting in authorities frequently holding pretrial detainees and convicted prisoners together. According to government sources and NGOs, prison overcrowding was due in large part to an underutilized system of bail or provisional release, a severe backlog in cases, and lack of judicial discretion to reduce the length of prison sentences for specific crimes. Government sources stated that administrative requirements also prevented prison authorities from

transferring individuals in pretrial detention or the appeals phase to facilities outside the jurisdiction where their trials were to take place.

The law provides for the separation of minors. In all prisons, officials classify youth offenders into two categories, both of which are held separately from other categories: minors under 18, and youthful offenders from 18 to 20 years old. Authorities held a number of minors with adults, particularly in pretrial detention in police stations, due to a shortage of juvenile prison facilities. The DGAPR has four dedicated juvenile “centers for reform and education,” but maintains separate, dedicated youth detention areas in all prisons for minors. The government reported that in cases where a juvenile court judge ruled that detention was necessary, minors less than 14 years old were detained separately from minors 15 to 18 years old. In cases where a minor is ordered detained, a judge must follow up on a monthly basis.

While there was less overcrowding in the women’s sections of detention facilities, according to a 2016 CNDH study, conditions in women’s sections often did not meet the 2010 United Nations Rules for the Treatment of Women Prisoners and Noncustodial Measures for Women Offenders. The study noted that health facilities were generally located in the men’s sections, restricting access for female prisoners, and that vocational training opportunities were limited for women. The study also noted that female prisoners faced discrimination from staff, including medical staff, on the basis of their gender.

Local NGOs asserted that prison facilities did not provide adequate access to health care and did not accommodate the needs of prisoners with disabilities, although government sources stated that each prisoner was examined by a nurse and a psychologist on arrival and received care upon request. According to the DGAPR, prisoners received an average of three to four general consultations with a medical professional per year, in addition to dental, psychological, or other specialist care, and that all care was provided free of charge. According to the DGAPR 2016 statistics, there was one doctor for every 675 inmates and one nurse for every 135 inmates.

The DGAPR provides food to inmates at no cost, certified by the Ministry of Health as meeting the nutritional needs of the average adult male. Prison commissaries stock fresh fruit and vegetables for purchase. As of November the DGAPR completed the phase-out of family food basket delivery now that nutritional needs are met through a 2015 revision to food provision in prisons.

NGOs frequently cited cases where prisoners protested the conditions of their detention with hunger strikes. According to Amnesty International (AI), prisoners launched hunger strikes to protest harsh conditions, including poor hygiene and sanitation, inadequate health care, severe overcrowding, and detention far from their families, as well as limited visiting rights and access to education. According to the DGAPR's 2015 prisoner classification guide, the DGAPR placed restrictions on the level of visits, recreation, and types of educational programming for higher-risk prisoners. The CNDH and the DGAPR regularly addressed requests for transfer on the basis of family proximity, and the DGAPR sometimes granted such requests. At other times, the DGAPR informed the detainee that the requested transfer was not possible, often because of overcrowding at the requested location. On March 20, a prisoner from Oujda prison died at a local hospital after a hunger strike in protest of his sentence. He was serving a 20-year sentence for forming a criminal gang, abduction, kidnapping for ransom, and armed robbery. According to DGAPR, court officials attempted to dissuade the prisoner from continuing the hunger strike as his health deteriorated but were unsuccessful.

Some human rights activists have asserted that the prison administration reserved harsher treatment for Islamists who challenged the king's religious authority and for those accused of "questioning the territorial integrity of the country." The DGAPR denied that any prisoners received differential treatment and asserted that all prisoners were treated equally in accordance with the Prison Act.

Administration: While authorities generally permitted relatives and friends to visit prisoners, there were reports that authorities denied visiting privileges in some instances. The DGAPR assigned each prisoner to a risk classification level, which determined visiting privileges. At all classifications, prisoners may receive visits, although the length, frequency, and number of visitors may vary. Most prisons assigned each prisoner a designated "visit day" to manage the number of visits to the prison.

The CNDH and the DGAPR investigated allegations of inhuman conditions. The CNDH and the DGAPR effectively served the function of an ombudsman, and a system of "letterboxes" continued to operate in prisons to facilitate prisoners' right to submit complaints regarding their imprisonment. Detainees could submit complaints without censorship. Complaints were brought to the DGAPR Delegate General's Office for processing, as well as to the CNDH. The DGAPR reported that it received and addressed more than 700 complaints, ranging from mistreatment to requests for transfer, healthcare, educational or vocational training, or disagreement with sentencing. Following complaints from detainees, the

DGAPR dismissed an individual accused of violence against a detainee, transferred two officials for improper pressure on a detainee, suspended three individuals for theft of detainees' items, and issued an administrative warning for an individual accused of fraud. Two individuals remain in disciplinary proceedings for corruption and abuse of authority.

Independent Monitoring: The government permitted some NGOs with a human rights mandate to conduct unaccompanied monitoring visits. Government policy permitted NGOs that provided social, educational, or religious services to prisoners to enter prison facilities. Various NGOs conducted more than 450 monitoring visits through June and at least 22 of the visits through September were by the OMP. The CNDH conducted 250 monitoring visits.

Improvements: To alleviate overcrowding and improve overall conditions, government authorities reported opening four new detention facilities during the year (see section 1.c., Physical Conditions). Nine additional prisons are under construction to replace outdated prisons. The government reported increasing the number of vocational and educational training programs it administers in prisons. The Mohammed VI Foundation for the Reinsertion of Prisoners provided educational and professional training to inmates approaching their release date.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Observers indicated that police did not always respect these provisions or consistently observe due process. According to local NGOs and associations, police sometimes arrested persons without warrants or while wearing civilian clothing. Individuals have the right to challenge the legal basis or arbitrary nature of their detention and request compensation by submitting a complaint to the court.)

Role of the Police and Security Apparatus

The security apparatus includes several police and paramilitary organizations with overlapping authority. The National Police (Direction Generale de la Surete Nationale--DGSN) manages internal law enforcement in cities and reports to the Ministry of Interior. The Auxiliary Forces also report to the Ministry of Interior and support gendarmes and police. The Royal Gendarmerie, which reports to the Administration of National Defense, is responsible for law enforcement in rural

regions and on national highways. The judicial police (investigative) branches of both the Royal Gendarmerie and the National Police report to the royal prosecutor and have the power to arrest individuals. The Department of Royal Security is a branch of the National Police that provides protection for the king and royal family members. The Directorate General of Territorial Surveillance has intelligence-gathering responsibilities, without arrest powers, and reports to the Ministry of Interior.

There were reports of abuses by the security forces that were not always investigated, contributing to a widespread perception of impunity. The perception of systemic and pervasive corruption undermined law enforcement and the effectiveness of the judicial system. There was an absence of effective mechanisms to investigate and punish abuse and corruption. International and domestic human rights organizations claimed that authorities dismissed many complaints of abuse and relied only on police statements.

Authorities investigated some low-level incidents of alleged abuse and corruption among security forces. The judicial police investigated allegations, including those against security forces, and advised the court of their findings. Cases often languished in the investigatory or trial phases.

Arrest Procedures and Treatment of Detainees

By law police may arrest an individual after a general prosecutor issues an oral or written warrant. 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 during the initial 24 hours of detention for other charges, with an optional extension of 12 hours with the approval of the Prosecutor's Office. Authorities did not consistently respect these provisions. Reports of abuse generally referred to these initial detention periods, when police interrogated detainees.

In ordinary criminal cases, the law requires police to notify a detainee's next of kin of the arrest immediately after the above-mentioned period of incommunicado detention, unless arresting authorities applied for and received an extension from a magistrate. Police did not consistently abide by this provision. Authorities sometimes delayed notifying the family or did not inform lawyers promptly of the date of arrest, and the families and lawyers were not able to monitor compliance with detention limits and treatment of the detainee.

The law states, “in the case of a flagrant offense, the Judicial Police Officer has the right to keep the suspect in detention for 48 hours. If strong and corroborated evidence is raised against this person, [the officer] can keep them in custody for a maximum of three days with the written authorization of the prosecutor.” For normal crimes, authorities can extend this 48-hour period twice, for up to six days in detention. Under terrorism-related laws, a prosecutor may renew the initial detention by written authorization for a total detention time of 12 days. According to the Antiterrorism Act, there is no right to a lawyer during this time except for a half-hour monitored visit at the midpoint of the 12-day period. Observers widely perceived the 2015 law on counterterrorism as consistent with international standards.

At the conclusion of the initial detention period in police custody, the detainee must be presented to a prosecutor, who may issue provisional charges and order additional investigation by an investigatory judge in preparation for trial. The investigative judge has four months, plus a possible one-month extension, to interview the individual and determine what charges, if any, to file for trial. An individual may be detained in investigatory detention or at liberty during this phase. At the end of five months (if an extension is granted), the investigative judge must either file charges, decline to file charges and drop the case, or release the individual pending an additional investigation and a determination of whether to file. Authorities generally followed these timelines.

NGO sources stated that some judges were reticent to use alternative sentences permitted under the law, such as provisional release. The law does not require written authorization for release from detention. In some instances, judges released defendants on their own recognizance. A bail system exists; the deposit may be in the form of property or a sum of money paid to court as surety to ensure the defendant’s return to future court proceedings. The amount of the deposit is subject to the discretion of the judge, who decides the amount of the deposit depending on the offense. Bail may be requested at any time before the judgment. According to the law, all defendants have the right to attorneys; if a defendant cannot afford private counsel, authorities must provide a court-appointed attorney when the criminal penalty exceeds five years in prison. Authorities did not always provide effective counsel.

Arbitrary Arrest: Security forces often detained groups of individuals, took them to a police station, questioned them for several hours, and released them without charge. Under the penal code, any public official who orders an arbitrary detention is punishable by demotion and, if it is done in a private interest, by imprisonment

of 10 years to life. An official who neglects to refer a claim or observation of arbitrary or illegal detention to his superiors is punishable by demotion. There was no available information as to whether these provisions were applied this year.

Pretrial Detention: Although the government claimed that authorities generally brought accused persons to trial within two months, prosecutors may request as many as five additional two-month extensions of pretrial detention. Pretrial detentions can last as long as one year, and there were reports that authorities routinely held detainees beyond the one-year limit. Government officials attributed these delays to the large backlog of cases in the justice system. The Foreign Ministry stated that a variety of factors contributed to this backlog: a lack of resources devoted to the justice system, both human and infrastructure; the lack of plea bargaining as an option for prosecutors, lengthening the amount of time to process cases on average; the scant use of mediation and other out-of-court settlement mechanisms allowed by law; and the absence of legal authority for alternative sentencing. The government reported that as of August 31, 39.9 percent of detainees were in pretrial detention, which includes those awaiting their first judgments as well as those in various stages of appeals processes. In some cases, detainees received a sentence shorter than the time they spent in pretrial detention, particularly for misdemeanors.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution states that "No one may be detained, arrested, prosecuted, or sentenced outside of the cases and forms prescribed by the law," and gives the right to compensation in cases of judicial error. Individuals have the right to challenge the legal basis or arbitrary nature of their detention and request compensation by submitting a complaint to the court. If the complaint is unsubstantiated, the accused has the right to file for damages against the accuser.

According to media reports, on March 1, the Administrative Court of Oujda ruled in favor of a Moroccan citizen who was wrongfully detained for less than 24 hours in August 2015 at a border crossing. The court awarded damages to the citizen, who resided abroad, for the replacement of his plane tickets, lost wages, and school fines for his children's missed classroom days.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and, as in previous years, NGOs asserted that corruption and extrajudicial influence weakened judicial independence. On April 6, the king formally appointed the elected and pro-forma

members of the Supreme Judicial Council, a new government body whose creation and composition was mandated by the 2011 constitution to manage the courts and judicial affairs directly in place of the Ministry of Justice. The president of the Court of Cassation (the highest court of appeals) chairs the 20-member body. Additional members include the president of the First Chamber of the Court of Cassation; the Prosecutor General (equivalent of the Attorney General); the Royal Mediator (national ombudsman); the president of the CNDH; 10 members elected by the country's judges; and five members appointed by the king. In October the Supreme Judicial Council established its internal mechanisms and began the process of taking over day-to-day management and oversight from the Ministry of Justice, although the activities of the Supreme Judicial Council have experienced delays due to administrative and legal impediments. While the government stated the aim of creating the council was to improve judicial independence, its effect on judicial independence was not clear by the end of the year. The outcomes of trials in which the government had a strong political stake, such as those touching on Islam as it related to political life and national security, the legitimacy of the monarchy, and the Western Sahara, sometimes appeared predetermined.

Trial Procedures

The law provides for the right to a fair and public trial with the right of appeal, but this did not always occur. The law presumes that defendants are innocent. After an initial arrest and investigation period in which the order of a prosecutor can detain individuals, defendants are informed promptly of potential charges, and of final charges at the conclusion of the investigatory period, which may last several months. Trials are conducted in Arabic, and foreigners have the right to request interpretation if they do not speak Arabic.

Defendants have the right to be present at their trial and to consult in a timely manner with an attorney. Defendants have the right to refuse to participate in their trial, and a judge may decide to continue the proceedings in the defendant's absence while providing a detailed summary to the defendant. In practice, authorities often denied lawyers timely access to their clients and, in the majority of cases, lawyers met their clients only at the first hearing before the judge. Authorities are required to provide attorneys in cases where the potential sentence is greater than five years, if the defendant is unable to afford one. Publicly provided defense attorneys were often poorly paid and often were neither properly trained in matters pertaining to juveniles nor provided to defendants in a timely fashion. The appointment process for public defenders is lengthy, often resulting in a defendant arriving to trial before a court-appointed attorney is designated. In

these cases, the judge may ask any attorney present to represent the defendant. This practice often resulted in inadequate representation. Many NGOs provided attorneys for vulnerable individuals (minors, refugees, victims of domestic violence), who frequently did not have the means to pay. Such resources were limited and specific to larger cities. The law permits defense attorneys to question witnesses. Despite the provisions of the law, some judges reportedly denied defense requests to question witnesses or to present mitigating witnesses or evidence.

The law forbids judges from admitting confessions made under duress. NGOs reported that the judicial system often relied on confessions for the prosecution of criminal cases, and authorities pressured investigators to obtain a confession from suspects in order for prosecution to proceed. Human Rights Watch (HRW) and local NGOs charged that judges, at their discretion, sometimes decided cases based on forced confessions, particularly in cases against ethnic Sahrawis or individuals accused of terrorism. According to authorities, police sometimes used claims regarding detainees' statements in place of defendants' confessions when there was a possible question of duress.

The courts were moving away from a confession-based system to an evidenced-based system. By December 2016 the national police had opened 23 evidence preservation centers throughout the country to secure and preserve evidence collected at crime scenes and to ensure compliance with chain of custody procedures. Police are working with the courts to demonstrate the utility of the new evidence preservation rooms to increase judges' confidence in evidence presented at trials.

Political Prisoners and Detainees

The law 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 it had charged or convicted all individuals in prison under criminal law. Criminal law covers nonviolent advocacy and dissent, such as insulting police in songs or "defaming Morocco's sacred values" by denouncing the king and regime during a public demonstration. NGOs, including the Moroccan Association for Human Rights (AMDH), and Sahrawi organizations asserted that the government imprisoned persons for political activities or beliefs under the cover of criminal charges.

On July 19, the civilian Rabat Court of Appeals issued new verdicts for 23 Sahrawis arrested during the 2010 dismantling of the Gdeim Izik Camp and subsequent violence in Laayoune, which resulted in the death of 11 members of the security forces. The court upheld all of the sentences initially imposed by a military tribunal in 2013, except for four individuals who received reduced sentences. Some NGOs alleged that these individuals were political prisoners. For more information, see the Department of State's *Country Reports on Human Rights* for Western Sahara.

Civil Judicial Procedures and Remedies

Although individuals have access to civil courts for lawsuits relating to human rights violations and have filed lawsuits, such lawsuits were frequently unsuccessful due to the courts' lack of independence on politically sensitive cases, or lack of impartiality stemming from extrajudicial influence and corruption. The newly created Supreme Judicial Council is tasked with ensuring ethical behavior by judicial personnel (see section 4). There are administrative as well as judicial remedies for alleged wrongs. Authorities sometimes failed to respect court orders in a timely manner.

A National Ombudsman's Office (Mediator Institution) helped to resolve civil matters that did not clear the threshold to merit involvement of the judiciary. Although it faced backlogs, it gradually expanded the scope of its activities and subjected complaints to in-depth investigation. The Ombudsman retransmitted to the CNDH for resolution cases specifically related to allegations of human rights abuses by authorities. The CNDH continued to be a conduit through which citizens expressed complaints regarding human rights abuses and violations.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution states an individual's home is inviolable and that a search may take place only with a search warrant; however, authorities at times entered homes without judicial authorization, monitored without legal process personal movement and private communications--including email, text messaging, or other digital communications intended to remain private--and employed informers.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law generally provide for freedom of expression, including for the press, although they criminalize and restrict some freedom of expression in the press and social media--specifically criticism of Islam, of the institution of the monarchy, and of the government's positions regarding territorial integrity and the Western Sahara. Such criticism can result in prosecution under the penal code, with punishments ranging from fines to jail time, despite the freedom of expression provided for in the 2016 press code. The 2016 press code applies only to journalists accredited by the Ministry of Communication for speech or publications in the line of work; private speech by accredited journalists remains punishable under the penal code. International and domestic human rights groups criticized criminal prosecutions of journalists and publishers as well as of libel suits, claiming that the government principally used these laws to restrict independent human rights groups, the press, and social media.

Freedom of Expression: The law criminalizes the criticism of Islam, of the legitimacy of the monarchy, of state institutions, of officials such as those in the military, and of the government's positions regarding territorial integrity and the Western Sahara. The government sometimes prosecuted persons who expressed criticism on these topics. According to government figures, 16 individuals were charged under the penal code this year for criminal speech, including praising terrorism, defamation, inciting rebellion, and insult (see Libel/Slander Laws and National Security).

Press and Media Freedom: Independent media, as well as partisan media, were active and expressed a wide variety of views within the restrictions of the law. In 2016 parliament passed a new press code that limits punishments for accredited journalists to fines. Three journalists were prosecuted under the press code during the year, compared with eight in 2016.

Many contributors working for online news outlets, and many online news outlets themselves, were unaccredited and therefore were not covered under the press code for their publications. They remained subject to provisions of the antiterrorism law and the penal code that permit the government to jail and impose financial penalties on anyone who violates restrictions related to defamation, libel, and insults. In addition, the government can apply the penal code to accredited journalists for actions outside of their official duties.

The government also enforced strict procedures governing journalists' meetings with NGO representatives and political activists. Foreign journalists needed, but

did not always receive, approval from the Ministry of Communication before meeting with political activists.

On July 25, the court of first instance in Al Hoceima sentenced Hamid El Mahdaoui, editor of news website *badil.info*, to a three-month prison sentence and 20,000 dirham (\$2,000) fine for inciting individuals to participate in a prohibited demonstration. Although El Mahdaoui was an accredited journalist, he was prosecuted under the penal code for activities outside his official duties.

Authorities claimed that El Mahdaoui had given a speech in Al Hoceima calling on citizens to demonstrate. El Mahdaoui denied the allegations and claimed he was in Al Hoceima to report on ongoing protests. His lawyer told HRW that El Mahdaoui was asked his opinion of the Hirak protest movement and responded that individuals have the right to protest. A police officer filmed the exchange, and the officer's video was used as evidence in the trial. El Mahdaoui's sentence was increased to one year in prison on appeal on September 12. In a separate case in Casablanca, authorities questioned El Mahdaoui on additional charges of failing to report a national security threat. Authorities alleged that El Mahdaoui received information that an individual intended to smuggle weapons into the country for use in protests but failed to report it. El Mahdaoui's defense denied the conversation, and claimed that even if it had occurred, there would have been no need to report such information because El Mahdaoui knew it would be impossible to smuggle in weapons. The second case was expected to begin in November.

The trial for seven members of the Moroccan Association for Investigative Journalism, including Hicham Mansouri, Maati Monjib, and Hisham Almiraat, has been repeatedly delayed since 2015.

Violence and Harassment: Authorities subjected some journalists to harassment and intimidation, including attempts to discredit them through harmful rumors about their personal lives. Journalists reported that selective prosecutions served as a mechanism for intimidation.

On July 25, authorities expelled journalists Jose Luis Navazo and Fernando Sanz with the Spanish newspaper *El Correo Diplomatico*. Navazo had resided in Morocco for more than 15 years. According to the journalists, police escorted them to the border without interrogation or providing a reason for the expulsion. The journalists allege, and the government later confirmed, that they were expelled for their reporting on protests in the Rif. The government claimed that their actions posed a threat to public security. Authorities expelled at least three other international journalists during the year, citing a lack of valid permits.

Censorship or Content Restrictions: Self-censorship and government restrictions on sensitive topics remained serious hurdles to the development of a free, independent, and investigative press. While the government rarely censored the domestic press, it exerted pressure by pursuing legal cases that resulted in heavy fines and suspended publication. Such cases encouraged editors and journalists to self-censor. A Freedom House report in 2016 noted an “atmosphere of fear among journalists” that led to increased self-censorship. The press code lists threats to public order as one of the criteria for censorship. Publications and broadcast media must also obtain government accreditation. The government may deny and revoke accreditation as well as suspend or confiscate publications.

In June the Casablanca airport police removed from circulation an issue of the Arabic language Arab women’s monthly magazine *Sayidaty*. The magazine included an article with a map of the Arab world that showed the flag of the Sahrawi Arab Democratic Republic over the area of Western Sahara.

Libel/Slander Laws: The press code includes provisions that permit the government to impose financial penalties on accredited journalists and publishers who violate restrictions related to defamation, libel, and insults. A court may impose a prison sentence if an accredited journalist is unable or unwilling to pay the fine.

Individuals who are not registered as journalists may be charged for defamation, libel, and slander under the criminal code, as can accredited journalists for their private actions. On August 18, Mohamed Taghra was sentenced to 10-months’ imprisonment and a 500 dirham (\$50) fine under the criminal code on charges of libel and slander against the Royal Gendarmerie, following his posting of a video on YouTube accusing gendarmerie officers of falsifying records of accidents. Taghra was not a registered journalist and did not publish the video via a registered journalistic outlet, and he was charged under the criminal code.

National Security: The antiterrorism law provides for the arrest of individuals, including journalists, and filtering websites deemed to “disrupt public order by intimidation, terror, or violence.”

In December 2016, eight individuals were arrested for posting messages of support on social media for the assassination of the Russian ambassador to Turkey. The group was charged with incitement and praise of terrorism and received sentences of between one and two years’ imprisonment in April. On July 29, the king

pardoned the group. On June 10, authorities arrested El Mortada Iaamrachen for social media postings accusing the state of organizing terrorist attacks and the protests in the Rif to justify arrest campaigns. Iaamrachen's supporters contend his posts were "sarcastic." On November 30, the Rabat Court of Appeal sentenced Iaamrachen to five years' imprisonment for incitement and praise of terrorism.

Internet Freedom

The government did not disrupt access to the internet, but it did apply laws governing and restricting public speech and the press to the internet. The 2016 press code stipulates that online journalism is equivalent to print journalism. Laws on combatting terrorism permit the government to filter websites. According to Freedom House's 2017 *Freedom on the Net* report, the government did not block or filter any websites during the year. However, Freedom House alleges that the threat of press code restrictions, and selective distribution of government advertising revenue had the effect of limiting the diversity of online content. Activists claimed access to certain hashtags on Twitter was restricted for short periods in advance of or during expected large protests to disrupt organization. The government also prosecuted individuals for expressing certain ideological views online (see section 2.a., National Security).

According to the International Telecommunication Union, 58 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

The law permits the government to criminalize presentations or debate questioning the legitimacy of Islam, the legitimacy of the monarchy, state institutions, or the status of Western Sahara. The law restricts cultural events and academic activities, although the government generally provided more latitude to political and religious activism confined to university campuses. The Ministry of Interior approved appointments of university rectors.

b. Freedoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The law provides for the right of peaceful assembly. The government generally permitted authorized and unauthorized peaceful demonstrations to occur. Under the law, groups of more than three persons require authorization from the Ministry of Interior to assemble publicly. Security forces intervened on occasion to disband both authorized and unauthorized protests when officials deemed the demonstration a threat to public security.

Some NGOs complained that authorities did not apply the approval process consistently and used administrative delays and other methods to suppress or discourage unwanted peaceful assembly. According to HRW's *World Report 2017* and Amnesty International's *Freedom in the World 2017*, police allowed many protests demanding political reform and protesting government actions, but on some occasions forcibly dispersed peaceful protests or prevented demonstrations from occurring.

Security forces were generally present both in and out of uniform at protests, particularly if the protest was expected to address a sensitive issue. In general, officers were under orders to observe and not intervene, unless the demonstration becomes unruly or threatening. In those cases, under standard operating procedures, officers are required to give the crowd three warnings that force will be used if they do not disperse before intervening. Security forces then attempt to force protestors to leave the area, using riot shields to push standing protestors into a designated area or carrying seated protestors to the designated area. If such lower level tactics fail, security forces may escalate to the use of batons, water cannons, or tear gas to clear the area and restore order. Security force tactics did not differ significantly whether the protest was authorized or unauthorized; however, the decision on whether to intervene did sometimes depend on whether the protest was permitted. The government organized ongoing training on human rights-based management of crowds throughout the year.

Protests continued in Al Hoceima following the October 2016 death of a fish vendor during a confrontation with authorities over illegally caught fish.

While the majority of protests proceeded peacefully, on several occasions violence erupted between protestors and police. On at least three occasions, police used tear gas to disperse crowds of unauthorized or violent protestors. Approximately 620 protests occurred in and around Al Hoceima between October 2016 and early November 2017, generally involving several hundred to a few thousand protestors demanding investment in the region and the release of detained prisoners. The government reported that 589 members of the security forces were injured during

the protests, including eight with serious injuries. Authorities arrested more than 600 protestors during protests in and around Al Hoceima since October 2016 for alleged violence, including arson of a police barracks. Approximately 300 were convicted and serving prison sentences as of November, while the king pardoned 47 protestors. Protest leader Nasser Zefzafi, along with 50 other members of the Hirak protest movement are imprisoned at Oukacha (Ain Sebaa) prison in Casablanca, while their trial at the Casablanca Court of Appeals on national security related charges is ongoing. On April 26, the Court of First Instance in Al Hoceima sentenced seven individuals in connection with the vendor's death to between five and seven months in prison plus fines, and found four others innocent; one of the individuals sentenced to prison was a Ministry of Interior official and the other six were civilians (see section 4).

On April 15 and 16, there were small, unauthorized, and peaceful protests of up to several hundred participants in several cities in response to the April 11 death of a three-year-old Amazigh girl from the rural area of Tinghir, who died from trauma following a fall when two hospitals nearby lacked medical equipment to diagnose and treat her. Protestors accused the Ministry of Health of neglect and called for better provision of services. Police did not intervene in these protests, which dispersed peacefully.

Freedom of Association

The constitution and the law provide for freedom of association, although the government sometimes restricted this freedom. The government prohibited or failed to recognize some political opposition groups by deeming them unqualified for NGO status. The government denied official recognition to NGOs that it considered advocates against Islam as the state religion, the legitimacy of the monarchy, or Morocco's territorial integrity. Authorities obstructed the registration of a number of associations perceived to be critical of the authorities by refusing to accept registration applications or to deliver receipts confirming the lodging of applications (see section 5).

The Ministry of Interior required NGOs to register before being recognized as legal entities, but there was no comprehensive national registry publicly available. A prospective organization must submit its objectives, bylaws, address, and photocopies of members' identification cards to the ministry. 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, although the government tolerated activities of several organizations without these receipts.

Unregistered organizations could not access government funds or legally accept contributions.

The National Federation of Amazigh Associations, an organization supporting the inclusion of the Amazigh population in public life, reported that nine Amazigh organizations were denied registration this year as of September, including the Federation itself (see section 6, National/Racial/Ethnic Minorities).

Authorities continued to monitor Justice and Charity Organization activities.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern. The government also provided funding to humanitarian organizations to provide social services to migrants, including refugees.

The government continued to make travel documents available to Sahrawis, and there were no reported cases of authorities preventing Sahrawis from traveling out of the country. The government encouraged the return of Sahrawi refugees from Algeria and elsewhere if they acknowledged the government's authority over Western Sahara.

Abuse of Migrants, Refugees, and Stateless Persons: Refugees and asylum seekers, as well as migrants, were particularly vulnerable to abuse; however, since the 2014 and ongoing migrant regularization programs, there were fewer reports of mass arrests and abuse of sub-Saharan migrants by security forces. While human smuggling and trafficking appeared to increase due to difficulties with other routes, Moroccan authorities cooperated with Spanish authorities to break up trafficking networks and arrest traffickers. Parliament also passed legislation in 2016 to improve protections for victims. There were reports of government authorities arresting or detaining migrants, particularly around the Spanish enclave cities of

Melilla and Ceuta, and forcibly relocating them to other parts of the country to deter attempts to cross illegally into the two enclaves.

Protection of Refugees

Access to Asylum: The law provides for the granting of refugee status. The government has historically deferred to UNHCR as the sole agency in the country entitled to perform refugee status determinations and verify asylum cases. UNHCR referred cases that meet the criteria for refugee recognition to the government's interministerial Commission in Charge of Hearings for Asylum Seekers within the Bureau of Refugees and Stateless Persons. The government recognizes two types of asylum status: refugees designated according to the UNHCR statute and the "exceptional regularization of persons in irregular situation" under the 2016 migrant regularization program. The government continued to grant status to UNHCR-recognized refugees, temporary status to registered Syrians, and regularized migrant status to qualifying applicants under the migrant regularization program.

Access to Basic Services: Recognized refugees and migrants were able to work and access health care and education services, including publicly funded professional and vocational training. Requests on behalf of women and children receive automatic approval, with immediate access to education and healthcare. Asylum seekers were, however, sometimes unable to access the national health care system and continued to have little access to the judicial system until recognized as refugees.

Durable Solutions: In December 2016 the government launched the second phase of its migrant regularization program to provide legal status to migrants in exceptional circumstances. The program, similar to the 2014 campaign, grants legal status to foreign spouses and children of citizens and other legal residents of the country, as well as individuals with at least five years of residence in the country, a valid work contract, or chronic illness. As of October, 22,986 individuals had received status under the program, of the more than 25,000 requests submitted. Migrants and refugees may obtain Moroccan nationality if they meet the legal requirements of the Nationality Law and submit a request to the Ministry of Justice. The government facilitated the resettlement of recognized refugees to third countries when necessary, or voluntary returns, in cooperation with UNHCR.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees. On June 20, World Refugee Day, the king instructed the government to admit 28 Syrians who had been stranded between the borders of Morocco and Algeria for two months. Syrians and Yemenis benefit from “exceptional regularization” outside of the more permanent migrant regularization program.

Section 3. Freedom to Participate in the Political Process

Morocco is a constitutional monarchy under which ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers. The king shares executive authority with the head of government (prime minister). According to the constitution, the king appoints the head of government from the political party with the most seats in parliament and approves members of the government nominated by the head of government.

The law provides for, and citizens participated in, free and fair periodic elections held by secret ballot and based on universal and equal suffrage for parliament’s Chamber of Representatives and municipal and regional councils. Regional and professional bodies indirectly elected members of parliament’s less powerful Chamber of Counselors.

Elections and Political Participation

Recent Elections: In October 2016 the country held direct elections for the Chamber of Representatives (the more powerful lower house of parliament). The major political parties and domestic observers considered the elections free, fair, and transparent. International observers considered the elections credible; noting voters were able to choose freely and the process was free of systemic irregularities. As stipulated by the constitution, the king tasked the Party of Justice and Development, which won the most seats in the newly elected chamber, to form a governing coalition and nominate new ministers. The new government was seated on April 6.

Political Parties and Political Participation: A political party may not legally challenge Islam as the state religion, the institution of the monarchy, or the country’s territorial integrity. The law prohibits basing a party on a religious, ethnic, or regional identity.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Voters elected a record number of women in the October 2016 elections, although very few subsequently won leadership positions as ministers or parliamentary committee presidents.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively. Officials often engaged in corrupt practices with impunity. There were reports of government corruption in the executive, judicial, and legislative branches during the year.

Corruption: Generally, observers considered corruption a serious problem, with insufficient governmental checks and balances to reduce its occurrence. There were reports of petty government corruption and authorities investigated few cases.

Some members of the conservative judicial community were reluctant to implement newly adopted reforms and procedures to strengthen controls against corruption. In some cases, judges received disciplinary sanctions for corruption, but were not prosecuted. The newly created Supreme Judicial Council is tasked with ensuring ethical behavior by all judicial personnel (see section 1.e.).

On May 24, the Ministry of Justice announced the arrest of Rabat Court of Appeals judge Rachid Mechkaka on charges of accepting a bribe of 10,000 dirhams (\$1,022) to give a favorable decision in a family court appeal case. On July 12, the Court of First Instance in Casablanca sentenced Mechkaka to one year's imprisonment and a fine of 1,000 dirhams (\$102). At year's end he was imprisoned in Oukacha (Ain Sebaa) prison in Casablanca, pending appeals.

Observers noted widespread corruption among police. The government claimed to investigate corruption and other instances of police malfeasance through an internal mechanism (see section 1.d.). On July 21, media reported that 14 police officers were detained on charges of complicity in drug trafficking and receiving bribes. Their case was referred to the Rabat Court of Appeals. The status of the case was unknown as of November. The government reported that through September, 54 police officers were investigated for corruption, and 35 were suspended from duty as a result. Of 56 accused police officers in 2016, 15 remained under investigation, four were dismissed, three received formal

reprimands, and three were demoted. In the past two years, the DGSN has referred 45 officers to courts for corruption allegations.

The Central Authority for the Prevention of Corruption (ICPC) is responsible for combating corruption. In 2015 parliament adopted a constitutionally mandated law providing the ICPC with the authority to compel government institutions to comply with anticorruption investigations. However, the ICPC was without senior leadership at year's end.

In addition to the ICPC, the Ministry of Justice and the High Audit Institution (government accountability court) had jurisdiction over corruption issues. In June the High Audit Institution released a public report flagging misuse of public funds in some ministries. The institution has no authority to conduct investigations or assign responsibility, and no cases were referred for prosecution. In October the king dismissed several ministers following reports from the High Audit Institution that their ministries had mishandled development projects in the Rif region. No further accountability measures were taken against the ministers.

The Ministry of Justice ran a hotline for the public to report instances of corruption.

Financial Disclosure: The law requires judges, ministers, and members of parliament to submit financial disclosure statements to the High Audit Institution, which is responsible for monitoring and verifying disclosure compliance. According to allegations from government transparency groups, however, many officials did not file disclosures. There are no effective criminal or administrative sanctions for noncompliance.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups investigated and published findings on human rights cases; however, the government's responsiveness to, cooperation with, and restrictions on domestic and international human rights organizations varied, depending on its evaluation of the political orientation of the organization and the sensitivity of the issues.

On January 8, the AMDH, the country's largest independent human rights organization, reported that authorities refused to renew the registration for its branch office in Laayoune. The AMDH appealed the decision to the courts, but

the appeal was rejected for failure to follow formal procedures. According to the government, the AMDH submitted appeals to the courts for registration of 58 of its 96 branches during the year, and as of September received 14 approvals. The organization has regularly had difficulties in renewing the registration of its offices. Also in January, Aqaliyat, a newly formed domestic NGO working on minority rights announced that the government had denied its registration application. Authorities announced that the denial was for failure to comply with registration requirements; however, some activists believed the denial was related to the organization's support for lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights. Aqaliyat has submitted an appeal. Several of the organization's leaders have since left the country, according to media reports.

On February 7, the Rabat Appeals Court reversed a 2016 Administrative Court ruling that had ordered the registration of NGO Freedom Now. The organization is not registered. The government explained that Freedom Now's request did not respect the law on associations, but that a compliant request would be considered if submitted.

AI's local office continued to operate and issue statements, including on sensitive issues such as the Rif protests. In November the government informed AI it would not face any restriction on its activities as long as it operated within the law on associations. AI's international researchers, however, say they continue to face some difficulties in carrying out their work in the country, following government objections to some AI reporting in 2015.

Although HRW remained officially suspended during the year, the organization sent researchers to the country and continued to publish information on the situation in the country without government interference.

During the year activists and NGOs reported continuing restrictions on their activities in the country. Many activists alleged that the government restricted their use of public spaces and conference rooms, as well as informing the proprietors of private spaces that certain activities should not be welcomed. Organizations claimed that government officials told them their events were cancelled for failing to follow required procedures for public meetings, although the organizations claim to have submitted the necessary paperwork except in cases where they believed the law did not require it.

On May 13, authorities required Tafra, an organization that promotes democratic reform and access to information, to end an in-progress conference on the

transition from absolute to parliamentary monarchies in Europe, claiming that the event was unauthorized. The event had originally been scheduled to take place at the Hassan II University, but on the day of the event, the university claimed that it could not host due to the “unavailability of conference rooms.” The organization shifted the conference to a think tank’s office, but authorities arrived shortly after and ordered the presentations to stop as no public event was authorized at that location.

Some unrecognized NGOs that did not cooperate officially with the government still shared information informally with both the government and government-affiliated organizations.

The United Nations or Other International Bodies: The government cooperated with the UN and permitted requested visits. Morocco submitted and presented its quadrennial Universal Periodic Review to the Human Rights Council in May and responded to recommendations. In October the Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment visited Morocco, met with government officials, visited detention centers, and met with prisoners.

Government Human Rights Bodies: The CNDH is a national human rights institution established by the constitution that operates independently from the elected government. It is publicly funded and operates in conformity with the Principles of Paris according to the Global Alliance of National Human Rights Institutions, which recognized it in 2015 as a “class A national human rights institution” within the UN framework. It served as the principal advisory body to the king and government on human rights. The council filled the role of a national human rights monitoring mechanism for preventing torture. The CNDH oversees the National Human Rights Training Institute, which partners with international organizations to provide training to civil society, media, law enforcement, medical personnel, educators, and legal practitioners.

The Mediator Institution acted as a general ombudsman. It considered allegations of governmental injustices and had the power to carry out inquiries and investigations, propose disciplinary action, or refer cases to the public prosecutor.

The mission of the Interministerial Delegation for Human Rights (DIDH), which reports to the minister of state in charge of human rights, as of April, is to promote the protection of human rights across all ministries, serve as a government interlocutor with domestic and international NGOs, and interact with relevant UN

bodies regarding international human rights obligations. The DIDH has the primary responsibility for coordinating government responses to UN bodies on adherence to treaty obligations.

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

Women

Rape and Domestic Violence: The law punishes individuals 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. Spousal rape is not a crime. Numerous articles of the penal code pertaining to rape perpetuate unequal treatment for women and provide insufficient protection. A sexual assault conviction may result in a prison sentence of up to one year and a fine of 15,000 dirhams (\$1,530). According to local NGOs, survivors did not report the vast majority of sexual assaults to police due to social pressure and the concern that society would most likely hold the victims responsible. Police selectively investigated cases; among the minority brought to trial, successful prosecutions were rare.

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. Legally, high-level misdemeanors occur when a victim's injuries result in 20 days of disability leave from work. Low-level misdemeanors occur when a victim's disability lasts for less than 20 days. According to NGOs, the courts rarely prosecuted perpetrators of low-level misdemeanors. Police were slow to act in domestic violence cases, and the government generally did not enforce the law and sometimes returned women against their will to abusive homes. Police generally treated domestic violence as a social rather than a criminal matter. Physical abuse was legal grounds for divorce, although few women reported such abuse to authorities.

Statistics on rape or sexual assault were unreliable due to underreporting.

The government funded a number of women's counseling centers under the Ministry of Solidarity, Women, Family, and Social Development. Statistics provided by the government indicated that in 2016 it provided direct support to 29 women's counseling centers for female survivors of violence, as well as 48 family mediation centers, as part of a broader effort to support projects benefitting women in society. A few NGOs provided shelter, assistance, and guidance for survivors of domestic abuse. There were reports, however, that these shelters were not

accessible to persons with disabilities. Courts had “victims of abuse cells” that brought together prosecutors, lawyers, judges, women’s NGO representatives, and hospital personnel to review domestic and child abuse cases to provide for the best interests of women or children, according to proper procedure.

Sexual Harassment: Sexual harassment is criminal only when it is an abuse of authority by a superior in the workplace, as stipulated by the penal code. Violations are punishable by one to two years’ imprisonment and a fine of 5,000 to 50,000 dirhams (\$511 to \$5,108). Authorities did not effectively enforce laws against sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The constitution provides women equal rights with men in civil, political, economic, cultural, and environmental affairs; however, laws favor men in property and inheritance. Numerous problems related to discrimination against women remained, both with inadequate enforcement of equal rights provided for by the laws and constitution and in the reduced rights provided to women in inheritance.

According to the law, women are entitled to a share of inherited property, but a woman’s share of inheritance is less than that of a man. Generally, women are entitled to receive half the inheritance a man would receive in the same circumstances. A sole male heir would receive the entire estate, while a sole female heir would receive half the estate with the rest going to other relatives. The 2004 reform of the family code did not change inheritance laws, which the constitution does not specifically address.

The family code places the family under the joint responsibility of both spouses, makes divorce available by mutual consent, and places legal limits on polygamy. Implementation of family law reforms remained a problem. The judiciary lacked willingness to enforce them, as many judges did not agree with their provisions. Corruption among working-level court clerks and lack of knowledge about its provisions among lawyers were also obstacles to enforcement of the law.

The law requires equal pay for equal work, although in practice this did not occur.

The government led some efforts to improve the status of women in the workplace, most notably the constitutional mandate for the creation of an Authority for Gender Parity and Fighting All Forms of Discrimination. In October the parliament published the final legislation creating the Gender Parity Authority. The institution will become functional once its members are nominated by the king and head of government.

Children

Birth Registration: The law permits both parents to pass nationality to their children. There were, nonetheless, cases in which authorities denied identification papers to children because they were born to unmarried parents, particularly in rural areas or in the cases of poorly educated mothers unaware of their legal rights. According to press reports and Amazigh NGOs, during the year representatives of the Ministry of Interior refused to register the births of some children whose parents sought to give them Amazigh names until those parents appealed the decision.

On January 30, a family court judge in Tangier, citing international conventions and the country's constitution that provides equal judicial protection to all children regardless of family status, ordered the government to recognize the biological link between a father and child born out of wedlock, as proven by a DNA test. The judge ordered that the father's name be listed on the birth certificate, and that the father pay a fine to the child. In October an appeals court ruled in the father's favor and instead ordered the mother to pay legal costs to the father. The mother lodged an appeal with the Court of Cassation, the highest court of appeal.

Child Abuse: NGOs, human rights groups, media outlets, and the UN Children's Fund (UNICEF) claimed child abuse was widespread, although the government has noted that reports are decreasing. In 2016 parliament passed a law prohibiting children under the age of 16 years old from working as domestic servants and strictly limiting the work of children under the age of 18 (see section 7.c.). Prosecutions for child abuse were extremely rare.

Early and Forced Marriage: The legal age for marriage is 18 years, but parents, with the informed consent of the minor, may secure a waiver from a judge for underage marriage. The judiciary approved the vast majority of petitions for underage marriages.

Sexual Exploitation of Children: The age of consent is 18 years. The law prohibits commercial sexual exploitation, sale, offering or procuring for prostitution, and practices related to child pornography. Penalties for sexual exploitation of children under the criminal code range from two years' to life imprisonment and fines from 9,550 dirhams (\$960) to 344,000 dirhams (\$34,600).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/childabduction/en/legal/compliance.html>.

Anti-Semitism

Community leaders estimated the size of the Jewish population at 4,000. Overall, there appeared to be little overt anti-Semitism, and Jews generally lived in safety.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, and access to health care. The law also provides for regulations and building codes that provide for access for persons with disabilities. The government did not effectively enforce or implement these laws and regulations. While building codes enacted in 2003 require accessibility for all persons, the codes exempt most pre-2003 structures, and authorities rarely enforced them for new construction. Most public transportation is inaccessible to persons with disabilities, although the national rail system offers wheelchair ramps, accessible bathrooms, and special seating areas. Government policy provides that persons with disabilities should have equal access to information and communications. Special communication devices for persons with visual or audio disabilities were 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 the quotas. The government maintained more than 400 integrated classes for children with learning disabilities, but private charities and civil society organizations were primarily responsible for integration.

National/Racial/Ethnic Minorities

The majority of the population, including the royal family, claimed some Amazigh (Berber) heritage. Many of the poorest regions in the country, particularly the rural Middle Atlas region, were predominantly Amazigh and had illiteracy rates higher than the national average. Basic governmental services in this mountainous and underdeveloped region were not extensive. Official languages are Arabic and Amazigh, although Arabic predominates. Amazigh cultural groups contended they were rapidly losing their traditions and language to Arabization. The government offered Amazigh language classes in some schools. Amazigh NGOs contend that the number of qualified teachers of Amazigh languages has decreased. The palace-funded Royal Institute of Amazigh Culture created a university-level teacher-training program to eliminate the shortage of qualified teachers. Instruction in the Amazigh language is mandatory for students at the Ministry of Interior's School for Administrators.

Amazigh materials were available in the news media and, to a much lesser extent, educational institutions. The government provided television programs in the three national Amazigh dialects of Tarifit, Tashelhit, and Tamazight. According to regulations, public media are required to dedicate 30 percent of broadcast time to Amazigh language and cultural programming, however, according to Amazigh organizations, only 5 percent of broadcast time is currently given to Amazigh language and culture. The National Federation of Amazigh Associations submitted a complaint to the High Authority for Audiovisual Communications in June to request compliance with the quota.

For more information regarding the situation of Sahrawis in Moroccan-administered Western Sahara, see the Department of State's 2017 annual *Country Reports on Human Rights* for Western Sahara.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual activity, with a maximum sentence of three years in prison. Media and the public were allowed to address questions of sexuality, sexual orientation, and gender identity more openly than in previous years.

Antidiscrimination laws do not apply to LGBTI persons, and the penal code does not criminalize hate crimes. There was a stigma against LGBTI persons, but there were no reports of overt discrimination based on sexual orientation or gender identity in employment, housing, access to education, or health care.

HIV and AIDS Social Stigma

Persons with HIV/AIDS faced discrimination and had limited treatment options. A 2016 Afrobarometer poll reported that 60 percent of citizens would not welcome an HIV positive individual as their neighbor. The Joint UN Program on HIV/AIDS reported that some health-care providers were reluctant to treat persons with HIV/AIDS due to fear of infection. There were 16 HIV/AIDS treatment centers countrywide and domestic NGOs focused on treating HIV/AIDS patients.

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.

The law prohibits antiunion discrimination and prohibits companies from dismissing workers for participating in legitimate union-organizing activities. Courts have the authority to reinstate workers dismissed arbitrarily and may enforce rulings that compel employers to pay damages and back pay. Trade unions complained that the government at times used the penal code to prosecute workers for striking and to suppress strikes.

The law prohibits certain categories of government employees, including members of the armed forces, police, and some members of the judiciary from forming and joining unions and from conducting strikes. The law excludes migrant workers from assuming leadership positions in unions.

The law allows several independent unions to exist but requires 35 percent of the total employee base to be associated with a union for the union to be representative and engage in collective bargaining. The government generally respected freedom of association and the right to collective bargaining. Employers limited the scope of collective bargaining, frequently setting wages unilaterally for the majority of unionized and non-unionized workers. Domestic NGOs reported that employers often used temporary contracts to discourage employees from affiliating with or organizing unions. Legally, unions can negotiate with the government on 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, in some cases, the result of employers failing to implement collective bargaining agreements and withholding wages.

The law concerning strikes requires compulsory arbitration of disputes, prohibits sit-ins, and calls for a 10-day notice of a strike. The government may intervene in strikes. A strike may not take place over matters covered in a collective contract for one year after the contract comes into force. The government has the authority to disperse strikers in public areas not authorized for demonstrations and to prevent the unauthorized occupancy of private space. Unions may neither engage in sabotage nor prevent those individuals who were not on strike from working.

The government did not adequately enforce labor laws due to a lack of inspection personnel and resources. Inspectors do not have punitive power and cannot levy fines or other punishments. Upon action of the state prosecutor, the courts can force the employer to take remedial actions through a court decree. Penalties were not sufficient to deter violations. Regulations also required inspectors to serve as mediators in disputes, requiring them to spend a significant amount of time in their offices, not conducting inspections. Enforcement procedures were subject to lengthy delays and appeals.

Most union federations strongly allied with political parties, but unions were generally free from government interference.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Penalties were sufficient to deter violations.

Authorities did not adequately enforce the legislation. Labor inspectors did not inspect small workshops and private homes where the majority of such practices occurred, as the law requires a warrant to search a private residence. The small number of inspectors, the scarce resources at their disposal, and the broad geographic dispersion of sites also limited effective enforcement of the law.

Local NGOs reported that an undetermined number of Filipina and Indonesian domestic workers filed suits against their former employers. These suits included significant indicators of potential trafficking abuses, such as withholding passports or wages. Information on disposition of these cases was not available.

Reports indicated that forced labor, especially of children, occurred (see section 7.c.).

For more information, see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law established a minimum age for employment and the government effectively enforced these laws. Punishments for violations of the 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. Penalties were not sufficient to deter violations.

The overwhelming majority of child laborers worked in rural areas, according to the government's statistical agency, the High Planning Commission.

Some children became apprentices before they were 12 years old, particularly in small family-run workshops in the handicraft industry and in the construction industry and mechanic shops. Children also worked in hazardous occupations as designated by law (see section 7.e.). These included fishing and, in the informal sector, in textiles, light manufacturing, and traditional handicrafts. Children's safety, health conditions, and wages were often substandard.

In some cases employers subjected children to the worst forms of child labor, including commercial sexual exploitation, sometimes as the result of human trafficking (see section 6, Children); forced domestic work, sometimes as the result of human trafficking; and forced labor in the production of artisan crafts and construction.

For more information, see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

The labor code prohibits discrimination with respect to employment and occupation based on race, religion, national origin, color, sex, ethnicity, or disability. The law does not address age or pregnancy.

Discrimination occurred in all categories prohibited by law, as the government lacked sufficient human and financial resources to enforce these laws effectively. Migrant worker organizations reported that some migrants experienced discrimination in hiring, wages, or conditions of employment.

e. Acceptable Conditions of Work

The minimum wage was 108 dirhams (\$11.13) per day in the industrialized sector, 70 dirhams (\$7.22) per day for agricultural workers, and 65 dirhams (\$6.70) per day for domestic workers. The World Bank established the absolute poverty level threshold wage as 70 dirhams (\$7.22) per day. Including traditional holiday-related bonuses, workers generally received the equivalent of 13 to 16 months' salary each year.

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.

Occupational health and safety standards, reviewed and enforced by the Ministry of Employment and Vocational Integration, are rudimentary, except for a prohibition on the employment of women and children in certain dangerous occupations. The law prohibits persons under the age of 18 years from hazardous work in 33 areas, including working in mines, handling dangerous materials, transporting explosives, and operating heavy machinery.

Many employers did not observe the legal provisions for conditions of work. The government did not 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 356 labor inspectors attempted to monitor working

conditions and investigate accidents, but lack of resources prevented effective enforcement of labor laws. Penalties were generally not sufficient to deter violations. Labor inspectors are also tasked with mediation of disputes, which competed with proactive inspection of worksites for compliance with labor laws.

According to NGOs, no major workplace accidents occurred during the year. There were, however, numerous media reports of accidents, sometimes fatal, on construction sites that had substandard standards or lacked safety equipment. In the formal sector, workers can remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in such situations.