



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

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## Committee on the Elimination of Racial Discrimination

Eighty-first session

6–31 August 2012

### Consideration of reports submitted by States parties under article 9 of the Convention

#### Concluding observations of the Committee on the Elimination of Racial Discrimination: Morocco

##### Addendum

#### Information received from the Government of Morocco on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination\*

[18 January 2012]

### Introduction

1. Article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination addresses the presentation of information and reports to the Committee on the Elimination of Racial Discrimination within certain time frames, or upon the request of the Committee, as stipulated in rule 65 of its rules of procedure. The Committee issued concluding observations on 25 August 2010, following its consideration of the seventeenth and eighteenth periodic reports of Morocco, and in paragraph 27 requested information on the follow-up to the recommendations contained in paragraphs 11, 13 and 14 thereof. In accordance with article 9, paragraph 1, the Interministerial Unit on Human Rights is now presenting the following replies, which take into account the information available and data collected and studied from the documentation and replies provided by the ministerial departments concerned.

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## I. Recommendation in paragraph 11

**The Committee recommends that the State party step up its efforts to promote the Amazigh language and culture, particularly through the teaching of this language and culture, and take additional steps to ensure that Amazighs are not subject to racial discrimination, in particular as regards access to employment and health services. It also encourages the State party to consider making the Amazigh language an official language under the Moroccan Constitution, and to provide literacy training for the Amazigh in their own language. Lastly, the Committee recommends that the State party give special attention to the development of regions inhabited by the Amazigh in the context of the work of the Consultative Committee on Regionalization.**

2. Among the innovations introduced into the new Constitution, which was overwhelmingly approved on 1 July 2011, we should mention the inclusion of the Amazigh language in the Constitution, article 5 of which reads as follows: “Arabic remains the official State language. The State shall work to protect and develop the Arabic language and to promote its use. Similarly, Amazigh is an official State language, as the common heritage of all Moroccans, without exception.”

3. The Constitution also provides for the creation of a National Council for Moroccan Languages and Cultures, which will be responsible for protecting and developing the Arabic and Amazigh languages and for the various manifestations of Moroccan culture that are a genuine legacy and a source of contemporary inspiration. The Council brings together all institutions related to these fields.

4. The Constitution also states that an organic law should set out the process by which Amazigh will become an official language and the way in which it will be incorporated into education and given priority when introduced into fields of public life so that it will eventually be able to play a role as an official language.

5. We should also mention that as part of the implementation of the royal guidelines on a new concept of authority and ways of bringing the administration closer to citizens, with full respect for rights and freedoms, law enforcement officers have been given a status that is in keeping with the tenets of good governance. Along these lines, and to mark the sixtieth anniversary of the signing of the Universal Declaration of Human Rights, on 23 December 2008 the Ministry of the Interior signed a partnership agreement with the Royal Institute of Amazigh Culture (IRCAM) with a view to teaching the Amazigh language to trainees at the Royal Institute of Territorial Administration (IRAT).

6. A similar partnership agreement was signed on 3 November 2008 between the National Human Rights Council and IRCAM, with the aim of promoting linguistic and cultural rights.

## II. Recommendation in paragraph 13

**The Committee recommends that the State party establish a legal and institutional framework that clarifies asylum procedures, provides protection for the rights of refugees and asylum seekers, particularly in relation to access to employment and housing, and shields these groups against all forms of racial discrimination.**

7. Morocco is a party to the international instruments protecting refugees, and unstintingly makes every effort to implement the fundamental principles of these instruments and to ensure that they are incorporated in domestic law.

8. Dahir No. 1-03-196 of 11 November 2003 promulgating Act No. 02-03 on the entry and stay of foreigners and on illegal emigration and immigration constitutes the Moroccan

law on migration. It provides genuine protection of the rights and dignity of the various categories of foreigners in Morocco, and is in keeping with the relevant international conventions.

9. Following the signature of a headquarters agreement between the Moroccan Government and the Office of the United Nations High Commissioner for Refugees (UNHCR) on 20 July 2007, the Moroccan Government expressed its intention to strengthen, in close cooperation with UNHCR, implementation of the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967.

10. To do so, the Moroccan authorities have identified three priority fields for action and further deliberation:

- (a) Establishment of a domestic legal framework for refugees;
- (b) Establishment of a national institutional framework for refugees;
- (c) Promotion of the rights of refugees among the people concerned.

11. In this framework, Morocco is endeavouring to bring its legal and institutional systems into line with international standards in respect of the right to asylum, integrating best practices and good governance in this field. With this in mind, a project was drawn up by an interministerial committee, and it is now under way.

12. Article 431, paragraph 2, of the Moroccan Criminal Code, amended in 2003, has provisions prohibiting any distinction between physical persons on the basis of their national or social origin, colour, sex, family situation, health status, disability, political opinion, trade union membership or actual or presumed membership (or lack thereof) of a given ethnic group, nation, race or religion.

13. Discrimination is prohibited or repressed also in the following acts: refusal to provide services, refusal or termination of employment, penalization owing to racial discrimination and hindrance of economic activities.

14. Several other laws prohibit racial discrimination, including for example the Labour Code, the Code of Public Freedoms, the Political Parties Code, the Prisons Management Code, the Family Code, the Nationality Code, the Commercial Code, the Code of Civil Status and the Religious Endowments Code.

15. The Constitution now stipulates for the first time, in article 30, that foreigners shall by law benefit from the same fundamental freedoms as Moroccans. Those residing in Morocco are able to take part in local elections in accordance with the law, international conventions or reciprocal arrangements. The conditions for extradition and for the granting of asylum are defined by law.

### **III. Recommendation in paragraph 14**

**In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party take steps to protect non-citizens without residency permits against racial discrimination and xenophobia, to ensure that they benefit from all legal safeguards when placed in detention, and to facilitate their access to the courts. The Committee also recommends that the State party ensure that the principle of non-refoulement is correctly applied.**

16. Act No. 02-03 on the entry and stay of foreigners and on illegal emigration and immigration covers any return to their countries of non-citizens lacking residence permits, unless their stay is legal according to the conditions and procedures for residence in Morocco, and of foreigners subject to expulsion orders, or who are to be deported.

17. The Act sets out which places of custody are to be used for foreigners awaiting administrative decisions or final judicial rulings, and makes various administrative decisions or procedures subject to judicial review. It also provides the persons concerned with a right of appeal before a court in the event of a violation of the expulsion procedures set out in Moroccan law.

18. The authorities are aware of the hazards faced by illegal immigrants when they are deported. For foreigners without residence permits, they have adopted a method of return consistent with international standards, whereby deportation is done by air in order to ensure the rights, dignity and safety of the deportees, whose return is carried out in coordination with the accredited diplomatic representatives of their countries of origin in Morocco.

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