

INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION

COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION
Thirty-fourth session

C E R D

Distr.
GENERAL

CERD/C/148/Add.2
15 October 1986

ENGLISH
Original: FRENCH



CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Eighth periodic reports of States Parties due in 1986

Addendum

MOROCCO */

[14 July 1986]

*/ For previous reports submitted by the Government of Morocco, and for the summary records of meetings of the Committee at which those reports were considered, see:

Initial report - CERD/C/R.33/Add.1 (CERD/C/SR.111-SR.112),
Second periodic report - CERD/C/R.65/Add.1 (CERD/C/SR.188),
Third periodic report - CERD/C/R.88/Add.6 (CERD/C/SR.327-SR.328),
Fourth periodic report - CERD/C/18/Add.1 (CERD/C/SR.370)
Fifth periodic report - CERD/C/65/Add.1 (CERD/C/SR.481),
Sixth periodic report - CERD/C/90/Add.6 (CERD/C/SR.602-SR.603),
Seventh periodic report - CERD/C/117/Add.1 (CERD/C/SR.718).

CONTENTS

	<u>Paragraphs</u>
INTRODUCTION	1
PART I - GENERAL	2 - 15
PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 7	16 -122
Article 2	16 - 33
Article 3	34 - 36
Article 4	37 - 45
Article 5	46 - 91
Article 6	92 - 96
Article 7	97 -122
REPLIES OF THE MOROCCAN GOVERNMENT TO COMMENTS BY THE COMMITTEE ON THE SEVENTH PERIODIC REPORT.....	123 -150

INTRODUCTION

1. The Kingdom of Morocco, which is anxious to assist the Committee on the Elimination of Racial Discrimination in the due performance of its task, has prepared the present report in accordance with the revised guidelines adopted by the Committee concerning the form and contents of reports by States parties to the International Convention on the Elimination of All Forms of Racial Discrimination.

PART I - GENERAL

2. There has been no significant change in the political and legal fields in Morocco since the seventh periodic report.

3. It should be noted, once again, that the fight against racial discrimination, in all its forms, remains a constant feature both of Moroccan law and of the political decisions of the authorities.

4. This is because Morocco's legal and political structures are imbued with the teachings of Islam, a religion whose cardinal rules are tolerance and fraternity.

5. The verses of the Koran and the precepts set forth in the Sunna (the traditions of the Prophet Muhammad) place strong emphasis on the common origin and complete equality before their Creator of all human beings, thus strictly prohibiting recognition of the superiority of any race or ethnic group over another or, in general, of any human group over another.

6. In the same vein, the Moroccan Constitution of 10 March 1972 provides for the following:

All Moroccans are equal before the law;

Islam is the religion of the State, which shall guarantee freedom of worship to all. (It should be noted that the Moroccan Jewish community is represented in Parliament by a Jewish deputy, and is also represented on some municipal councils);

Men and women shall enjoy equal political rights;

All citizens shall enjoy:

Freedom of movement and of residence throughout the Kingdom;

Freedom of opinion, of expression in all its forms, and of assembly;

Freedom of association and freedom to join any trade union or political organization of their choice.

All citizens shall have access, on the same conditions, to public service and employment;

All citizens shall also have the right to education and to work;

All citizens shall contribute to the defence of the homeland;

All citizens shall contribute to the public expenditure, each according to his capacity to pay,

All citizens shall jointly contribute to the expenses arising out of national disasters.

7. The constitutional provisions referred to above form the basis of the laws and regulations adopted by the authorities.

8. In Morocco a right can be recognized and exercised only if it is provided for by law. No Moroccan law provides for special privileges or preferential treatment, or for restrictive measures, for one race or ethnic group to the detriment of another race or ethnic group.

9. Moreover, Morocco has no class consciousness, no feudal classes, no Muslim "clergy", and no closed trade guilds. These are deemed to be contrary to Moroccan public policy and carry severe penalties under a Dahir of 29 June 1935.

10. In addition, should any organized groups seek to disregard the basic freedoms of citizens in the political, social and economic fields, such action would be considered to constitute an attempt to undermine the institutional foundations of the nation. This could render them liable for the crime of action prejudicial to the internal security of the State and, consequently, bring them within the ambit of the Criminal Code.

11. Bilateral and multilateral conventions that have been ratified in the manner prescribed by the Constitution are incorporated into internal law, and any provisions of a civil or criminal nature which they may contain become applicable.

12. It therefore follows that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination are applicable and can be invoked before the courts as a matter of course.

13. Also, Morocco signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 8 January 1986 and the International Convention against Apartheid in Sports on 16 May 1986, and the procedure for ratifying those international instruments has been initiated.

14. With regard to the demographic composition of the Moroccan population, for over a thousand years the Moroccan nation has been a melting-pot in which all the original ingredients have blended together completely. As a result, the Moroccan nation is constitutionally one and indivisible, so that the demographic breakdown of Moroccan nationals can naturally be made only by reference to sex, age, place of residence, educational level, occupation, income level, family status, etc., and any other breakdown on the basis of criteria that would be contrary to constitutional principles is precluded.

15. To illustrate still further the unitary nature of the Moroccan nation and the open and fraternal spirit which has always been a feature of Moroccan society, some extremely pertinent excerpts may be quoted from a recent publication entitled Nous, Marocains: permanences et espérances d'un pays en développement by Mr. Yahia Benslimane (published in 1985 by Editions Publisud). The passages in question read:

"Without dwelling on historical or ethnological considerations, it must be remembered that Moroccans are the product of a happy blend of four elements: the Berbers, the Arabs, the Jews, 1/ and the blacks from south of the Sahara. Their proportions have varied throughout the duration of Morocco's existence as also throughout the area it has covered. In addition to earlier influxes of Phoenicians and Romans, there have from time to time been brief infusions of European blood, such as that brought in by quite a number of Muslims from Andalusia. This is the reason for the Spanish-sounding names so common in Rabat and Tetuan. Some slight traces of Anatolian blood are also to be found, betrayed by Turkish names such as Qara and Kahia, collected oddly enough around Safi or identifiable from the stocky frame, dark eyes, heavy brows and shock of hair of some Moroccan or other from Tetuan or Oujda. In short, there is no typically Moroccan physical type as there is, for instance, in the case of an Egyptian, Greek, Scandinavian, German or Slav. The manifold permutations of feature, bearing and complexion caused by the vortex of time or the hazards of union result in 'types' that vary from one region to another and, indeed, within the same region. The whole gamut of skin colours, from milky white to jet black, can even be found among descendants of the same line (pp. 35 to 36).

"...

"Being isolated and inward-looking, Moroccans naturally took to endogamy. This was never an impediment to interbreeding, nor was mixed blood ever an obstacle to social advancement. Moroccan leaders and those in authority at various levels have always included persons of mixed race - sharifs, viziers, pashas, civilian or military caïds and amins. And, fortunately enough, the same situation still obtains today. The most famous example is undoubtedly that of Ba Hmad, an illustrious servant of the State during the reign of Sultans Moulay Hassan and Moulay Abdelaziz (at the end of the last century). His father, Moussa Ben Hmad, a high-ranking dignitary at court and himself a person of mixed race being a descendant of the Soussi Berbers and the black Boukharis, took a Jewish woman as his wife. Hmad was the issue of that legal union and, having risen up through the Makhzen hierarchy, he became the all-powerful Prime Minister and unchallenged master of Morocco, if not officially then at any rate in practice (pp. 36 to 37).

"Throughout Morocco's history the various human elements have mixed. Jews became Islamized, Berbers became Arabized and Arabs became Berberized to such an extent that surnames like Masmoudi, M'rini, Sanhaji, Zemmouri, Amraoui and many others which today have an Arabic and urban ring originally came from the countryside and were Berber. On the other hand, in the Rif, for instance, the Aït Khettab - a typically Arab name since it denotes the descendants of Caliph Omar Ibn el Khettab - are to be found among the Berber-speaking Beni Ouriaghel. In the Souss region, the Ida and the Semlal, as well as some groups of the Aït Serghouchen in the middle Atlas, and many others throughout the Berber-speaking regions, claim to be sharifs and are recognized as such. Thus, they are descendants of the Prophet, pre-eminently and by definition Arab, who have however since become Berberized (p. 37).

"...

"Each one of the main human components of the Moroccan nation has, throughout the centuries, brought to the cradle in which it has been nurtured, characteristics, customs and behavioural and mental attitudes. Grafted one on to the other, or permeating and breeding with each other in a multitude of combinations, they have shaped the Moroccan mind and being. Of all these human elements, the Arabs and the Berbers, who form the ethnic substratum of Morocco, have in common one identical feature in particular: for relatively lengthy periods most of them have been nomads or transhumants (p. 47).

"... In effect, there are no longer any Moroccans wholly and exclusively engaged in nomadism, except in the arid or totally Saharan regions. Transhumance, however, has not disappeared, either in practice or, and this is the point we would make, in the mind. Some aspects of our behaviour are still marked by the nomadic spirit (p. 48).

"...

"We may not have acquired from this distant nomadic past all the qualities of observation that ensured its continuity throughout the centuries nor all that tenacity by which it was always marked but we have retained the virtues of patience, courage and hospitality which, to a great extent, we take from it." (p. 50).

PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 7

Article 2

16. In Morocco, racial discrimination against persons, groups of persons or institutions invariably constitutes a breach of the law. For instance, in administrative matters, if some applicants are turned down with a view to favouring others, this is a breach of article 1 of the Dahir of 24 February 1958, governing the terms and conditions of the civil service, which provides for "equality of all citizens, men and women, in the matter of public employment".

17. Furthermore, in the event of any infringement of this principle, there is a remedy at final instance before the Supreme Court, which consists of five Divisions (the Civil Division, the Personal Law and Succession Division, the Criminal Division, the Social Welfare Division and the Administrative Division). It should be noted in this connection that the President of the Administrative Division of the Supreme Court is Mr. Maxime Azolay, a Moroccan of Jewish faith.

18. The Moroccan State has always demonstrated its unwavering devotion to Islam and to its moral and religious teachings, by which the State considers itself bound. Accordingly, it takes the view that on no account can race, colour, and tribal ethnic grouping establish a right or create political or social ties having the effect of placing individuals outside Moroccan society as a whole.

19. Immediately after independence, Morocco embarked on the repeal of those parts of its internal law, dating from the Protectorate period, which could have given rise to discriminatory treatment of individuals.

20. For instance, on 30 April 1956, the Directorate for Sharifian Affairs, which was responsible for the customary law courts, was abolished and it was decided to amalgamate the courts. This amalgamation has now been fully completed throughout Morocco, thus giving tangible expression to the constitutional principle of the equality of all citizens before the law, the only exception (and it is in fact an added guarantee of the rights of the Moroccan Jewish community) being the rabbinical courts whose jurisdiction, in the matter of personal and estate law, is of course confined to Moroccans of Jewish faith.

21. In 1958, again in keeping with the liberal Islamic tradition, Morocco adopted a Code of Public Freedoms. This Code consists of the following Dahirs:

Dahir 1-58-376 of 15 November 1958 concerning the right of association;

Dahir 1-58-377 of 15 November 1958 concerning public gatherings;

Dahir 1-58-378 of 15 November 1958 concerning the Press Code.

22. Under the Dahir on the right of association, for instance, any association founded on a cause or having a purpose that is illegal, unlawful or contrary to public morality is null and void.

23. Morocco has also had a democratic Constitution since 1962. Under the present Constitution of 10 March 1972, the inhabitants of Morocco, both nationals and foreigners, enjoy the fundamental freedoms referred to above without any discrimination whatsoever.

24. The Criminal Code was enacted on 26 November 1962. Under its terms, acts which provoke civil war or incite citizens to take up arms against one another or to lay waste, massacre, or loot in towns and villages are punishable.

25. All of these Moroccan legal instruments are powerful weapons in the fight against any subversive attempt to incite racial, ethnic or religious discrimination.

26. In all countries it is the political, economic and social circumstances that warrant the enactment of a law for the purpose either of creating a right or of accompanying it with measures of protection or of combating a situation that is harmful to society or putting an end to such a situation.

27. Although racial discrimination is a non-existent phenomenon in Morocco, measures to combat any possible manifestations of racist or discriminatory behaviour or practices are a predominant feature throughout the body of Moroccan law as well as Government policy as a whole, since it is the constant concern of Morocco, whose inborn and discerning sense of hospitality precludes any form of xenophobia, to remain a stronghold of religious and racial tolerance.

28. The Dahir of 15 November 1958 governing the right of association in Morocco authorizes the formation of political associations which may carry out their activities subject to the following conditions:

Their activities must be open and advance notification thereof must be given;

They must observe Moroccan laws and regulations;

They must have due regard for law and order and for the rules of morality which are generally accepted in Moroccan society;

They must respect the international human rights conventions to which Morocco is a party;

They must be open to all Moroccans irrespective of race, creed or origin.

29. Hence, at both the political and the social level, Morocco encourages the activities of multi-denominational and multi-racial movements or organizations, whether their headquarters are in Morocco or abroad, provided that they comply with the above-mentioned provisions of Moroccan law regarding the right of association.

30. All Moroccan legislation is impersonal and general in character; it confers the same rights and imposes the same obligations on all inhabitants, nationals and foreigners, in so far as public order and the continuity of institutions are guaranteed.

31. In Morocco, Muslim and Jewish citizens enjoy the same rights. They are equal as regards religion, personal status, movable and immovable property, intellectual and industrial property, the right to vote and to stand for election, the right of association, and access to the civil service, the professions and salaried employment.

32. They are entitled, on the same conditions, to the social and economic benefits and to the relevant administrative allowances as well as to complete equality in the matter of taxation.

33. As regards the few nomads in the Atlas and southern provinces, the measures taken by the Moroccan Government have improved their socio-economic situation and helped them to settle down, provide schooling for their children, obtain State housing, and participate as full-fledged citizens in national public life. However, as a result of the modernization of economic mechanisms and the social progress that has accompanied it, particularly since the return to independence, there has only naturally been a tendency for nomadism as a way of life to disappear and, over the past 15 to 20 years, it has been reduced to a phenomenon of seasonal "transhumance" which is itself dependent upon periodic climatic disturbances caused by alternating cycles of drought and rainfall.

Article 3

34. Although, at the national level, it has never been felt necessary to adopt special legislative, judicial, administrative or other measures to combat racial discrimination, the Moroccan Government has none the less unfailingly supported all action by the international community designed to vigorously condemn apartheid and racial segregation, particularly in southern Africa.

35. At the World Conference on Sanctions against Racist South Africa (Paris, 16-20 June 1986), the Moroccan representative made the following statement:

"...

"The Kingdom of Morocco has always endeavoured to eliminate all forms of discrimination and has constantly contributed to the fight to eradicate all prejudices based on race, sex, language or religion.

"...

"No one can deny that the root cause of the conflict in southern Africa is and continues to be apartheid. So long as that system is not abolished, the disorders afflicting South Africa will persist and will heighten instability in the region.

"...

"Morocco once again wishes to express its active solidarity with the front-line countries and strongly condemns the repeated attacks by the South African forces of which they are victims.

"...

"Given this situation, we believe that any expression of indignation or censure will be pointless unless it is followed up by specific measures to make the South African racist régime respect the will of the black majority and to eradicate apartheid completely.

"In our view, therefore, isolation of the Pretoria régime is the most effective way of bringing about a genuine change in that country.

"In this connection, we consider that the application of mandatory and global sanctions against the Pretoria régime, under Chapter VII of the Charter of the United Nations, offers the only path that could lead to the elimination of apartheid.

"...

"We, however, trust that more appropriate and resolute measures will be adopted with a view to making an effective contribution to the downfall of the system.

"...

"At the same time, the total eradication of apartheid is still dependent on the collaboration of all those countries which continue to maintain economic relations with the Pretoria régime, either directly or through certain multinational corporations whose financial and material support is the mainstay of the South African economy.

"...

"None the less, Morocco considers that such efforts should be maintained and strengthened. Morocco appeals urgently to the international community as a whole to take the necessary measures to make South Africa completely abandon the apartheid system once and for all.

"It is our hope that the system of apartheid will be abolished for ever, to put an end to the explosive situation in South Africa and enable South Africans to regain their dignity, which has been trampled under foot for so long.

"We are certain that with good will and determination on our side and by means of the practical measures we are to adopt, we shall succeed - and in the very near future - in attaining the desired objectives in this matter."

36. Morocco does not have any kind of relations with the South African racist régime. It will not depart from this steadfast position so long as the indigenous peoples do not enjoy all their legitimate rights.

Article 4

37. Both the administration and the judiciary in Morocco have a sufficient body of laws and regulations to check any possible emergence of racist movements. It should be noted once again that, as Moroccan law now stands, acts of violence are covered by the criminal law in force and the dissemination of ideas of superiority by one group of human beings over another or of racial hatred is likewise punishable since it constitutes a breach of the peace; any persons who aid, abet or finance such activities are deemed, under Moroccan criminal law, to be criminals and are liable to the penalties provided for under the relevant criminal law.

38. Article 17 of the Dahir on associations, which has already been referred to above, provides that political associations or organizations can be legally formed only if they are constituted and open to all Moroccans without any discrimination whatsoever based on race, creed or origin.

39. This provision, combined with the requirement of advance notification, provides sufficient guarantee against the creation of racist organizations.

40. There is no provision in Moroccan law which would enable the public authorities or national or local institutions to adopt a discriminatory attitude towards one race or to show favouritism towards another. This is because the fundamental principles of Islam, which under the Constitution take precedence over all laws enacted by the Moroccan legislature, prescribe complete equality among members of the community on the basis of a famous Hadith of the Prophet which has, since the dawn of Islam, unequivocally condemned all racial and caste prejudices inherited from the pre-Islamic era.

41. The Moroccan legislature has never felt the need to enact any criminal law provisions for the punishment of acts of racial discrimination in particular, for the simple reason that, sociologically, this does not exist in Morocco (see information already provided in the seventh periodic report).

42. The criminal law provisions which enable the Moroccan authorities to combat racial discrimination, where necessary, are as follows:

Article 220: "Anyone who, by violence or threats, forces a person or persons to practise a certain religion or to participate in the rites thereof, or who by violence or threats prevents a person or persons from

so doing, shall be liable to imprisonment for not less than six months and not more than three years and to a fine of not less than 100 dirhams and not more than 500 dirhams."

Article 221: "Anyone who deliberately interferes with the practice of a religion or a religious ceremony or who deliberately causes a disturbance likely to disrupt the serenity thereof shall be liable to imprisonment for not less than six months and not more than three years and to a fine of not less than 100 dirhams and not more than 500 dirhams."

Article 225: "Any judge, civil servant, agent or official of the authorities or of the security forces who orders or who commits any arbitrary act or any offence against the civil rights of one or more citizens shall be punished by loss of his civil rights."

"If the arbitrary act or offence against individual freedom was committed or ordered for private interests or to satisfy personal desires, the penalty prescribed in articles 436 to 440 shall be incurred (rigorous imprisonment and even the death penalty)."

The purpose of this provision is to guarantee individual freedom and the essential rights of citizens against arbitrary action by agents of the authorities at all levels.

Article 233: "Where any measures contrary to the law have been planned, either at a meeting of individuals or of a body vested with public authority, or by delegation or by correspondence, the guilty persons shall be liable to imprisonment for not less than one month and not more than six months."

"Such persons may also forfeit one or more of the rights referred to in article 40 and shall be disqualified from holding any public office or employment for 10 years at the most."

Article 234: "Where any measures contrary to law enforcement or to Government orders have been planned in one of the ways referred to in article 233, the guilty persons shall be liable to house arrest for a period not exceeding 10 years."

43. The fight against racial discrimination is the common denominator, express or implied, of all the provisions which go to make up Moroccan positive law.

44. The ban on discriminatory practices and conduct is thus implicit in these laws, although there is no specific provision on the subject.

45. Any discriminatory conduct would thus inevitably be covered by the legislation governing the field in which it occurs.

Article 5

46. Under the Constitution and the laws on civil and criminal procedure, all Moroccans and all foreigners are guaranteed free and equal access to the courts, at the same cost, without any requirement of security judicatum solvi.

47. Judicial impartiality is guaranteed under articles 76 and 79 of the Constitution, which affirm that the trial judge is independent and cannot be removed from office.

48. Under articles 383 et seq of the Code of Civil Procedure and articles 273 and 274 of the Code of Criminal Procedure, a case can be removed from a court on grounds of legitimate suspicion or in the general interest.

49. Articles 233 to 240 of the Criminal Code provide protection against malpractice by public servants, infringements of rights by the administration, and denial of justice.

50. Abuse of authority committed by civil servants against private individuals is punishable under section III of the Criminal Code (articles 224 to 232).

51. Assault or ill-treatment committed by private individuals against other private individuals or by groups or private institutions and which have the effect of preventing such individuals from enjoying civil rights or from practising a religion are punishable under articles 219 and 220 of the Criminal Code, without prejudice to such offences and crimes against the person as they may constitute under articles 392 to 448 of the Criminal Code.

52. Under Moroccan law every Moroccan without exception who is 21 years of age or more and is on an electoral register is entitled to vote (article 1 of the Dahir of 1 September 1959 concerning the election of municipal councils as amended or supplemented, articles 6 and 7 of the Dahir of 9 May 1977 promulgating an organizational law on the composition and election of the House of Representatives, and the Dahir of 19 March 1977 concerning the establishment of new municipal electoral registers).

53. To stand as a candidate, it is necessary to be at least 25 years of age and, for obvious reasons of public policy, not to be one of the persons specified in the above-mentioned Dahirs, such as judges, agents of the authorities, soldiers, the constabulary, the police, the security forces, etc.

54. Furthermore, every Moroccan without exception has access to the civil service for the purpose of filling vacancies (articles 1 and 7 of the Dahir of 24 February 1958 regulating the terms and conditions of service of the civil service).

55. The various rights mentioned below are granted erga omnes and without regard to race, colour, sex, etc.

56. The right to freedom of movement, to choose one's residence, to leave one's country and return to it, and the right to freedom of opinion and expression and to freedom of peaceful assembly and association, are guaranteed under a number of legal provisions and, in particular, the 1958 Code of Public Freedoms, article 9 of the Constitution, and the Royal Proclamation of 8 May 1958.

57. Article 9 of the Constitution stipulates:

"The Constitution guarantees to all citizens freedom of movement and residence in all parts of the Kingdom, freedom of opinion, freedom of

expression in all its forms, and freedom of assembly, freedom of association, and freedom to belong to any trade union and political organization of their choice. No restriction may be imposed on the exercise of these freedoms save by law."

58. The Dahir of 6 September 1958 promulgating the Moroccan Nationality Code regulates problems concerning nationality, subject to international treaties and agreements that have been ratified and published.

59. Moroccan nationality of origin is the nationality which a child acquires either by filiation or by birth in Morocco:

1. The following are Moroccan:

- (a) The child of a Moroccan father;
- (b) The child of a Moroccan mother and of an unknown father.

2. The following are Moroccan:

- (a) A child born in Morocco, in Moroccan territorial waters or on Moroccan ships or aircraft, of a Moroccan mother and a stateless father;
- (b) A child born in the same locations, of unknown parents; a new-born child found in Morocco shall be presumed to have been born in Morocco unless the contrary is proved.

60. Moroccan nationality may be acquired under certain conditions:

- (a) By birth and residence in Morocco;
- (b) By marriage;
- (c) By naturalization;
- (d) By re-integration.

61. Nationality governs personal status and succession.

62. Under article 3 of the Moroccan Nationality Code, Muslim personal law applies to all nationals except for Moroccans of Jewish faith who are subject to the personal law governing Moroccans of Jewish faith.

63. However, the following provisions apply to Moroccans who are neither Muslim nor Jewish:

- (a) They are prohibited from practising polygamy;
- (b) The rules governing breast feeding do not apply to them;
- (c) Divorce must be pronounced by the courts after conciliation has proved unsuccessful and an inquiry has been carried out into the reasons for the separation.

64. In the event of a conflict of laws, the law of the husband or the father prevails.

65. As regards foreigners, under article 3 of the Dahir on the legal position of foreigners in Morocco, their status and capacity are governed by their national law.

66. Nationals and foreigners enjoy the right to own property on the same conditions. This right is governed by article 15 of the Constitution, which stipulates: "The right to own property is guaranteed. The scope and enjoyment of the said right may be restricted by law if the requirements of planned national, economic and social development so dictate. Property may not be expropriated save in the cases and in the manner prescribed by law."

67. Property can only be expropriated after an inquiry has been held, for a public purpose, and on the conditions laid down by the Dahir of 6 May 1982 promulgating the law on expropriation for public purposes and temporary occupation and by the implementing decree of 16 April 1983.

68. Furthermore, inasmuch as the Constitution contains the well-known provision that "Islam is the religion of the State which guarantees to all freedom of worship", it follows that in Morocco freedom of religion is recognized by the fundamental law of the country.

69. For instance, the Jewish religion is practised in synagogues under the supervision of the committees of the various Moroccan Jewish communities which existed even before the Protectorate. These committees consist of the President of the Rabbinical Court and of leading members of the Jewish faith who have been elected by fellow members of their religion under the supervision of the local authorities.

70. Under Moroccan law, these committees have been vested with legal personality, which enables them to own immovable property.

71. The Christian denominations are free to practise their religion in Morocco and the various Christian churches are organized in the form of declared associations.

72. The most striking demonstration of religious tolerance was the visit which Pope John Paul II made to Morocco in August 1985 at the invitation of H.M. King Hassan II. On that occasion, H.M. the King granted pardons to 54 foreign nationals imprisoned in Morocco.

73. During his visit the Sovereign Pontiff made the following eloquent statement to the 100,000 young Muslims who had come from all over Morocco to greet him in Casablanca: "Morocco has a tradition of tolerance. Here in this Muslim country there have always been Jews and there have almost always been Christians. They have lived together in mutual respect, and in a constructive spirit. You were and are a hospitable country."

74. Article 13 of the Constitution stipulates that: "All citizens shall also have the right to education and work". Inasmuch as the free choice of the person concerned is not restricted by any Government measure, it can be inferred that every citizen is free to choose his work provided that he complies with the conditions regarding qualifications so that he does not

practise a profession unlawfully for instance, that of doctor, dentist, architect, lawyer, etc. As in all countries, these professions are regulated in the general public interest and persons wishing to practise them are required to seek permission to do so and to set up in practice.

75. The law is also concerned with the protection of workers, both young and adult and men and women.

76. For example, under the Dahir of 2 July 1947 governing employment, children cannot be employed or admitted to establishments or to employers' premises until they have reached 12 years of age.

77. The Dahir of 18 June 1936 prescribes the minimum wage for workers and employees. As amended on 30 August 1975, this decree standardizes the minimum wage for men and women in all commercial, industrial and agricultural activities.

78. With regard to trade unions, article 3 of the Constitution provides inter alia that "... trade union organizations ... contribute to the organization and representation of the citizens".

79. Under article 1 of the Dahir promulgating the organizational law on the composition and election of the House of Representatives, wage-earners' representatives form a college which elects eight members to the House.

80. Article 9 of the Constitution guarantees all citizens the freedom to belong to the trade union of their choice. Since trade unions are politically affiliated, it follows that, like a single party, a single trade union is prohibited in Morocco.

81. It should be noted here that political and trade union pluralism is mandatory under the Moroccan Constitution, which guarantees freedom of choice and the right to be different - essential components of a democracy.

82. As regards housing, the Moroccan legislature has enacted special laws to enable the people to construct or acquire housing, inter alia, by providing for low-interest loans. A decree law of 8 October 1980 provides for a reduction in the rent of residential premises for certain categories of low-income tenants. Also, in 1983 the Moroccan Government set up the National Agency against Insanitary Housing and the Housing Trust Fund.

83. As to the right to health and medical care, the Ministry of Public Health keeps a constant watch on the health of the nation and any action detrimental to it may be treated as an offence or even a crime.

84. Under the Dahir of 14 October 1914, fraud and misrepresentation in this regard are punishable, while the Act of 29 October 1959 makes provision for a "crime prejudicial to the health of the nation".

85. Public hospitals and clinics in rural areas and districts wage a daily fight against illness and epidemics, and provide care to the sick, particularly those from poor backgrounds.

86. As regards the right to social security, under the Dahir of 27 July 1972 concerning the social security system, the National Social Security Fund, a

public institution, has responsibility for the payment of family allowances, short-term benefits (such as daily allowances in the event of illness, accident, maternity or death) and long-term benefits (such as disability, old age or survivors' pensions).

87. Article 2 of the Dahir lists the persons who are subject to the social security system, which is applicable to wage-earners of both sexes.

88. The right to education is guaranteed under article 13 of the Constitution. Morocco has adopted the system of free public primary, secondary and higher education. Vocational training is currently being introduced on a general basis: it enables assistance to be given to all those who are prevented by some handicap from continuing their studies or who decide in favour of vocational training.

89. The right to take part in cultural activities is guaranteed under article 9 of the Constitution concerning freedom of expression in all its forms. The Ministry of Cultural Affairs and various cultural bodies encourage all literary and artistic productions.

90. Morocco, whose Constitution guarantees freedom of movement (article 9) - and which incidentally has unfortunately often had to cope, throughout its struggle to regain full national sovereignty, with more or less subtle forms of colonialist apartheid - does not in any way impede the right of access to all premises destined for public use. Refusal to transport any person, to rent a hotel room, to serve persons in a restaurant or café, or to provide an entrance ticket to a place of public entertainment amounts to a breach of the peace and is severely punishable by law.

91. Furthermore, refusal to sell is an offence in Morocco. For instance, under an Act of 12 October 1971 (article 9), the practice of making a sale subject to discriminatory conditions is an offence punishable by imprisonment for not less than two months and not more than two years and by a fine of not less than 500 dirhams and not more than 2,000 dirhams.

Article 6

92. Any person who considers that he has been harmed or whose fundamental freedoms have been violated has the right to bring legal proceedings to put an end to such abuse, to restore the legal situation, to have the offender punished, and to obtain compensation for the damage suffered.

93. Under the criminal and civil law, appeal lies to the competent courts subject to the terms of the Codes of Criminal and Civil Procedure (of 10 February 1959 and 28 September 1974, respectively).

94. Under Moroccan law, all inhabitants of Morocco are guaranteed free access to all Moroccan courts, without any requirement of security judicatum solvi. This right can even be exercised by a person who is not domiciled in Morocco.

95. Provided that a plaintiff follows the hierarchy of the courts as laid down under the procedural laws, he can claim just and fair compensation for any material or moral damage suffered of which he can provide evidence. Any racial discrimination not followed or preceded by assault is treated as moral prejudice and can give rise to just compensation.

96. In its seventh report, Morocco drew the attention of the Committee on the Elimination of Racial Discrimination to the fact that racial discrimination is unknown in Moroccan society and is rejected by the Muslim tradition which founds human relationships on the principles of equality and mutual respect.

Article 7

Education and teaching

97. There is no expression of racial discrimination in education and teaching because the orthodox Sunni precepts of Islam with which the subjects taught are heavily imbued, prohibit and ban all forms of racial discrimination and the preconceived ideas that can lead to it. The fight against racial prejudice is waged consistently until the studies end. Thus, the child's personality is shaped from his earliest years and at all stages of education to accept others, irrespective inter alia of race, origin, religion or colour.

98. In this connection, the educational system constantly tries to inculcate into the child a philosophy of life and openness of mind that immunize him against the virus of racial discrimination and encourage him to adopt a fraternal attitude and to respect the right to be different, both at school and outside school.

99. School curricula contain a number of subjects which reflect the Moroccan Government's concern to root out the germs of racial discrimination in the educational and teaching fields. By way of example, a synoptic table is set forth below showing the subjects which deal, directly or indirectly, with the struggle against racial discrimination.

SUBJECT	TOPICS TAUGHT
Islamic education	Responsibilities of the individual towards society. Duty of justice towards foreigners.
	Islam, religion of mercy and of the struggle against poverty and misery.
	Islam, religion of equality and social justice.
	Flexibility and tolerance of Islam.
	Mutual assistance in Islam.
Civics	Morocco and the international organizations: OAU, the United Nations and their organs. The fight against racial discrimination.
	Principles governing co-operation between Morocco and foreign countries.

SUBJECT	TOPICS TAUGHT
	Moroccan policy with respect to African and Islamic countries.
Selected texts	Women in Islam. Islamic culture. Civil rights of women. Cultural colonialism.
History	European expansion in Africa.

100. Also, in the last month of Ramadan (10 May-7 June 1986), and following a lecture given in the presence of H.M. Hassan II by one of the greatest ulemas of the venerable Malian city of Tombouctou, whose ancient cultural ties with Morocco are well known, His Majesty gave instructions for a university chair in the study of the Morocco-African historical heritage to be established in October 1986.

Culture

101. With regard to the cultural field, attention is drawn to the following statement made by H.M. King Hassan II in his message to the first National Symposium on Moroccan Culture (June 1986):

"Moroccan culture, which has made its mark in many spheres, which has become known through all modes of expression, whether of the intellect, the imagination or the mind, which has won recognition in science, literature, art, traditional industry and skills; this culture, while holding hard to its own personality and authenticity and ever watchful of all that makes for its special and original nature, joyously and unreservedly welcomes any new element that can enrich its heritage, consolidate its achievements and accelerate its development always provided that this does not undermine its foundations or in any way distort it or expose it to disfigurement."

"When cultures clash and civilizations interact, anyone who knows how to choose among, and be guided by them, is at a distinct advantage."

102. In Morocco, cultural associations which have been duly constituted, and which number about 514, carry out their activities without any distinction, particularly as regards race, colour, or origin; this applies equally to the admittance of members and to the conduct of their activities.

103. The main object of Moroccan cultural associations is to foster intracultural rapprochement between all racial and ethnic groups as well as intercultural dialogue between Morocco and other countries. In this connection, the friendship associations which exist between Morocco and those countries and the national days which are organized by one or the other play a major role in the rapprochement and cultural dialogue between the Moroccan people and the other peoples of the world.

104. The role of the Jews in the enrichment of Moroccan culture deserves mention here. This question was discussed at a symposium held in September 1978 in Paris by the Association of Moroccan Jews known as "Identité et dialogue" and the Council of Jewish Communities of Morocco - a symposium welcomed by Moroccan political parties in general.

105. The Academy of the Kingdom of Morocco, in devoting its 1985 autumn session to the contribution of two eminent theologians - a Muslim (Ghazali) and a Jew (Maimonides) - was anxious to demonstrate the lasting spirit of tolerance that has always prevailed in Islamic societies and the multi-denominational co-existence by which they are characterized.

106. For example, in Córdoba, the birthplace of Maimonides (1135-1204), the mosque, the church and the synagogue stood side by side. Jews, Christians and Muslims lived together in complete harmony, wearing the same clothes, speaking the same language and far removed from all xenophobia, favouritism and ostracism.

107. Furthermore, to strengthen Morocco's open attitude towards the rest of the world, the town of Marrakesh will be host from 4-13 July 1986 to the largest artistic gathering in the third world when the International Festival of Music and Youth will be attended by 1,000 artists from some 45 countries.

108. The organizers, and the Moroccan High Atlas Association in particular, wished to celebrate International Youth Year with a spectacular event that emphasizes multicultural dialogue and exchange.

109. Referring to the festival, Mr. Harlem Désir, the well-known leader of "SOS Racisme", the French association, told the Moroccan Press Agency (MAP):

"By inviting hundreds of young people to take part in the first International Festival of Music and Youth, Morocco has taught us a fine lesson in hospitality."

110. He went on to say:

"We will bring to them a message of hope and solidarity, and will show them another image of immigration, one of the culture of origin.

"It will be an enriching discovery for all young people, a return to their roots for some. There are young French people who are going to discover Morocco for the first time.

"The organization of this vast gathering, with music, is a splendid idea and young people with their culture and music are in advance of institutions. Because of music a strong wind is blowing across frontiers and, because of it, people are getting to know one another and there is less chance that they will hate each other."

111. Mr. Harlem Désir ended with these words:

"Much has been said about Moroccan hospitality and we have much to learn from Morocco. The invitation to hundreds of young people to participate in the Festival sets a fine example."

112. Furthermore, since there is no racial discrimination in Morocco, there has been no suggestion that committees of solidarity or United Nations associations should be established to combat a phenomenon which is virtually unknown in Moroccan society.

113. The Moroccan Government, which is desirous of promoting human rights with due regard to its laws and institutions, has always celebrated Human Rights Day, locally and nationally, in collaboration with cultural associations and with the United Nations Office in Rabat.

Information

114. The official Moroccan mass media never fail to underline the unacceptable nature of racial prejudice and make known the commitments which Morocco has entered into under the relevant international instruments to which it is party.

115. In this connection, the preamble to the Moroccan Constitution stipulates:

"The Kingdom of Morocco subscribes to the principles, rights and obligations arising out of the charters of the international organizations of which it is a member."

116. Accordingly, on both television and radio, children's broadcasts and also school, educational, religious, social and cultural broadcasts, emphasize the need to respect and accept others without regard for race, origin, colour or religion.

117. The media as a whole often deal with the special features of other peoples and their contribution to human civilization.

118. The written press, like the audio visual media, frequently publishes articles recalling the guarantees provided by Morocco's democratic and liberal system for the human rights and fundamental freedoms that are to a large extent based on the international human rights instruments to which Morocco is party.

119. Also, the information communicated to the public invariably emphasizes the activities of international and regional organizations in the fight against racial discrimination and for the promotion of human rights.

120. The tragic situation in South Africa and the collapse of the abhorrent system of apartheid now taking place there also receive extensive coverage by the official and other media.

121. The Moroccan Press Agency (MAP), in collaboration with the press agencies of the non-aligned countries and of the Arab, African and Islamic countries, regularly issues reports on the struggle against racial discrimination.

122. For example, up to the end of 1985, MAP issued reports on the following events:

Regional conference to combat racial discrimination (Venezuela, September 1983);

Annual conference of Americans of Arab origin on human rights in the Arab world (November 1983);
Symposium on human rights in Africa (Dakar, Senegal, December 1983);
Human Rights Day (December 1983);
Condemnation by the Security Council of the policy of racial discrimination practised in South Africa (October 1984);
Week of solidarity with the people of Namibia (October 1984);
Publication of a compilation of international human rights instruments (November 1984);
Conference of the International Federation of Human Rights (November 1984);
Adoption by the United Nations of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (December 1984);
Human Rights Seminar (Canada, May 1985);
International symposium on human rights and freedoms (Paris, May 1985);
Charter of human rights in Islam (December 1985);
Human rights symposium (Dakar, December 1985);
Celebration of world decolonization day (December 1985).

REPLIES OF THE MOROCCAN GOVERNMENT TO COMMENTS
BY THE COMMITTEE ON THE SEVENTH PERIODIC REPORT

123. As regards the revision of Moroccan laws since independence, as stated above (article 2, paras. 19-25), immediately after independence Morocco set about eliminating those parts of its internal law which could have resulted in discrimination against individuals.

124. With regard to demographic information on "ethnic minorities" in Morocco, we would again point out, if there is any need to do so, that the notion of "ethnic minority" is meaningless in the context of the demography of modern Morocco. This is why, in the census carried out in Morocco in 1982, there was no breakdown of the population by race, ethnic group or language (supra, part I (General), paras. 14 to 15).

125. Since H.M. the King regards Jews as being an integral part of Moroccan society, he appealed in 1976 to Moroccan Jews who had left Morocco to return. The response of the Moroccan Jewish community was very positive and many families have since returned to their homeland.

126. In an address to the 1986 autumn session of the Academy of the Kingdom of Morocco on the topic "El Ghezali and Maimonides, the link between East and West", Mr. Haim Zafrani, who has spent over 25 years working on Judaism in the land of Islam, referred in particular to "the loyalty of Moroccan Jews to the

memory of H.M. Mohammed V, to H.M. Hassan II and to the Moroccan people". He added that to "H.M. Mohammed V go the reverence and gratitude of all Moroccan Jews, those who have remained in Morocco and those who are now scattered throughout the world": they felt gratitude and appreciation for "the generosity, kindness and concern towards Jewish subjects during the painful era when Vichy fascism was endeavouring to impose its iniquitous laws on the Sharifian Kingdom".

127. Mr. Zafrani quoted in his address from a despatch, now filed in the Quai D'Orsay archives, which the French Resident-General in Morocco sent to Paris on 24 May 1941, according to which "the Sultan had refused to make any difference between his subjects", all of whom, he had said, were "loyal".

128. The despatch had also reported that H.M. Mohammed V "certainly did not approve of the new anti-Semitic laws and had refused to be associated in measures of which he disapproved".

129. The despatch had also reported that H.M. Mohammed V had stated that as in the past, Jews remained under his protection and that he had refused to permit any distinction between his subjects.

130. As to the "inadequacy" of the Dahir governing associations in Morocco (from the standpoint of article 4 (b) of the Convention), it should be noted that this Dahir is based on the general run of Western legislation in the matter. If compared with the corresponding law in Western countries, it is not inadequate but, as can be seen, is actually at the forefront of comparative law in the matter. What is more, no law in the world can give an exhaustive list of all unlawful acts. Public policy is the most all-embracing concept of public law. Indeed, it is the common denominator of all organized societies in that it reflects a legitimate requirement of political stability which States, in the exercise of their territorial sovereignty, are required to guarantee both by virtue of their internal powers and in the context of the responsibilities incumbent upon them under international law.

131. With regard to the appeal procedures for which the Moroccan legal system provides, under the relevant legislation there are two types of remedies in administrative cases: an appeal on the merits, and an application to have an administrative decision set aside for abuse of authority.

132. The central Government and the local authorities are responsible for any damage caused directly by the operations of their departments or by acts committed by their agents in the course of their duties (Code of Obligations and Contracts, article 79).

133. As regards the quashing of decisions on the ground of abuse of authority, under article 353 of the Code of Civil Procedure, the Supreme Court has jurisdiction in the matter. The Supreme Court likewise reviews the legality of the judgements and decisions of the lower courts (that is, the Court of First Instance and the Court of Appeal).

134. In criminal matters, if there is legitimate suspicion, the Criminal Division of the Supreme Court can remove a case from any examining magistrate or trial court and refer it for hearing to a court of the same level (Code of Criminal Procedure, article 272).

135. Referral of a case to another court in the public interest can be ordered by the Criminal Division, under article 274 of the Code of Criminal Procedure, on the grounds of public security or in the interests of the proper administration of justice.

136. In civil matters, the Code of Civil Procedure provides for special procedures with respect to challenge, settlement of jurisdiction, third party proceedings, pleas of falsification of documents, and appeal against judicial misconduct.

137. It should likewise be noted that the judges who sit on tribunals and in courts are appointed by Royal Command and at the recommendation of the Supreme Council of the Judiciary. The profession is governed by the Terms and Conditions of Service of the Judiciary (Dahir of 11 November 1974). The upper age limit is 60 years but any judge may, on the ground of ability, obtain three successive extensions of two years each. The minimum age is 21 years.

138. Certain judges may be appointed as examining magistrates or juvenile court judges at the decision of the Minister of Justice. Examining magistrates and judges who supervise guardianships are appointed for a three year renewable period.

139. Morocco's relations with Asian and Latin American countries are constantly being strengthened.

140. A large number of Asian countries have co-operative ties with Morocco, both bilaterally and in the context of the Organization of the Islamic Conference and the Movement of Non-Aligned Countries.

141. With a view to strengthening its relations with Asia, the Moroccan Government, which enjoys permanent diplomatic relations with over 25 Asian countries, is considering opening other embassies, particularly in Indonesia, Malaysia and the Republic of Korea, all of which already have a diplomatic mission in Morocco. Since this year, Morocco has also had permanent relations with Australia.

142. Other new embassies have recently been opened in Latin America - in Colombia, Peru and Venezuela - and another is soon to be opened in Mexico in addition to the existing Moroccan embassies in, for instance, Argentina and Brazil, which represent Morocco diplomatically in a dozen other countries in the region.

143. Furthermore, Morocco's friendly relations with the Latin American countries have been consolidated following the recent visit to Morocco of Mr. Julio Garret, Vice-President of the Republic of Bolivia and President of the Bolivian Parliament and the Andean Parliament, who headed a delegation from the Andean Parliament.

144. Following the visit, the Moroccan Parliament acquired observer status to the Andean Parliament and Mr. Garret announced that H.M. King Hassan II had decided to build a typically Moroccan pavilion on the campus of the Bolivian University which, he added, would make for a splendid physical presence in terms of Moroccan architecture, art, culture and civilization.

145. As part of the development of cultural relations between Morocco and the Hispanic world, eminent scholars and men of culture will take part in the work of the Moroccan-Iberian-American Al Moutamed Ibn Abbad 2/ summer university in Morocco in August 1986. The participants will be drawn inter alia from the following nine countries, in addition to Morocco: Argentina, Brazil, Chile, Colombia, Mexico, Peru, Portugal, Spain and Venezuela.

146. In addition, as a further indication of it's open attitude to other nations and its constant concern to strengthen friendship between the Moroccan people and the other peoples of the world, Morocco has organized a number of international sports events in the context of the celebration of the Festival of Youth (9 July each year).

147. For instance, the thirteenth World Junior Cycling Championship was held in Morocco from 4 to 12 July 1986, with participants from the following 46 countries: Algeria, Andorra, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Côte d'Ivoire, Czechoslovakia, Denmark, Ecuador, Egypt, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Greece, Hungary, Italy, Libyan Arab Jamahiriya, Japan, Jordan, Liechtenstein, Mexico, Monaco, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Saudi Arabia, Senegal, Spain, Sweden, Switzerland, Syrian Arab Republic, Trinidad and Tobago, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

148. Morocco was also host from 1 to 11 July 1986 to the eighteenth World Parachutists Championship. Twenty-six countries participated, namely, Austria, Belgium, Denmark, Finland, France, Germany, Federal Republic of, Greece, Guinea, Indonesia, Italy, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Pakistan, Panama, Saudi Arabia, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Arab Emirates and United States of America.

149. In addition, the Wydad Athletic Club of Casablanca held a "mini world football cup" from 2 to 12 July 1986 (cadets, juniors, colts, infants) in which youth clubs from the following 14 countries took part: Algeria, Belgium, Brazil, Egypt, France, Gabon, Germany, Federal Republic of, Italy, Libyan Arab Jamahiriya, Morocco, Netherlands, Palestine, Portugal and United Kingdom.

150. Again in connection with football, the President of the International Federation of Association Football (FIFA), Mr. Joao Havelange (Brazil), will visit Morocco in October 1986 "to express his appreciation and gratitude to H.M. The King for the sovereign's proposal that one of the forthcoming world football cups should be held in Morocco". Mr. Havelange also took the opportunity of pointing out in this connection that "the purpose of the suggestion by the Moroccan sovereign was to make sport and football in particular a means of co-existence between peoples".

Notes

1/ Moroccan Jews are generally considered to be of three origins: those from the east, those expelled from Europe, and those of Berber stock but who have been judaized.

2/ Al Moutamed Ibn Abbad (1040-1095 A.D.), the great poet and emir of Seville at the height of the Arabo-Islamic civilization in Andalusia.