

**INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION**



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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Twenty-first session

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

Fifth periodic reports of States Parties due in 1980

Addendum

MOROCCO 1/

23 January 1980

This report, submitted by the Kingdom of Morocco for the purpose of fulfilling its obligations as a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, is intended as a reply to the question whether legislative, judicial, administrative or other measures have been adopted to give effect to the provisions of the said Convention.

The preceding reports, dated 1972, 1974, 1976 and 1978 respectively, gave some legal and factual elements which demonstrate that racial discrimination, in any form whatsoever, is totally unknown in Morocco because it is contrary to the precepts and teachings of Islam, on which the Moroccan State is founded.

As is well known, Islam is both religion and polity, system of worship and temporal community, and regulates, in an indissociable way not only the relationship between each believer and God but also the relationship of one believer to another on the moral, social and political planes. The Koran, the sacred book of Islam, contains the rules which constitute the foundation of public and private law. It was followed by the Sunna, based on the words and acts of the Prophet, which clarifies the koranic texts and also serves as the point of departure for the preparation of new laws.

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

- (1) Initial report - CERD/C/R.33/Add.1 (CERD/C/SR.111 and 112);
- (2) Second periodic report - CERD/C/R.65/Add.1 (CERD/C/SR.188);
- (3) Third periodic report - CERD/C/R.88/Add.6 (CERD/C/SR.327 and 328);
- (4) Fourth periodic report - CERD/C/18/Add.1 (CERD/C/SR.370).

The Moslem State is thus the setting for community life, on the basis of a number of principles, one of the foremost being the principle of equality, which is rooted in a unified conception of the human being, as is illustrated by this hadith or saying of the Prophet.

"Men are equal as the teeth of a comb. There is no difference between white and black, Arab and non-Arab, save in the degree of their righteousness."

This fundamental egalitarianism is translated into an appeal for brotherhood and coexistence between all men of good will, and the establishment of harmonious relations between people of different races and creeds is a civic duty in the Moslem polity.

The second principle on which Moslem public law is based is that of freedom, whereby each person is allowed to develop his full personality without constraint. Such freedom leads to the most complete tolerance for persons professing other religious faiths and, more particularly, the people of the Book (Christians and Jews), who are entitled, when on Islamic territory, to continue to practise their religion and exercise their social and economic rights.

The decision of His Majesty the King of Morocco to allow Moroccan Jews who had left their country to return and to enjoy all the rights guaranteed by the Constitution to each citizen, is yet another demonstration of the constant and unflinching attachment of the Kingdom of Morocco to respect for the elementary rights of the human person.

When, in 1972, Morocco was first requested to submit a report on the measures taken in the country to apply the principles of the Convention on Racial Discrimination, it was very easy to reply in a document that was conspicuous by its clarity and its brevity, because Morocco simply does not have such problems.

The new Moroccan Constitution, promulgated on 10 March 1972 (an extract from which was communicated to you earlier) is, in the last analysis, no more than a confirmation, at a high legislative level, of the beliefs prevailing in the Kingdom of Morocco in matters of human rights, and the embodiment of the Islamic principle that all discrimination between human beings, by reason of their race, sex or religion, is inadmissible.

The whole Moroccan legal framework (Constitution, laws and regulations) has been strengthened by the Kingdom of Morocco's accession to a number of international legal instruments, for the most part adopted by the United Nations and the specialized agencies, which have been incorporated into Moroccan domestic law. Examples of these are the International Convention on the Political Rights of Women adopted in New York on 31 March 1953, to which Morocco acceded on 22 November 1976; the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, to which Morocco acceded on 24 January 1958; and the International Convention on the Suppression and Punishment of the Crime of Apartheid of 30 November 1973, the procedure for accession to which has already been initiated.

Similarly, the Kingdom of Morocco which, on 19 January 1977, had signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both adopted in New York on 16 December 1966, ratified those two important human rights instruments on 27 March 1979.

The ready acceptance of international legal provisions by Moroccan law is an implicit acknowledgement that it recognizes the primacy of international law over domestic law.

This primacy derives from the preamble to the Constitution of 10 March 1972 taken in conjunction with article 31 thereof.

(Preamble: "Conscious of the need to pursue its policies within the framework of the international organizations of which it has become an active and dynamic member, the Kingdom of Morocco subscribes to the principles, rights and obligations deriving from the charters of these organizations.")

Article 31: "... Treaties which may affect provisions of the Constitution shall be approved in accordance with the procedures laid down for the reform of the Constitution.")

This means that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination have, since the entry into force of the Convention in the Kingdom of Morocco on 18 December 1970, formed an integral part of public domestic law (i.e., the fundamental legal system) from which no derogation is permissible.

The combination of all these legal, political and religious factors demonstrates that there is neither de facto nor de jure discrimination in Morocco, and consequently no legislative, judicial, administrative or other measure has yet been necessary to give effect to the provisions of the Convention in question which, as indicated above, are already legally binding.

No case of violation of the provisions of the International Convention on the Elimination of Racial Discrimination has ever been brought before the Moroccan courts, but it is clearly understood that any breach of these provisions would be punished by the judiciary in the same way as any other violation of the fundamental principles which form the basis of public order in the Kingdom of Morocco.