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POLITICAL RIGHTS*



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Fourteenth session

SUMMARY RECORD OF THE 327th MEETING

Held at the Wissenschaftszentrum, Bonn-Bad Godesberg,
on Tuesday, 27 October 1981, at 10.30 a.m.

Chairman: Mr. MAVROMMATIS

COMMENTS

Consideration of reports submitted by States parties under article 40 of
the Covenant (continued)

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The meeting was called to order at 10.35 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40
OF THE COVENANT (item 4 of the agenda) (continued)

Morocco (CCPR/C/10/Add.2)

1. Mr. IRAQUI (Morocco), introducing the initial report of his country (CCPR/C/10/Add.2), said that he first wished to pay tribute to the sense of responsibility displayed by the Committee, whose difficult but noble task was to protect the basic rights of man and his aspirations to liberty, dignity and justice.

2. It was its connection with Islam that had enabled the Kingdom of Morocco to develop a long tradition of respect for the rights and freedoms of the individual and the community. Owing to that tradition the country had been able, after overcoming the ordeal of colonialism, to embark on the path of economic and social progress, which had involved the consolidation of national cohesion around the institutions of the country and the strengthening of political stability within the framework of a lawful and liberal society that provided citizens with the means of putting into effect and guaranteeing their civil and political rights.

3. The steps taken by the late Mohammed V just before Morocco had attained independence with a view to the institutionalization of public freedoms, the separation of powers, and the establishment of an independent judiciary, as the basis of a constitutional, democratic and social monarchy, had been consolidated during the reign of his successor. King Hassan II had given Morocco its first Constitution, which had been ratified by the people, to provide for that kind of democracy and to guarantee all the individual, political, economic and social rights. In order to give concrete expression to those rights, a body of texts, which drew both upon the tradition of Islam and upon modern law, had been drawn up, and the Committee would have the task of examining them to ascertain whether they were in conformity with the International Covenant on Civil and Political Rights, which Morocco had ratified on 3 August 1979. In the interests of establishing a fruitful dialogue with the Committee, his delegation would pay close attention to the comments and suggestions made by its members.

4. Mr. BOUZIRI said that he had represented his country in Morocco; consequently, he had had a direct knowledge of the actual situation there and had seen for himself that, with its attainment of independence, Morocco had established an efficient system for the protection of human rights, particularly in the political sphere. He could testify that opposition had always been allowed there and that the freedoms of expression and opinion were fully respected. If proof were needed, one only had to turn to the newspapers, which were free to criticize Government action and sometimes did so in very harsh terms. The consolidation of the parliamentary system was encountering some difficulty, particularly since the developing countries were exposed to all kinds of problems that were becoming steadily worse and of which foreign interference in their domestic affairs was perhaps not the least important cause.

5. The Moroccan Government was to be congratulated on having submitted, on time, an excellent and very detailed report that, generally speaking, complied with the Committee's guidelines and that gave an accurate idea of the protection of human rights in Morocco. There were, however, certain points on which he would like to have some clarification.
6. The report of Morocco stated that international law took precedence over internal law "in certain areas". Since, therefore, some of the provisions of the Moroccan Constitution might now conflict with those of the Covenant, he would like to know how, pending an amendment of the Constitution, Morocco intended to apply those provisions of the Covenant that ran counter to its prevailing law.
7. Turning to the part of the report which included the statement, in connection with article 3 of the Covenant, that "in all circumstances, women retain the custody of their minor children", he said that he would like to know what became of the children in the event of divorce when the mother was not morally fit, because of misconduct, to bring them up. With regard to the rights of the woman, he would like to know what the law was regarding voluntary termination of pregnancy. A woman was entitled, for reasons of psychological well-being, to decide how many children she wanted to have. That was in the interests of the country too, for what point would there be in achieving economic progress if it were cancelled out by a runaway birthrate?
8. With regard to article 6 of the Covenant, he was concerned to note from the report that "if it is established that a woman sentenced to death is pregnant, she shall not be executed until 40 days after the delivery of her child". That provision of the Criminal Code was probably not applied, but it nevertheless seemed cruel to him, quite apart from the question that arose regarding the position of the child. He further noted, also in connection with article 6, that the new draft of the Moroccan Criminal Code provided for the age of criminal responsibility to be raised to 18 years but considered it regrettable that a minor of 18 years could still be sentenced to capital punishment, which was contrary to the provisions of the Covenant.
9. In regard to article 9 of the Covenant, the report stated that the examining magistrate could extend custody for a period of four months; but it was not known how often he could do so.
10. In regard to article 23 of the Covenant, he noted from the report that a magistrate could in certain cases arrange a marriage, as a measure of social protection, for a woman who might otherwise be exposed to the risk of moral downfall. He wondered whether that was not an infringement of the freedom of the woman, who should be able to marry whom she wanted, when she wanted. In this view, it was difficult to define the notion of moral downfall, and the magistrate's assessment of the risk involved was bound to be subjective.
11. Lastly, he was pleased to note, from the last page of the report, not only that "the Moroccan legislator has taken every essential step to guarantee and ensure effective protection of the rights proclaimed, both for Moroccan nationals and for aliens in Morocco" but also that he had "sometimes gone even further in certain legislative or statutory provisions, by supplementing various individual or collective rights or freedoms with all the guarantees necessary for exercising them". Since that was an example the Committee would like other countries to follow, he would welcome some clarification on the matter.

12. In conclusion, he expressed the hope that the constructive dialogue on which Morocco and the Committee had embarked would be maintained for the common good and with a view to the implementation of human rights in Morocco.

13. Mr. ERMACORA said the report submitted by Morocco would have gained in clarity had it been structured around the articles of the Covenant rather than the provisions of internal law. Also, apart from the detailed comments on the status of women, no reference was made to the factors and difficulties affecting the implementation of the Covenant. It was especially regrettable that nothing had been said about the problems of self-determination that were reported in the mass media, particularly regarding Western Sahara. Moreover, it would have been useful if, in his statement, the representative of Morocco had referred to the events of June 1981, which apparently constituted one of the problems covered by article 40.

14. He would be grateful for clarification as to the practical relationship between the Covenant and the Moroccan Constitution. He noted, in that connection, that articles 8 et seq. of the Constitution contained no reference to the state of emergency or of siege (article 4 of the Covenant), the right to life (article 6 of the Covenant), the prohibition of torture (article 7 of the Covenant), the penitentiary system (article 10, paragraph 3 of the Covenant) or the right to a fair trial (article 14 of the Covenant). He therefore wondered whether, in Morocco, an individual could invoke the rights laid down in the Covenant before the municipal courts, whether that meant the Council of State, the Constitutional Court or the ordinary courts.

15. In regard to article 4 of the Covenant, he asked how many people had been arrested and killed in June 1981. He would like to have some information regarding the trials of the persons arrested on that occasion since it had been reported in the press that they had been tried collectively, each accused receiving no more than a moment's attention.

16. In connection with the important part of the report dealing with the status of women, he asked whether women enjoyed the same right to work as men and what were the effects of such employment from the standpoint of ownership and administration of their property.

17. Lastly, he asked whether Morocco had any minorities, within the meaning of article 27 of the Covenant and, if so, what their status was.

18. Mr. OPSAHL said he was gratified to note that the report contained specific information, for instance, regarding judicial decisions and particularly legal texts and references to treaties signed by Morocco.

19. It seemed to him that the Moroccan Constitution of 1972 embodied the main features of the theory of separation of powers. Under article 25 of the Covenant "every citizen shall have the right and the opportunity ... to take part in the conduct of public affairs ..."; he would therefore like to know who carried more weight in Morocco so far as the power to take decisions was concerned, the King or the voters bearing in mind that the prevailing régime was a constitutional monarchy.

20. It was clear from the report that the provisions of the Covenant, which had become an integral part of the internal public order, took precedence over internal law, except for the Constitution. He wondered whether it was to be concluded that, in the Moroccan Government's view, there was no conflict of law between the Constitution and the Covenant.

21. Several references to the teachings of Islam were made in the report, particularly in the paragraphs relating to the prohibition of slavery and in the part concerning the status of women. He would be grateful for clarification in that connection, since it seemed to him that the teachings of Islam were interpreted differently according to the country. He would have difficulty in regarding a religious reasoning or foundation as a sufficient basis for implementing the provisions of the Covenant.

22. With regard to the status of women, the report stated that a new draft Labour Code provided that "married women exercising a profession or trade shall be entitled to belong to professional associations and to participate in their administration and control". Since it was a draft code, he wondered what was the present position of married and unmarried women and whether, in the new draft, a distinction would be drawn between women based on their marital status.

23. In regard to article 9 of the Covenant, the information given in the report was not directly relevant to paragraph 4 of the article, which was basically concerned with deprivation of liberty in cases other than those involving criminal sentences, for instance, detention of the mentally ill. In the absence of information in that connection, he would ask whether the legal authorities were empowered to exercise control over detention of the mentally ill, of aliens awaiting deportation or of minors detained for educational reasons or even of drug addicts. If so, could the courts review the lawfulness of the grounds for detention or did they merely review the lawfulness of the proceedings?

24. In regard to article 15 of the Covenant, he said that its terms were perhaps more clearly stated in the corresponding provisions of the Moroccan Constitution and Criminal Code which might with profit be borne in mind since, on certain occasions, the Committee had had difficulty in interpreting that article.

25. Referring to the Moroccan Government's remarks regarding article 16 of the Covenant and noting Morocco's co-operation with international organizations concerned with the protection of refugees, he said that, in addition, the Kingdom of Morocco was co-operating with ILO but, according to information received from that organization, some difficulties seemed to have arisen in that connection. Morocco's law and some of its practices apparently raised problems not only for ILO but also in connection with article 8 of the Covenant, which prohibited forced labour. Also, ILO had apparently received several complaints alleging failure by the Kingdom of Morocco to observe the principle of freedom of association laid down in article 22 of the Covenant.

26. In regard to article 19 of the Covenant, he asked whether there had recently been any acts or statements displaying opposition to the Government which had given rise to arrests and legal proceedings; if so, what had the charges been, who and what categories of people had been found guilty, for what offences and pursuant to which law? He also asked for some clarification regarding the 1935 Dahir which, if indeed it was applied, seemed to him to raise very serious questions regarding respect for the rights laid down in articles 19, 25 and 26 of the Covenant. For

example, if publication by an organ or political party of a statement criticizing certain aspects of government policy was an offence punishable by law in Morocco, the application of the provisions of the Covenant would be seriously compromised.

27. Mr. AGUILAR said that, while the report submitted by the Moroccan Government was extremely detailed, he considered that it would have been useful if it had also contained information on the difficulties encountered in implementing the Covenant. Specifically, those difficulties could be economic in origin, particularly in the developing countries where the Government might, for example, lack the resources to train competent legal personnel or set up prison establishments.

28. In regard to article 4 of the Covenant, the report drew attention to the constitutional provisions (article 35 of the Constitution) governing the declaration of a state of emergency and the provisions (Dahir of 1 September 1939) governing the state of siege. He would like to know whether at the present time in Morocco there was a state of emergency that would warrant the application of article 35 of the Constitution or a state of siege that would allow a certain number of crimes and offences normally brought before the ordinary courts to be referred to the military courts.

29. With regard to article 6 of the Covenant, he endorsed Mr. Bouziri's remarks concerning article 21 of the Moroccan Criminal Code, which provided for capital punishment for a pregnant woman. He would like to know how many sentences of capital punishment the Moroccan courts delivered each year, the number of cases in which the sentence was actually carried out, and the number of cases in which the sentence was commuted.

30. With regard to article 7 of the Covenant, he said that the best method of preventing the authorities or their agents from abusing their power and possibly subjecting prisoners to violence, brutality or torture was rigorous application of the criminal laws against that kind of offence. It would therefore be interesting to know the number of cases in which public officials had been prosecuted for brutality or ill-treatment, how many had been convicted and what the sentence was on conviction.

31. Articles 7 and 9 of the Covenant were interconnected, since it was prior to his appearance before the judge that a prisoner might be subjected to brutality or ill-treatment. It was therefore desirable that a prisoner should be brought as soon as possible before a judge or, in Morocco's case, before the examining magistrate. It was also important that the prisoner's family should be rapidly informed of his whereabouts. He would like to know whether the Moroccan authorities were required to notify the prisoner's family immediately of the place where he was being held in custody.

32. According to the report "any person who has been arrested by virtue of a warrant to appear, and has been detained for more than 24 hours in a place of detention without being questioned, shall be deemed to have been arbitrarily arrested". As for remand in custody, which was an exceptional measure, the report stated that it was subject to the rules laid down in the Code of Criminal Procedure. He wondered whether those rules were observed in practice, since experience showed that in many countries they were not.

33. In regard to article 10 of the Covenant, the report drew attention to the provisions applicable to prisoners. Very often, however, States parties were unable to comply with the provisions of their law owing to certain political or economic circumstances. It would therefore be interesting to know what the actual conditions of detention were.

34. Lastly, he reminded members of the existence of cases of "disappeared persons", in other words, persons of whom all trace was lost following their arrest by the plain-clothes officers of such and such a State. On those occasions, the authorities claimed they did not know anything either about the arrest or about the whereabouts of the person arrested. It was impossible to find out whether the person was alive or to lodge any appeal on his behalf. He (Mr. Aguilar) asked whether there were any grounds for believing that there had been cases of "disappeared persons" in Morocco.

35. Mr. TARNOPOLSKY said the Moroccan Government was to be commended on having submitted its report just over a year after ratifying the Covenant. The report was fairly detailed so far as the Moroccan Constitution and the legislation giving effect to the provisions of the Covenant were concerned, but it would none the less be desirable to have further information on certain points and, in particular, on the difficulties encountered in giving effect to the provisions of the Covenant.

36. In regard to article 1 of the Covenant, he noted that the report contained no information on the self-determination of the territory known as Western Sahara. He wondered what measures had been taken to enable the population of that territory freely to determine their political status and freely to pursue their economic, social and cultural development.

37. With regard to article 2 of the Covenant, it was his understanding that treaties which did not affect the Constitution could be incorporated immediately into Moroccan internal law but that those which might affect the provisions of the Constitution, as seemed to be the case with the Covenant, had to be approved in accordance with the procedures laid down for amendment of the Constitution. In the absence of such approval, it was hard to see how the provisions of the Covenant could be invoked. In any event, the report did not specify what was the status of the Covenant in relation to the Moroccan Constitution.

38. Under article 2 of the Covenant, States parties undertook to ensure to all individuals within their territory and subject to their jurisdiction the rights recognized in the Covenant, without distinction of any kind. Article 5 of the Moroccan Constitution, however, provided only that all Moroccans were equal before the law. He wondered whether, in Morocco, the equality before the law provided for under article 2 of the Covenant also applied to persons who were not Moroccan nationals. He would like to have information regarding cases of violations of human rights which might have occurred in Morocco since it had ratified the Covenant, the remedies available in such cases, the inquiries to which those cases of violation might have given rise, and the results of such inquiries.

39. To give effect to article 3 of the Covenant, more than a declaration of the equal right of men and women was required. Article 8 of the Moroccan Constitution, however, provided only that men and women enjoyed equal political rights. He would like to know what was the current position regarding the civil rights of men and women. The report suggested that there were special rules in the case of the public service. Women, apparently, were not eligible by law for employment in the armed forces, the police and the judiciary. In addition, the report stated that it was the

man who bore all the costs of maintaining the household and that, in the event of separation or divorce, he alone was obliged to pay alimony. In all societies, of course, there remained vestiges of the protections provided for the woman. But such protections were now regarded as restrictions on full and complete equality. The obligations incumbent on men for maintenance of the household and alimony might, if they were maintained, provide an excuse for measures designed to exclude women from certain jobs.

40. With regard to article 4 of the Covenant, he too would like to know whether there was at present in Morocco a state of emergency or a state of siege. If so, the Moroccan Government was required under article 4 of the Covenant to inform the other States parties, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it had derogated and of the reasons by which it had been actuated. If a state of siege had been declared in Morocco, he would like to know how it affected the provisions of the Moroccan Constitution. Under article 35 of the Constitution, the King was empowered, when a state of emergency was declared, to take such measures as might be necessary for the defence of the territorial integrity of the State. There did not seem to be any limit to that power, although article 4, paragraph 2, of the Covenant provided that there could be no derogation from certain articles (articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18).

41. In regard to article 6 of the Covenant, he would like to know for which crimes the penalty was still capital punishment, and how many times it had been pronounced in recent years.

42. Article 7 of the Covenant provided that no one should be subjected to torture or to cruel, inhuman or degrading treatment. It would be useful to know whether there had been any such cases in Morocco and, if so, how many had occurred and of what they had consisted. Article 7 of the Covenant also called for a degree of proportionality between the gravity of the offence and the sentence imposed, since otherwise a sentence which was of a severity disproportionate to the offence could be regarded as amounting to cruel treatment. He asked whether the principle of proportionality between the offence and the sentence existed in Morocco and whether it could be illustrated by any particular decisions of the courts.

43. Articles 7, 10, 17 and 23 of the Covenant, taken together, underlined how important it was for the prisoner's family to be informed without delay of his arrest, of the charge, and of the place where he was being detained, so that the necessary steps could be taken for his legal representation. In that connection, he would like to know whether there had been any instances in Morocco of complaints, inquiries, or proceedings for damages in respect of the violation of the rights laid down. He would also like to know what were the rules in Morocco governing solitary confinement, for how long a person could be subjected to it, whether it took place in a punishment cell or a simple isolation cell, whether there were any provisions for the family to be informed of the state of health of the person in solitary confinement and, lastly, in what circumstances there was medical supervision of such cases.

44. In regard to article 8 of the Covenant, he would like to know whether the form of service referred to in article 8, paragraph 3 (c) (iii), of the Covenant was required in Morocco by virtue of laws or decrees or pursuant to measures taken by the executive.

45. With regard to article 9 of the Covenant, the report did not state clearly whether remand in custody existed in Morocco. Under article 152 of the Code of Criminal Procedure, remand in custody was an exceptional measure. If, however, the sentence involved was greater than two years, the period of remand in custody could last up to four months, which period could then be extended. He would like to know for how long it could be extended, and whether there had been instances in which it had been extended several times. The report referred to the disciplinary sanctions that could be taken against the director of a place of detention and the compensation that could be obtained by anybody who suffered a violation of one of the rights laid down in the Covenant. He would like to know whether, in recent years, there had been any cases of disciplinary sanctions and of claims for compensation of that kind.

46. With regard to article 10 of the Covenant, he noted a reference to article 14 of the Dahir of 1930 which established regulations governing the prison service and treatment in prisons and which provided in conclusion that "breaches of these rules are punished according to the seriousness of the case". He asked whether there had been any cases, in recent years, of sanctions imposed pursuant to that regulation and whether, either by means of regulations or as a matter of practice, the United Nations Standard Minimum Rules for the Treatment of Prisoners had been adopted. Furthermore, it was extremely important to know whether in a country such as Morocco, where climatic conditions could be particularly harsh in certain regions, special measures had been taken to ensure that a suitable temperature was maintained inside prisons and to avoid overcrowding in such establishments. There, too, the question was whether the Standard Minimum Rules laid down by the United Nations were observed.

47. In reference to the same article, the report stated that "... children detained by virtue of the power of parental punishment shall be kept in isolation". Did that really mean they were separated from adults or that they were in fact kept in isolation, and what was meant by "power of parental punishment"? A little further on, reference was made to a Supervisory Committee. It would be useful to know how that Committee operated, how often it visited each prison, and how prisoners were able to contact it.

48. In connection with article 13 of the Covenant concerning the expulsion of aliens, he referred to a case of which he had personal knowledge concerning a well-known Canadian lawyer who had been requested by the International Commission of Jurists to attend a trial in Morocco in 1980. That lawyer had been expelled within 24 hours. He (Mr. Tarnopolsky) wondered whether in such a case the provisions of article 13 of the Covenant had been properly observed since, in the event, none of the grounds for expulsion as set forth in the report could be invoked.

49. With regard to article 14 of the Covenant and, in particular, paragraph 3 thereof, the report referred to article 129 of the Code of Criminal Procedure whereby an accused person held in custody could communicate freely with his counsel immediately after his first appearance in court. The report did not state whether he could do so prior to his appearance. In that connection, he (Mr. Tarnopolsky) understood that, during the trials held in July 1981, many of the people on trial had not had the time to prepare their defence in accordance with article 14, paragraph 3 (b), of the Covenant or to obtain the attendance of witnesses of their choice as provided for under paragraph 3 (e) of the article. He did not doubt that Moroccan law was very explicit regarding the criminal sanctions to be applied in the event of breaches of rights of that kind, but he wondered whether there had been any inquiries into allegations of that nature and would like to know what the results had been.

50. In regard to subparagraph 3 (f), on the right of the accused to have the assistance of an interpreter, the report stated that if the accused spoke a language, dialect or tongue which was not easily intelligible for the judges, the parties or the witnesses, the presiding judge designated an interpreter. But, conversely, it would be interesting to know what procedure was followed when the accused claimed that he did not understand the language of the judges or the witnesses.

51. In regard to article 14, paragraph 6, of the Covenant, concerning compensation in the event of a miscarriage of justice, the report referred to article 620 of the Code of Criminal Procedure. It would be interesting to know whether the provisions of that article had already been applied and whether there were any examples of recent judgements.

52. Turning to article 18 of the Covenant, relating to freedom of religion, he noted from the report that Morocco professed great religious tolerance and that its laws protected even the practice of other religions. Furthermore, article 6 of the Constitution stipulated that: "Islam is the religion of the State, which shall guarantee freedom of worship to all". The provisions of article 18, paragraph 1, however, went much further, since they stipulated that the right of everyone to freedom of religion included "freedom ... to manifest his religion or belief in worship, observance, practice and teaching". He would like to know to what extent everyone was authorized, in Morocco, to observe and practise the religion or belief of his choice.

53. In regard to article 19 of the Covenant, he noted that there was a difference between its provisions, which stipulated that "everyone shall have the right to hold opinions without interference" and "everyone shall have the right to freedom of expression", and those of article 9 of the Constitution of the Kingdom of Morocco, which provided that "the Constitution guarantees to all citizens: ... freedom of expression". He wondered whether Moroccan law made a substantive distinction between the rights of citizens and those of non-citizens regarding the restrictions on the exercise of freedoms which were necessary to protect national security, public order, or public health or morals and, if so, how such distinctions were justified in the light of the provisions of article 19, paragraph 3. In his view, what it was most important to know, pursuant to article 40 of the Covenant and, indeed, to article 2, was not which were the provisions of the Constitution that set forth fundamental freedoms, but, rather, which laws defined precisely the restrictions on freedom of expression, of assembly and of association, since it was those laws that indicated the actual extent of freedoms. What the Committee was particularly interested to know was whether such limitative laws were in keeping with the permitted restrictions that were very precisely defined under articles 18, 19, 21 and 22 of the Covenant.

54. The part of the report dealing with article 20 of the Covenant did not provide the desired information regarding the implementation of that article. Reference was admittedly made to article 201 of the Moroccan Criminal Code, which concerned violations of the internal security of the State, but further information was needed regarding the prohibition of any advocacy of national, racial or religious hatred before it could be concluded, with any certainty, that the latter amounted to a violation of the security of the State. Article 201 of the Criminal Code also provided that any person guilty of violating the internal security of the State should be liable to capital punishment. In view of the provisions of article 6 of the Covenant, he would like to know whether capital punishment had been applied in cases of that kind since the Covenant had entered into force.

55. With regard to article 22 of the Covenant, the provisions of Moroccan law concerning the right of association seemed to limit that right, since they stipulated, in particular, that "any association ... designed to impair the integrity of the territory of the nation or the monarchical form of the State shall be null and void". The provisions of the Covenant, however, were neutral regarding questions of ideology and the choice by the people of the form of State or government. He did not see how it would be possible, on the basis of any of the restrictions provided for under article 22, to declare illegal an association that was seeking a change of government, with a view for example, to establishing a republic. In his view, a ban on such an association could amount to a violation of the provisions of article 22, unless it was proved that such an association would be a threat to national security.

56. With regard to article 24 of the Covenant, the provisions of articles 6 and 7 of the Moroccan Nationality Code, which were referred to in the report, seemed to place women at a disadvantage by comparison with men so far as nationality of the child was concerned, and did not seem to be in accordance with the provisions of article 3 of the Covenant which called for equal treatment of men and women.

57. With regard to article 26 of the Covenant, he considered it did not suffice to provide, as did article 5 of the Moroccan Constitution, that all Moroccans were equal before the law. Article 26 of the Covenant was much wider in scope, since it provided that "all persons ... are entitled without any discrimination to the equal protection of the law" and added that "the law shall prohibit any discrimination and guarantee to all persons equal and effective protection ...". It would seem that the provisions of article 26 of the Covenant called for legislation expressly designed to prohibit any discrimination.

58. With regard to article 27 of the Covenant, he would like to have some detailed information regarding the ethnic, religious or linguistic minorities that might exist in Morocco. He understood that there had once been a fairly sizeable Jewish community in Morocco and he wondered whether there were not other ethnic and religious minorities in the southern and western regions of Morocco. He would like to know what was the precise legal position of those minorities and to be assured that, in accordance with the provisions of article 27 of the Covenant, Moroccan law recognized that the persons belonging to them had "the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language".

59. Mr. SADI thanked the Moroccan Government for its very comprehensive and detailed report, which had helped him to a better understanding of the situation in Morocco regarding the implementation of the Covenant. He congratulated Morocco on having ratified a very large number of conventions adopted under the auspices of the United Nations. He would like to know what the position was in regard to those instruments under Moroccan internal law. Although the report stated that the provisions of duly ratified and published international treaties or agreements should take precedence over those of internal legislation, it also went on to say that "treaties which might affect the provisions of the Constitution shall be approved in accordance with the procedures laid down for amendment of the Constitution". It would therefore be useful if the Moroccan Government could provide further information regarding the position of the Covenant under Moroccan internal law.

60. With regard to the implementation of article 3 of the Covenant, he was pleased to note that "the political rights accorded by the Constitution to citizens of both sexes permit Moroccan women to vote and to stand for election without restriction". He noted, however, that entry to some professions was apparently denied to women and he wondered, in particular, whether the fact that they were denied entry to the judiciary was not contrary to the provisions of the article in question.

61. With regard to article 4 of the Covenant, he would like to know whether a state of emergency or a state of siege had already been declared, and if so, whether the United Nations Secretary-General had been notified in accordance with the provisions of article 4, paragraph 3.

62. With regard to article 7 of the Covenant, which prohibited torture and cruel, inhuman or degrading treatment or punishment, he would like to know whether there had been instances of officials being punished for having engaged in such brutality. It was well known that acts of torture of that kind could occur.

63. He noted from the report, in connection with article 18 of the Covenant, that "Islam is the religion of the State, which shall guarantee freedom of worship to all". He would be grateful if the Moroccan Government could provide members of the Committee with more detailed information regarding the way in which Islam guaranteed freedom of worship to all.

64. Turning to the section of the report dealing with article 23 of the Covenant, concerning protection of the family, he would also like the Moroccan Government to provide further information regarding the kind of punishment provided for under the Moroccan Criminal Code against "a husband who knows his wife to be pregnant and wilfully leaves her for more than two months, except for reasons beyond his control". He also noted from the report that, under article 9 of the Moroccan Criminal Code, marriage before the age of legal majority was subject to the consent of the wali (legal guardian). That seemed to suggest that persons who had not reached marriageable age within the meaning of the Covenant could marry with the consent of the wali. He would like to know whether, in Morocco, there were any criteria in that regard and how that provision could be reconciled with article 23 of the Covenant. Also in connection with article 23, he noted from the report that the Moroccan Code of Personal Status guaranteed to intending spouses the right to contract marriage with their free and full consent. He would like to know how that guarantee was enforced and what assurance there was that young girls, in particular those from families bound by traditional customs, were in fact consulted. In his view, the matter called for further clarification.

65. Lastly, in regard to article 24 of the Covenant, he noted that, under article 6 of the Moroccan Nationality Code, a child born of a Moroccan mother and an unknown father was a Moroccan national; he wondered why the same did not apply to a child of a Moroccan mother and a known father or a child of a Moroccan mother and a father whose nationality was known. The provisions of the Covenant provided for the equality of men and women in the enjoyment of all civil and political rights, and hence also in regard to nationality.

The meeting rose at 1.05 p.m.