



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

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## Committee on the Elimination of Racial Discrimination

111th session

20 November–8 December 2023

Consideration of reports, comments and information submitted  
by States parties under article 9 of the Convention

## List of themes in relation to the combined nineteenth to twenty-first periodic reports of Morocco

### Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session that the Country Rapporteur would send to the State party concerned a shortlist of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report.<sup>1</sup> The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

### The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4 and 6)

2. Demographic composition of the population of the State party and indicators relating to the socioeconomic situation of its various ethnic groups, in particular minority groups and non-citizens, including migrants, refugees, asylum-seekers and stateless persons. Measures taken to strengthen the data-collection system, including those aimed at incorporating variables related to ethnic origin. Alternative tools developed or envisaged that allow for both more detailed information on the difficulties specific to certain groups, especially as regards racial discrimination, and an assessment of the implementation of the Convention.<sup>2</sup>

3. Examples of cases in which the provisions of the Convention have been invoked and directly applied by domestic courts. Detailed information on measures taken to raise awareness of the Convention among judges, magistrates, law enforcement officers, lawyers and the general public, and the effects of these measures.<sup>3</sup>

4. Measures taken to amend the legal framework or to adopt specific legislation to prohibit direct and indirect forms of racial discrimination, covering all fields of law and public life, in accordance with article 1 (1) of the Convention.<sup>4</sup>

5. Measures adopted to criminalize acts of racial discrimination, in accordance with the provisions of article 4 of the Convention, and to make racist motives an aggravating circumstance for the offences covered by the Criminal Code.<sup>5</sup>

<sup>1</sup> A/65/18, para. 85.

<sup>2</sup> CERD/C/MAR/CO/17-18, para. 7; and CERD/C/MAR/19-21, paras. 10–17.

<sup>3</sup> CERD/C/MAR/CO/17-18, para. 8; and CERD/C/MAR/19-21, paras. 24, 54 and 201–205.

<sup>4</sup> CERD/C/MAR/CO/17-18, para. 9; and CERD/C/MAR/19-21, paras. 24, 54, 56, 73, 74, 81 and 213.

<sup>5</sup> CERD/C/MAR/CO/17-18, para. 10; and CERD/C/MAR/19-21, paras. 76, 89, 90 and 191.



6. Measures taken to prevent and combat hate speech, hate crimes and incitement to racial hatred and xenophobia in the media and online, especially towards migrants, refugees and asylum-seekers, particularly those from sub-Saharan Africa. Description of the impact of these measures.<sup>6</sup>

7. Examples of complaints lodged and investigations carried out regarding individuals and groups allegedly inciting or promoting racial discrimination and racist hate speech, including in the media, or encouraging them in this setting, such as on the Internet, and penalties imposed. Measures taken to improve the reporting and follow-up of hate crimes and racist hate speech, including the establishment of a data-collection and storage system.<sup>7</sup>

8. Information on measures taken or envisaged to ensure that the prevention of and fight against racial discrimination are integrated into the work and mandates of bodies responsible for promoting human rights, equality and non-discrimination, including the National Human Rights Council, the Ombudsman and the Equality and Anti-Discrimination Authority. Clarification as to whether these institutions have the mandate to receive and deal with complaints about cases of racial discrimination and, if so, concrete examples of complaints received and action taken in this regard.<sup>8</sup>

9. Information on the implementation, results and evaluation of the National Action Plan for Democracy and Human Rights 2018–2021, in particular with regard to preventing and combating racial discrimination, and on measures aimed at the adoption of a new plan. Information on measures taken or envisaged to adopt a national action plan to combat racism, racial discrimination, xenophobia and related intolerance.<sup>9</sup> Information on the measures adopted and the programme of activities organized in the country to mark the International Decade for People of African Descent.

#### **Situation of minorities (art. 5)**

10. Measures, including special or affirmative action measures, taken with the aim of combating the multiple forms of discrimination suffered by minorities, in particular Amazighs, Saharans, black Moroccan citizens and non-citizens, including migrants, asylum-seekers and refugees from sub-Saharan Africa, and ensuring that these persons effectively enjoy their rights. Where appropriate, details of the concrete results of the application of such measures and the involvement of people belonging to these groups in the design, application and evaluation of these measures.

11. Measures taken to increase the participation of Amazigh, Saharan and black Moroccan citizens, in particular women belonging to these groups, in political life and public affairs at all levels of government and to ensure that they are more represented in decision-making positions in both the public and private sectors.<sup>10</sup> Measures adopted or envisaged to guarantee to persons belonging to these groups the exercise of their civil and political rights, including the rights to freedom of opinion, expression and peaceful assembly and association.<sup>11</sup> Up-to-date information on measures taken to guarantee the registration of Amazigh first names in practice.<sup>12</sup>

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<sup>6</sup> [CERD/C/MAR/CO/17-18](#), para. 14; and [CERD/C/MAR/19-21](#), paras. 76, 89–93, 191, 215 and annex 2, para. 44.

<sup>7</sup> [CERD/C/MAR/CO/17-18](#), paras. 10 and 14; and [CERD/C/MAR/19-21](#), paras. 76, 89–93, 191, 215 and annex 2, para. 44.

<sup>8</sup> [CERD/C/MAR/19-21](#), paras. 25, 34, 38–42, 191, 192 and annex 2, para. 3.

<sup>9</sup> *Ibid.*, para. 119 and annex 2, paras. 24–26.

<sup>10</sup> *Ibid.*, paras. 120–135.

<sup>11</sup> *Ibid.*, paras. 24, 73, 81, 89, 97 and 116.

<sup>12</sup> [CERD/C/MAR/CO/17-18](#), para. 12; and [CERD/C/MAR/19-21](#), paras. 136–143.

12. Updated information on measures taken to reduce poverty levels among Amazigh and Saharan people, as well as migrants, asylum-seekers and refugees. Measures to ensure that these people have effective access to housing, education, work and health services and, where appropriate, concrete results of the application of these measures. Measures taken to guarantee Amazigh land rights and information on allegations of forced displacement of Amazighs in connection with development projects.<sup>13</sup>

13. Updated information on measures taken to promote the Amazigh language and culture, including the implementation of Organic Act No. 26–16 of 12 September 2019 and the establishment of the National Council for Moroccan Languages and Culture, which absorbed the Royal Institute of Amazigh Culture, and, where applicable, the concrete results of these measures. Information on measures taken to strengthen the teaching of the Amazigh language, including those to increase the number of Amazigh language teachers at all levels of education and to increase Amazigh language broadcasts in audiovisual media. Clarification on the inclusion of the Amazigh language and alphabet in legislative developments relating to the electronic national identity card.<sup>14</sup>

**Situation of non-citizens, including migrants, asylum-seekers and stateless persons  
(art. 5)**

14. Measures taken to harmonize Act No. 02–03 of 11 November 2003 on the Entry and Residence of Foreign Nationals in Morocco and Illegal Emigration and Immigration with international obligations in this area, in particular the provisions criminalizing illegal migration. Impact of the 2014 National Immigration and Asylum Strategy on ensuring respect for the fundamental rights of non-citizens, including access to housing, employment and health and education services without discrimination, and information on trends in the human, technical and financial resources allocated for its implementation. Information on the institutions responsible for integrating non-citizens and combating racial discrimination, racism and xenophobia against these groups.<sup>15</sup>

15. Measures adopted to guarantee the application of the principle of non-refoulement without discrimination and to put an end to racial profiling practices, forced relocation, arbitrary arrest and detention, excessive use of force by law enforcement officials and forced repatriation of non-citizens, particularly migrants from sub-Saharan Africa.<sup>16</sup> Information on investigations carried out, prosecutions initiated, penalties imposed and compensation awarded to the victims of these practices, including the outcome of investigations into the actions taken on 24 June 2022 by the State party’s law enforcement agencies against migrants at the border post between Nador and Melilla.<sup>17</sup>

<sup>13</sup> CERD/C/MAR/CO/17-18, para. 11; CERD/C/MAR/CO/17-18/Add.1, paras. 2–6; Committee’s follow-up letter to the State party dated 31 August 2012 (available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FFUL%2FMAR%2F12164&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FFUL%2FMAR%2F12164&Lang=en)), p. 2; and CERD/C/MAR/19-21, paras. 68–72 and 144–182.

<sup>14</sup> CERD/C/MAR/CO/17-18, para. 11; CERD/C/MAR/CO/17-18/Add.1, paras. 2–6; Committee’s follow-up letter to the State party dated 31 August 2012, p. 2; and CERD/C/MAR/19-21, paras. 20, 57–67 and 175.

<sup>15</sup> CERD/C/MAR/CO/17-18, para. 13; CERD/C/MAR/CO/17-18/Add.1, paras. 8–15; Committee’s follow-up letter to the State party dated 31 August 2012, p. 2; and CERD/C/MAR/19-21, paras. 13–16, 24, 43, 45, 55, 167–172 and 178.

<sup>16</sup> CERD/C/MAR/CO/17-18, para. 14; CERD/C/MAR/CO/17-18/Add.1, paras. 16–18; Committee’s follow-up letter to the State party dated 31 August 2012, p. 2; and CERD/C/MAR/19-21, paras. 85–88, 214 and 217.

<sup>17</sup> See the Committee’s statement on the tragic events at the Moroccan-Spanish border, 11 August 2022, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FSWA%2F9583&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FSWA%2F9583&Lang=en).

16. Measures taken to: (a) adopt a legislative framework for the protection of refugees and asylum-seekers that complies with international standards, incorporates the principles of non-refoulement and non-discrimination, and provides for a refugee status determination procedure; (b) ensure effective access to asylum procedures at all points of entry into the country, in order to guarantee effective protection against refoulement; and (c) facilitate the issuance and renewal of residence permits for non-citizens, in particular migrants, asylum seekers and refugees.<sup>18</sup>

17. Measures adopted or envisaged to establish a national legal framework for the protection of stateless persons and to prevent and reduce cases of statelessness, in particular of children born in the State party who would otherwise be stateless.

#### **Access to justice (arts. 5 and 6)**

18. Information about complaints regarding acts of racial discrimination and related offences brought before the courts or other national institutions, in particular the National Human Rights Council and the Ombudsman, and about the results of the investigations conducted in those cases, the penalties imposed on the persons found responsible and the reparation granted to the victims. Information on measures taken to facilitate the lodging of complaints of racial discrimination, including reversal of the burden of proof in favour of victims.<sup>19</sup>

19. Additional information on concrete measures adopted to improve access to justice for Amazighs, Saharans, black Moroccan citizens, non-citizens, particularly migrants, asylum-seekers and refugees from sub-Saharan Africa, and other minorities, in particular measures aimed at eliminating obstacles in the judicial system that complicate victims' access to justice, including the complexity of procedures, the lack of specific measures to provide information on remedies and language barriers for non-Arabic speakers.<sup>20</sup>

20. Measures taken and envisaged, particularly at the legislative level, to prevent, combat and explicitly prohibit racial profiling by law enforcement officials. Specific disciplinary and correctional measures to investigate cases of racial profiling and to punish them in practice. Measures to prevent the excessive use of force by law enforcement officers, ill-treatment and abuse of authority against members of ethnic minorities, in particular Amazighs, Saharans and non-citizens, particularly migrants, asylum-seekers and refugees from sub-Saharan Africa. Measures aimed at ensuring that such cases are investigated promptly, effectively and impartially; and information on the investigations conducted, the prosecutions initiated, the penalties imposed and the reparations granted to victims and their families.

#### **Education to combat prejudice and intolerance (art. 7)**

21. Further detailed information on the measures taken to promote human rights education, specifically with regard to the Convention and combating racial discrimination, racism and xenophobia, in all school curricula and vocational training programmes, and information on the impact of these measures. Information on whether textbooks and curricula at all levels contain representations of Amazighs, Saharans, black Moroccan citizens, migrants and other minorities and include their contribution to the development and national history of the State party.<sup>21</sup>

22. Concrete measures taken to prevent and combat the dissemination of racial and xenophobic stereotypes and prejudices leading to racial discrimination against minorities, in particular Amazighs, Saharans, black Moroccan citizens, non-citizens, particularly migrants, asylum-seekers and refugees from sub-Saharan Africa, and other minorities, including in the media and on social networks, as well as in football and other sports. Measures taken to raise

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<sup>18</sup> [CERD/C/MAR/CO/17-18](#), para. 13; [CERD/C/MAR/CO/17-18/Add.1](#), paras. 8–15; Committee's follow-up letter to the State party dated 31 August 2012, p. 2; and [CERD/C/MAR/19-21](#), paras. 17, 78 and 79.

<sup>19</sup> [CERD/C/MAR/CO/17-18](#), para. 18; and [CERD/C/MAR/19-21](#), paras. 191 and 192.

<sup>20</sup> [CERD/C/MAR/CO/17-18](#), para. 19; and [CERD/C/MAR/19-21](#), paras. 193–198.

<sup>21</sup> [CERD/C/MAR/CO/17-18](#), para. 20; and [CERD/C/MAR/19-21](#), paras. 21, 176, 182, 199 and 200–217.

awareness among the public, civil servants and law enforcement officials of the importance of cultural diversity, tolerance and inter-ethnic understanding.<sup>22</sup>

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<sup>22</sup> [CERD/C/MAR/CO/17-18](#), para. 20; and [CERD/C/MAR/19-21](#), paras. 21, 89, 91–93, 182, 191, 199 and 201–218.