

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



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

Fourth periodic reports of States Parties due in 1978

Addendum

MOROCCO^{1/}

[7 October 1977]

This report, submitted by the Kingdom of Morocco 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 and 1976 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.

Moreover, the application of the Constitution of 10 March 1972, like the two earlier constitutions of 14 December 1962 and 31 July 1970, together with the laws and regulations which establish in detail the Moroccan legal framework, has been strengthened by the Kingdom of Morocco's accession to a number of international legal instruments which have been adopted, in particular by the United Nations and the specialized agencies, and have been incorporated into Moroccan domestic law. These instruments include, for instance, 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, 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.

What is more, the Constitution, in its preamble and article 31, directly or indirectly recognizes the primacy of international law over domestic law, thereby rendering it pointless to extend the effect of international conventions by specific domestic legislation:

^{1/} For the initial report submitted by Morocco, see document CERD/C/R.33/Add.1, and for its consideration by the Committee, see CERD/C/SR.111-112. For the second periodic report, see document CERD/C/R.65/Add.1, and for its consideration by the Committee, see CERD/C/SR.188. For the third periodic report, see document CERD/C/R.88/Add.6, and for its consideration by the Committee, see CERD/C/SR.327-328.

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 of the Constitution:

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

There is thus neither de facto nor de jure racial discrimination in Morocco, and, consequently, no law, regulation or administrative or other measure has so far been adopted to give effect to the provisions of the Convention in question, in accordance with the theory that these provisions have ipso facto legislative and statutory effect in both public and private law.

Nevertheless, although no case of the kind has ever been recorded in Moroccan judicial practice, it is clearly understood that any violation of these provisions would be punished by the judiciary in the same way as any other violation of the basic principles which form the basis for "public order" in the Kingdom, such as "crimes and offences which threaten the guaranteed freedoms and rights of citizens" (chapter II of the Penal Code) or "actions prejudicial to personal honour and reputation" (chapter VII, section V of the Penal Code, relating to "crimes and offences against the person").