

# MOROCCO 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Morocco is a constitutional monarchy with a parliamentary system under which ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers. The king shares executive authority with Head of Government Aziz Akhannouch. According to the constitution, the king appoints the head of government from the political party with the most seats in parliament and approves members of the government nominated by the head of government. Parliamentary elections were held September 8, and observers characterized them as well organized and conducted without significant problems or irregularities.

The security apparatus includes several police and paramilitary organizations with overlapping authority. The National Police Force manages internal law enforcement in cities and reports to the Ministry of Interior. The Auxiliary Forces also report to the Ministry of Interior and support gendarmes and police. The Royal Gendarmerie, which reports to the Administration of National Defense, is responsible for law enforcement in rural regions and on national highways. The judicial police (investigative) branches of both the Royal Gendarmerie and the National Police report to the royal prosecutor and have the power to arrest individuals. Civilian authorities maintained effective control over security forces. Members of the security forces committed some abuses.

Morocco claims the territory of Western Sahara and administers the territory that it controls. The Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (POLISARIO), an organization that seeks the territory's independence, disputes Morocco's claim to sovereignty over the territory. Moroccan and POLISARIO forces fought intermittently from 1975, when Spain relinquished colonial authority over the territory, until a 1991 cease-fire and the establishment of a UN peacekeeping mission. On October 6, the UN secretary-general appointed Staffan de Mistura as the new personal envoy for Western Sahara. The UN Mission for the Referendum in Western Sahara mandate was renewed on October 29. The POLISARIO withdrew from the cease-fire in November 2020, and since then there have been reports of intermittent indirect fire between Morocco's Royal Armed

Forces and POLISARIO fighters across the 1,700-mile separation barriers (the “berm”).

Significant human rights issues included credible reports of: torture or degrading treatment by some members of the security forces; allegations there were political prisoners; serious restrictions on free expression and media, including criminalization of libel and certain content that criticized Islam, the monarchy, and the government’s position regarding territorial integrity; substantial interference with the freedom of assembly and freedom of association, including surveillance and intimidation of political activists; serious government corruption; and criminalization of lesbian, gay, bisexual, transgender, queer, and intersex conduct.

The government took steps to investigate officials who allegedly committed human rights abuses and acts of corruption, but investigations into police, security force, and detention center abuses lacked transparency and frequently encountered long delays and procedural obstacles that contributed to impunity.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports that the government or its agents committed arbitrary or unlawful killings. On September 8, Youssef Bejjaj was reportedly chased by three police officers for not wearing a helmet on a moped. Bejjaj’s mother claimed he was then beaten to death by plainclothes police officers. On November 17, the National Brigade of the Judicial Police opened an investigation. The police investigation found that the cause of death was due to the collision of Bejjaj’s motorcycle with a police motorcycle. The report stated that the autopsy revealed injuries consistent with a collision and concluded there had been “no use of excessive force” against Bejjaj.

International and local media reported that on November 3, the Royal Armed Forces conducted an airstrike in POLISARIO-controlled territory of Western Sahara using an unmanned aerial vehicle, which killed three Algerian civilian drivers in Bir Lahlou.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities during the year.

According to the annual report from the UN Working Group on Enforced Disappearances, from May 2018 to May 2019, the country had 153 outstanding cases of forced disappearances between 1956 and 1992, seven fewer than at the beginning of the reporting period. The National Council on Human Rights (CNDH), a publicly funded national human rights institution, reported that as of July, six cases of forced disappearances between 1956 and 1992 remained unresolved. The CNDH continued to cooperate with the UN Office of the High Commissioner for Human Rights (OHCHR) on unresolved cases of disappearance. According to the government, the working group transmitted no new allegations of enforced disappearances. Also, according to the government, no prosecutions were recorded in the first half of the year regarding past enforced disappearances.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and the law prohibit such practices, and the government denied it authorizes the use of torture.

Although government institutions and nongovernmental organizations (NGOs) continued to receive reports about the mistreatment of individuals in official custody, reports of torture have declined over the last several years. According to the government, 385 accusations of mistreatment by police were recorded, of which 336 complaints were processed and 49 complaints were under investigation. According to the Ministry of Foreign Affairs, there were eight complaints of torture or degrading treatment filed with the Prosecutor General's Office during the year. An investigation into the case of Said Feryakh concluded that the detainee had not been subjected to any treatment outside the legal framework by personnel at Souk Larbaa prison during his incarceration. According to the General Delegation for Prison Administration and Reintegration (DGAPR) Feryakh was inciting inmates to revolt and undertake collective action that could jeopardize security and disrupt order in the institution.

As of year's end, there were continuing investigations by the National Brigade of the Judicial Police of six security officers for use of violence in the course of their duties. The CNDH reported it opened 20 investigations into complaints of torture or degrading treatment between January 1 and August 31.

In the event of an accusation of torture, the law requires judges to refer a detainee to a forensic medical expert when the detainee or lawyer requests it, or if judges notice suspicious physical marks on a detainee. In some cases judges refused to order a medical assessment when a detainee made an allegation of abuse. The UN Working Group on Arbitrary Detention, human rights NGOs, and media documented cases of authorities' failure to implement provisions of the antitorture law, including failure to conduct medical examinations when detainees alleged torture.

Reports of mistreatment occurred most frequently in pretrial detention. There were also accusations that security officials subjected Western Sahara proindependence protesters to degrading treatment during or following demonstrations or protests calling for the release of alleged political prisoners. OHCHR noted in March it had received reports of unnecessary and disproportionate use of force by security forces to disperse protests.

On March 17, a video posted on social media networks showed a member of the security services in civilian clothes assaulting teachers during a union demonstration organized in Rabat. The individual, identified as Sahn Bouhfid, was detained on March 18 for violence, assault and battery, misuse of office, and interference with duties of a public office. On April 5, Bouhfid was sentenced to one year in prison. On July 26, his sentence was reduced to eight months on appeal.

According to Amnesty International, on March 25 Moroccan police in Western Sahara detained and allegedly tortured 15-year-old Mustapha Razouk for peacefully protesting the detention of another activist. According to Razouk's testimony, authorities beat Razouk, poured boiling melted plastic on him, and suspended him from the ceiling. He alleged that he was not given access to a doctor during the first three days in custody and was forced to sign a police report without being allowed to read it. Razouk was sentenced to one month in prison for

participating in a protest and throwing stones at a police vehicle. He was released on April 26. There was no information on official investigation into Razouk's torture claims.

In April a female teacher accused law enforcement officials in Rabat of sexually assaulting her during a teachers' demonstration calling for maintaining retirement benefits. According to the government, the Prosecutor General's Office offered to provide medical exams to 21 other demonstrators who said they also had been sexually assaulted during the demonstration. The investigation was still pending as of year's end.

In January 2020 the spouse of Abdelqader Belliraj, who was serving a life sentence on terrorism-related charges, told Human Rights Watch (HRW) that Belliraj has been deprived of contact with other inmates since 2016 and was kept in confinement 23 hours a day. According to media reports, the DGAPR stated Belliraj received an hour break each day that allowed for interactions with other inmates and was allowed family visits and access to a telephone. Belliraj claimed he was convicted based on confessions obtained under police torture. Belliraj was transferred at his request to a prison in Marrakech in March.

In Western Sahara, human rights organizations continued to track alleged abusers from local security forces who remained in leadership positions or who had been transferred to other positions. International and local human rights organizations claimed that authorities dismissed many complaints of abuse and relied only on police statements. Government officials generally did not provide information on the outcome of complaints.

In March 2020, HRW published a report of police violence against two Western Sahara independence activists, Walid el-Batal and Yahdhih el-Ghazal, in Smara in June 2019. According to HRW's report, Moroccan security forces attempted to prohibit the men from attending an event for activist Salah Labsir who was serving a four-year prison sentence on charges of premeditated violence against police and destruction of public goods. OHCHR requested an investigation into el-Batal's case, raising concerns regarding human rights abuses. The National Police Force (DGSN) opened a judicial investigation into this incident. According to the DGAPR, six police officers were prosecuted following the dissemination on social

networks of a video illustrating the circumstances of arrest.

According to the *Conduct in UN Field Missions* online portal, there were two allegations submitted during the year of sexual exploitation and abuse by Moroccan peacekeepers deployed to UN peacekeeping missions. The first concerned transactional sex in late 2020 in the UN Organization Stabilization Mission in the Democratic Republic of Congo. The second concerned attempted rape of a child and soliciting transactional sex with an adult in the UN Multidimensional Integrated Stabilization Mission in the Central African Republic. Moroccan and UN Office of Internal Oversight Services investigations into both allegations remained pending.

### **Prison and Detention Center Conditions**

Prison conditions improved during the year but in some cases did not meet international standards.

**Physical Conditions:** The Moroccan Observatory of Prisons (OMP), an NGO focused on the rights of prisoners, continued to report that some prisons were overcrowded and failed to meet local and international standards. In newer prisons pretrial detainees and convicted prisoners were held separately, but in older prisons the two groups remained together.

According to government sources and NGOs, prison overcrowding was also due in large part to an underutilized system of bail or provisional release, a severe backlog in cases, and lack of judicial discretion to reduce the length of prison sentences for specific crimes. Government sources stated that administrative requirements also prevented prison authorities from transferring individuals in pretrial detention or the appeals phase to facilities outside the jurisdiction where their trials were to take place.

As of August 16, there were 37 registered hunger strike cases. On January 20, the families of detainees held for their role in 2016 demonstrations in the Riffian city of al- Hoceima conducted a 48-hour hunger strike to protest detention of their family members Nasser Zafzafi, Nabil Ahmjik, Mohamed Jalloul, Mohammed Hakki, Samir Ighid, Zakaria Adahchour, along with journalists Soulaiman Raissouni, Omar Radi and the academic Maati Monjib. NGOs frequently cited

cases where prisoners protested the conditions of their detention with hunger strikes. In February several NGOs reported mistreatment of Mohamed Lamine Hadi after he commenced a hunger strike in a detention center in the Rabat-Tiflet region on January 13 to protest his poor prison conditions, including continued isolation, medical negligence, and deprivation of basic rights. Reports also claimed his family was deprived of visitation rights. The DGAPR investigated the claims and issued a written response that stated the allegations were false.

King Mohammed VI pardoned 4,181 inmates during the calendar year. Of the inmates who received a royal pardon, 17 were Hirak (popular mass protest movement) detainees.

The law provides for the separation of minor prisoners from adult prisoners. In all prisons, officials classify youth offenders into two categories, both of which are separated from other prisoners: minors younger than 18 and offenders between 18 and 20 years old. According to authorities, minors were not held with prisoners older than age 20. The DGAPR had three dedicated juvenile “centers for reform and education” but maintained separate, dedicated youth detention areas for minors in all prisons. The government reported that, in cases where a juvenile court judge ruled detention was necessary, minors younger than 14 were detained separately from minors 15 to 18 years old. A judge must monitor cases monthly of detained minors.

The DGAPR reported there was no discrimination in access to health services or facilities based on gender for female prisoners, who make up just over 2 percent of the prison population. Some officials reported that female inmates often had a harder time accessing gender-specific health specialists such as OB/GYNs than a general physician. Local NGOs asserted that prison facilities did not provide adequate access to health care and did not accommodate the needs of prisoners with disabilities. The DGAPR reported a nurse and a psychologist examined each prisoner on arrival and that prisoners received care upon request. The DGAPR reported conducting extensive COVID-19 tests and medical consultations in prisons.

The DGAPR provided to inmates fresh food, certified by the Ministry of Health as meeting the nutritional needs of the average adult male. According to the DGAPR,

the penitentiary system accommodated the special dietary needs of prisoners suffering from illnesses and of prisoners with religious dietary restrictions.

Some human rights activists asserted that the prison administration reserved harsher treatment for Islamists who challenged the king's religious authority and for those accused of "questioning the territorial integrity of the country." The DGAPR denied that any prisoners received differential treatment and asserted that all prisoners received equal treatment in accordance with the law.

Families of detainees from Western Sahara alleged that they faced unusually harsh prison conditions. The DGAPR contested this claim and asserted that prisoners in Western Sahara and Sahrawi prisoners in the rest of the country received the same treatment as all other prisoners under its authority.

On September 26, authorities released journalist and Sahrawi activist Mohamed al-Bambara after six years in detention. According to the Robert F. Kennedy Human Rights Center, he had been detained with 45 other prisoners in a cell that was 25 feet by 18.5 feet.

**Administration:** While authorities generally permitted relatives and friends to visit prisoners, there were reports that authorities denied visiting privileges in some instances. The DGAPR assigned each prisoner to a risk classification level, which determined visiting privileges. According to its prisoner classification guide, the DGAPR placed restrictions on the level of visits, recreation, and types of educational programming for higher-risk prisoners. At all classifications, prisoners may receive visits, although the length, frequency, and number of visitors may vary. Most prisons assigned each prisoner a designated "visit day" to manage the number of visits to the prison. The DGAPR authorized religious observances and services provided by religious leaders for all prisoners, including religious minorities. To limit the spread of COVID-19 during the pandemic, DGAPR suspended family and lawyer visits but increased phone time privileges for inmates. The DGAPR put in place several measures such as cleaning and periodic disinfection while providing officials and inmates with means of prevention, including hydroalcohol gels and masks.

The CNDH and the DGAPR investigated allegations of inhuman conditions. The



CNDH and the DGAPR effectively served the function of an ombudsman, and a system of “letterboxes” operated in prisons to facilitate prisoners’ right to submit complaints regarding their imprisonment. Detainees could submit complaints without censorship to the DGAPR Delegate General’s Office for processing, as well as to the CNDH.

**Independent Monitoring:** The government permitted some NGOs with a human rights mandate to conduct unaccompanied monitoring visits. Government policy also permitted academics, as well as NGOs that provided social, educational, or religious services to prisoners, to enter prison facilities. According to prison officials, academics and various NGOs conducted 49 visits through June. The OMP conducted seven monitoring visits through June. The CNDH conducted 137 monitoring visits during the year.

Between January 1 and August 31, the CNDH’s three commissions in Western Sahara carried out nine visits to prisons, including two visits in Laayoune-Sakia and Smara to focus on the prevention of COVID-19 in prisons. The CNDH observed the DGAPR took steps to prevent the spread of COVID-19 in prisons, including the establishment of a digital platform to provide remote psychological support to prison staff and detainees, limiting the number of family visits and raising awareness through an information campaign among detainees. The Laayoune branch of the CNDH conducted monitoring visits and found the local prison in Dakhla remained overcrowded and insufficiently equipped to provide appropriate living conditions to the detainees. The CNDH stated the objectives of the visits were to prevent practices likely to lead directly or indirectly to any form of torture and mistreatment, to verify whether the preventive measures recommended by the public authorities against COVID-19 were in place in compliance with international standards, and to engage in a constructive dialogue with the authorities responsible.

**Improvements:** According to the DGAPR, construction for five new prisons began in the cities of Assilah, El Jadida, Dakhla, Laayoune and Tamesna. The Assilah prison opened in December. The DGAPR reported the penitentiaries of Outita and Elksar El Kebir, where detainees were obligated to work on farms, closed in January due to dilapidated and unhealthy conditions. The Mohamed VI Foundation offered integrated juvenile re-integration program in 60 penitentiaries.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge in court the lawfulness of his or her arrest or detention.

Observers indicated that police did not always respect these provisions or consistently observe due process, particularly during or in the wake of protests. According to local NGOs and associations, police sometimes arrested persons without warrants or while wearing civilian clothing.

No official from the DGSN has been investigated for arbitrary detention related to the application of measures pertaining to the state of health emergency.

Individuals have the right to challenge the legal basis or arbitrary nature of their detention and request compensation by submitting a complaint to the court.

#### **Arrest Procedures and Treatment of Detainees**

By law police may arrest an individual after a general prosecutor issues an oral or written warrant. The law permits authorities to deny defendants' access to counsel or family members during the initial 96 hours of detention under terrorism-related laws or during the initial 24 hours of detention for all other charges, with an optional extension of 12 hours with the approval of the Prosecutor's Office. Authorities did not consistently respect these limits. Reports of abuse most referred to these initial detention periods when police interrogated detainees. The government continued to require new police officers to receive security and human rights training facilitated by civil society.

In ordinary criminal cases, the law requires police to notify a detainee's next of kin of an arrest immediately after the above-mentioned period of incommunicado detention, unless arresting authorities applied for and received an extension from a magistrate. Police did not consistently respect this requirement. Authorities sometimes delayed notifying the family or did not inform lawyers promptly of the date of arrest, and the families and lawyers were not able to monitor compliance with detention limits and treatment of the detainee.

The law states, "in the case of a flagrant offense, the Judicial Police Officer has the right to keep the suspect in detention for 48 hours. If strong and corroborated

evidence is raised against this person, [the officer] can keep them in custody for a maximum of three days with the written authorization of the prosecutor.”

According to the Antiterrorism Act, a terrorism suspect can be detained for up to 12 days. The suspect has a right to a 30-minute visit by a lawyer, but this visit can be delayed until the end of the 12-day detention period. In non-terrorism-related cases the lawyer’s visit must occur no later than the midpoint of the detention period. NGO observers and human rights activists widely assessed that the law on counterterrorism is inconsistent with international standards.

At the conclusion of the initial detention period in police custody, a detainee must be presented to a prosecutor, who may issue provisional charges and order additional investigation by an investigating judge in preparation for trial. The investigating judge has four months, plus a possible one-month extension, to interview the individual and determine what charges, if any, to file for trial. An individual may be detained in investigatory detention or at liberty during this phase. At the end of five months (if an extension is granted), the investigative judge must either file charges, decline to file charges and drop the case, or release the individual pending an additional investigation and a determination of whether to file. Authorities generally followed these timelines.

NGO sources stated that some judges were reticent to use alternative sentences permitted under the law, such as provisional release. The law does not require written authorization for release from detention. In some instances judges released defendants on their own recognizance. A bail bond system exists; the bond may be in the form of property or of cash paid to the court. The amount of the bond is subject to the judge’s discretion, depending on the offense. Bail may be requested at any time before the verdict. According to the law, defendants have the right to attorneys; if a defendant cannot afford private counsel, authorities must provide a court-appointed attorney if the criminal penalty exceeds five years in prison. Authorities did not always provide effective and timely counsel.

**Arbitrary Arrest:** Security forces often detained groups of individuals, took them to a police station, questioned them for several hours, and released them without charge.

Under the penal code, any public official who orders an arbitrary detention may be

punished by demotion and, if it is done for private interest, by imprisonment for 10 years to life. An official who neglects to refer a claimed or observed arbitrary or illegal detention to his superiors may be punished by demotion. During the year no security officials were investigated for arbitrary arrest associated with enforcement of the shelter-in-place protocol due to COVID-19 restrictions. There was no information available as to whether these provisions were applied during the year.

On December 15, the Court of Cassation approved the extradition to the People's Republic of China (PRC) of Uyghur journalist Idriss Aishan, who was arrested on July 19 upon his arrival to Morocco based on a 2017 INTERPOL Red Notice issued at the request of the PRC. Reporters without Borders and other human rights NGOs reported that the notice was a politically motivated instance of transnational repression targeting a perceived dissident. Even after the warrant was withdrawn in August, Aishan remained in detention. Aishan was pursuing an appeal process in the Moroccan courts.

Following alleged mistreatment while in detention, prisoner Mohamed Lamine Hadi who was arrested for participating in the 2010 Gdeim Izik camp protest, reportedly began a hunger strike on January 13. OHCHR stated Haddi took this action to protest his detention and isolation as arbitrary. The government denied Haddi undertook a hunger strike. On January 25, Haddi told his family that he had received death threats from the prison director of the Tifelt 2 prison. He was then not heard from until March, when his mother reported Haddi had called her claiming he was in poor health and had been subject to forced feeding.

OHCHR noted in March it had received reports of arbitrary arrests and detention of Sahrawi activists.

**Pretrial Detention:** Although the government claimed authorities generally brought accused persons to trial within two months, prosecutors may request as many as five additional two-month extensions of pretrial detention. Government officials attributed delays to the large backlog of cases in the justice system caused by a lack of resources devoted to the justice system, both human and infrastructure; the lack of plea bargaining as an option for prosecutors, lengthening the amount of time to process cases on average; the rare use of mediation and other out-of-court settlement mechanisms allowed by law; and the absence of legal authority for

alternative sentencing, among other issues. The government reported that, as of November approximately 43 percent of detainees were in pretrial detention awaiting their first trial. In some cases defendants were held in pretrial detention for longer than their eventual sentence, particularly for misdemeanors.

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### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and, as in previous years, NGOs asserted that corruption and extrajudicial influence weakened judicial independence. The Supreme Judicial Council, mandated by the constitution, manages the courts and day-to-day judicial affairs in place of the Ministry of Justice. The king appoints the president of the Court of Cassation (the highest court of appeals), who chairs the 20-member council. Additional members include the president of the First Chamber of the Court of Cassation; the prosecutor general; the mediator (national ombudsman); the president of the CNDH; 10 members elected by the country's judges; and five members appointed by the king. While the government's stated aim in creating the council was to improve judicial independence, there was limited progress in that regard since its inception as an independent entity in 2017. Human rights activists alleged trials in cases involving Islam as it related to political life and national security, the legitimacy of the monarchy, and Western Sahara, sometimes appeared politicized.

### **Trial Procedures**

The law provides for the right to a fair and public trial with the right of appeal, but

this did not always occur. The law presumes that defendants are innocent. Defendants are informed promptly of potential charges after the initial arrest and investigation period. Defendants are then informed of final charges at the conclusion of the full investigatory period, which may last several months. Trials are conducted in Arabic, and foreigners have the right to request interpretation if they do not speak Arabic.

Defendants have the right to be present at their trial and to consult in a timely manner with an attorney. Defendants have the right to refuse to participate in their trial, and a judge may decide to continue the proceedings in the defendant's absence while providing a detailed summary to the defendant. Authorities at times denied lawyers timely access to their clients, and in some cases lawyers met their clients only at the first hearing before the judge. Authorities are required to provide attorneys in cases where the potential sentence is greater than five years if the defendant is unable to afford one. Publicly provided defense attorneys were often poorly paid and not properly trained in matters pertaining to juveniles. If an attorney has not yet been appointed when a trial begins, the judge may ask any attorney present to represent the defendant. This practice often resulted in inadequate representation. At times NGOs provided attorneys for vulnerable individuals (minors, refugees, victims of domestic violence), who frequently did not have the means to pay. Access to NGO resources was limited and specific to larger cities.

The law permits defense attorneys to question witnesses. Despite the provisions of the law, some judges reportedly denied defense requests to question witnesses or to present mitigating witnesses or evidence. Several NGOs noted arbitrary access to case files for the defense teams presented a significant challenge to representing their clients. NGOs also noted sometimes multiple hearings using the same defense team were scheduled at the same time, impeding the ability of defense teams to provide fair representation.

The law forbids judges from admitting confessions made under duress without additional corroborating evidence, government officials stated. NGOs reported that the judicial system often relied on confessions for the prosecution of criminal cases, and authorities pressured investigators to obtain a confession from suspects to expedite prosecution. HRW and local NGOs charged that judges, at their

discretion, sometimes decided cases based on forced confessions. According to the government, to move away from a confession-based judicial system, cases based solely on confessions and without any other substantiating evidence were no longer accepted by the courts.

According to the DGSN, during the year the forensics unit in partnership with international technical experts trained 85 judges and public prosecutors on forensics evidence for prosecutions. The National Police have evidence preservation centers throughout the country to secure evidence collected at crime scenes and to ensure compliance with chain of custody procedures. According to the Ministry of Justice, legal clerks manage the evidence preservation centers and coordinate access to evidence.

### **Political Prisoners and Detainees**

The law does not define or recognize the concept of a political prisoner. The government did not consider any of its prisoners to be political prisoners and stated it had charged or convicted all individuals in prison under criminal law. The criminal law penalizes certain nonviolent advocacy and dissent, such as insulting police in songs or “defaming Morocco’s sacred values” by denouncing the king and regime during a public demonstration. NGOs, including the Moroccan Association for Human Rights (AMDH), Amnesty International, and Sahrawi organizations, asserted the government imprisoned persons for political activities or beliefs under the cover of criminal charges.

In 2019 police in Rabat arrested Mohammed Boudouh, also known as Moul al-Hanout (grocery store owner), for “offending public officials” and “incitement to hatred.” Boudouh posted a live video on his Facebook page criticizing the king for allowing corruption. In January 2020 the court of first instance of Khemisset, sentenced Mohammed Boudouh to three years in prison for “insulting constitutional institutions and public officials.” As of year’s end, Mohammed Boudouh remained in Tiflet Prison. Amnesty International claimed the charges against Mohammed Boudouh were politically motivated.

Security forces arrested Soulaïmane Raïssouni, journalist and editor in chief of newspaper *Akhbar al-Yaoum*, in Casablanca in May 2020 after an individual

claimed on Facebook that Raissouni sexually assaulted him in 2018. Raissouni disputed the allegation, and civil society groups and activists asserted his arrest was politically motivated to silence independent journalists. An investigating judge charged him with “violent and indecent assault and forced detention” and ordered his detention in Oukacha Prison. Reporters Without Borders described his original trial as “tainted by irregularities,” as the defense lawyers were not able to consult the indictment issued by the investigating judge. On April 8, Raissouni launched a 118-day hunger strike. On April 22, following a request by his lawyers, Raissouni was allowed to consult his criminal file under the supervision of the prison administration. In early June his lawyer claimed Raissouni could barely sit, stand, or walk on his own. According to the CNDH, Raissouni was held in the prison’s health unit where he received daily medical visits. The DGAPR ordered Raissouni’s transfer to Ibn Roch Hospital for treatment but said Raissouni refused. After one year in pretrial detention, on July 10, a court convicted Raissouni and sentenced him to five years in prison. According to the government, the judge ordered Raissouni to appear at the trial to hear the verdict, but Raissouni refused due to his poor health. Raissouni ended his hunger strike in August. His appeal process was ongoing at year’s end.

Human rights and proindependence groups considered a number of imprisoned Sahrawis to be political prisoners. This number included the 19 Gdeim Izik prisoners who remained in prison, as well as members of Sahrawi rights or proindependence organizations. In 2020 the Court of Cassation upheld the appeals verdict against 23 Sahrawi individuals arrested during the 2010 dismantling of the Gdeim Izik Camp, in which 11 Moroccan security officials and more than 30 protesters were killed. The sentences ranged from time served to life imprisonment. The individuals had been previously convicted in a military trial in 2013. A 2015 revision of the Code on Military Justice eliminated military trials for civilians, and in 2016 the Court of Cassation ruled on appeal that the group should receive a new civilian trial. HRW noted concerns that the verdict was reached based on a confession obtained under torture.

Sahrawi political activists alleged security authorities unlawfully entered their homes to harass, intimidate, and confiscate personal belongings. Some activists alleged security authorities carried out these acts to signal that if their political



activities did not stop, harassment and intimidation would increase.

### **Civil Judicial Procedures and Remedies**

Although individuals have access to civil courts for lawsuits relating to human rights violations and have filed lawsuits, such lawsuits were frequently unsuccessful due to the courts' lack of judicial independence in politically sensitive cases or lack of impartiality stemming from extrajudicial influence and corruption. The Supreme Judicial Council is tasked with ensuring ethical behavior by judicial personnel (see section 4). There are administrative as well as judicial remedies for alleged wrongdoing. Authorities sometimes failed to respect court orders in a timely manner.

The Institution of the Mediator (akin to a national ombudsman) helped resolve civil matters that did not clear the threshold to merit involvement of the judiciary, including cases involving civil society registration issues. Although this office faced backlogs, it gradually expanded the scope of its activities and subjected complaints to in-depth investigation. The mediator retransmitted to the CNDH for resolution cases specifically related to allegations of human rights abuses by authorities. The CNDH continued to be a conduit through which citizens expressed complaints regarding human rights abuses.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

While the constitution states an individual's home is inviolable and that a search may take place only with a search warrant, authorities at times entered homes without judicial authorization, employed informers, and monitored, without legal process, personal movement, and private communications – including email, text messaging, or other digital communications intended to remain private.

Amnesty International and OHCHR reported in July that Sahrawi rights activist Sultana Khaya had been under de facto house arrest since November 2020. Although the government denied Khaya was under house arrest, security forces stationed at her house monitored her movements and interactions. Khaya stated that police have raided her house several times. During one of these raids in May,

Khaya alleged that police officials physically assaulted her sister and mother. Amnesty International reported that Khaya and her sister said police raped them during the raid, a charge that authorities denied. Additionally, activist Babuizid Muhammed Saaed Labhi and two student activists who were staying in Khaya's house were reportedly detained. The Regional Council on Human Rights (CRDH) in Laayoune attempted to meet with Khaya at her home on February 13 to discuss her allegations and facilitate access to medical care. Khaya declined CRDH's assistance, citing her distrust of the authorities' willingness to conduct an impartial investigation. According to the government, in May the Laayoune Court of Appeal opened an investigation into Khaya's allegations of police brutality and sexual assault. There was no official investigation into these claims, which Khaya attributed to her distrust of the authorities' willingness to conduct an impartial investigation and the government stated was a result of her unwillingness to cooperate.

In June 2020 Amnesty International published a report claiming authorities used spyware made by Israel-based company NSO Group to target journalist Omar Radi's phone from January 2019 to January 2020. In July 2020 police arrested Radi on charges of "indecent assault with violence; rape; the receipt of foreign funds for the purpose of undermining state's domestic security; and initiation of contacts with agents of foreign countries to harm the diplomatic situation of the country." According to HRW, the rape and indecent assault charges against Radi were based on a complaint filed in July 2020 by one of Radi's colleagues. After Radi refused in March to have his trial held in a virtual format during the COVID-19 pandemic, his trial was postponed to May 18. In April 2021 Radi carried out a 22-day hunger strike to protest his lengthy pretrial detention. He ended the strike on May 1. On May 5, a judge denied Radi's request for provisional release. Radi's trial was later postponed until June 1 by the criminal chamber of the Casablanca Court of Appeal due to his poor health. Media outlets reported Radi was weakened to the point of not being able to answer the questions. The trial was postponed three times in June due to an accusation by his attorneys of procedural irregularities and further delayed due to Radi's poor health. On July 19, Radi was found guilty on charges of espionage and sexual assault and sentenced to six years in prison.

According to Amnesty International, academic Maati Monjib was additionally subjected to government surveillance through the NSO Group spyware technology.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law generally provide for freedom of expression, including for the press, although criticism of Islam, the institution of the monarchy, or the government's positions regarding territorial integrity and Western Sahara is criminalized. Such criticism can result in prosecution under the penal code, with punishments ranging from fines to prison time. The press code, which provides for freedom of expression, applies only to journalists accredited by the department of communication, under the Ministry of Culture, Youth, and Sports, and only for speech or publications in the line of work; private speech by accredited journalists remains punishable under the penal code.

According to the Freedom House 2021 Freedom in the World report, the press enjoyed a significant degree of freedom when reporting on economic and social policies, but authorities used an array of financial and legal mechanisms to punish critical journalists. NGOs reported that despite press codes intended to prevent the unlawful imprisonment of individuals exercising their freedom of expression, authorities utilized penal codes to punish commentators, activists, and journalists criticizing the government.

**Freedom of Expression:** The law criminalizes criticism of Islam, of the legitimacy of the monarchy, of state institutions, of officials such as those in the military, and of the government's positions regarding territorial integrity and Western Sahara. The government sometimes prosecuted persons who expressed criticism on these topics. Amnesty International and HRW highlighted dozens of cases in which freedom of expression was restricted. During the year there were instances where individuals publicly critical of the monarch, local authorities, and Islam were harassed by government authorities. According to the government, 359 individuals were specifically charged for criminal speech, including defamation, slander, and insult (see Libel/Slander Laws and National Security).

In response to the COVID pandemic, parliament passed a law in 2020 declaring a health emergency and setting a penalty of a three-month prison sentence for anyone disobeying “orders and decisions taken by public authorities” and for anyone “obstructing” through “writings, publications or photos” those decisions.

In December 2020 national security institutions in charge of internal security such as external security (DGED) and the DGSN filed an official complaint with the Prosecutor General of the Rabat Court of First Instance against six Moroccans residing abroad for “insults and defamation of public officials and security bodies and denunciation of fictional crimes, ultimately undermining national security.”

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Independent media, as well as partisan media, were active and expressed a variety of views within the restrictions of the law. The press code limits punishments for accredited journalists to fines.

According to an October 1 report submitted by UN secretary-general pursuant to the UN Mission for the Referendum in Western Sahara (MINURSO) mandate, OHCHR remained concerned by reports of undue restrictions imposed by the government on the rights to freedom of expression and excessive surveillance of human rights defenders and journalists in Western Sahara. The report added that OHCHR continued to receive reports of harassment and arbitrary arrests of journalists, bloggers, and human rights defenders covering human rights violations.

On April 8, prosecutors in Mohammedia arrested and charged two editors of online outlet Mohammedia Press for publishing “false information” in relation to a video the editors posted that the government claimed contributed to the spread of anti-COVID-19 vaccine information. Five other persons were arrested for sharing the same information via their Facebook accounts. A court later acquitted the editors and ordered their release.

On July 8, YouTube commentator Mustapha Semlali, was sentenced to two years in prison for “undermining the monarchy” after he allegedly defamed Prince Moulay Rachid, the king’s brother.

Journalists continued to denounce the cumbersome administrative procedures and the long wait times to receive accreditation under the press code. Some members

of the press claimed that journalists from outlets close to the government and palace received their credentials sooner than journalists from independent outlets. They claimed journalists waiting for their credentials had to operate without a press card in an ambiguous legal status, as the protections of the press code are only available to accredited journalists.

The government also enforced strict procedures governing journalists' meetings with NGO representatives and political activists. Foreign journalists needed, but did not always receive, approval from the Ministry of Culture, Youth, and Sports before meeting with political activists.

The trial for seven members of the Moroccan Association for Investigative Journalism, including Hicham Mansouri, Maati Monjib, and Hisham Almiraat, was repeatedly postponed through the year since 2015. According to the Ministry of Justice, Mansouri, Monjib, and Almiraat were suspected of accepting foreign funds intended for acts threatening the internal security and territorial integrity of the country. The seven individuals were charged with posing a threat to the internal security of the country, fraud, managing an association exercising unauthorized acts, and accepting unauthorized foreign funds. On January 27, a court sentenced Monjib to one year in prison and a fine for charges of fraud and endangering national security in a separate case dating back to 2015 after authorities arrested him in December 2020. On March 23, authorities released Monjib after he carried out a hunger strike. He has an appeal hearing date on February 24. On October 13, Monjib attempted to leave the country for medical treatment but was denied boarding. The prosecutor of the Rabat Court of First Instance stated that the terms of Monjib's provisional release do not allow him to leave the country.

**Violence and Harassment:** Authorities subjected some journalists to harassment and intimidation, including attempts to discredit them through harmful rumors about their personal lives. Journalists reported that selective prosecutions served as a mechanism for intimidation.

According to media reports, authorities rejected one international journalist's accreditation request during the year because he lacked a valid permit for journalism.

**Censorship or Content Restrictions:** Self-censorship and government restrictions on sensitive topics remained serious hurdles to the development of a free, independent, and investigative press. Publications and broadcast media require government accreditation, and the government may deny and revoke accreditation as well as suspend or confiscate publications that breach public order or criticize Islam, the institution of the monarchy, or the government's positions on territorial integrity. While the government rarely censored the domestic press, it exerted pressure through written and verbal warnings and by pursuing legal cases that resulted in heavy fines and suspended publication. Such cases encouraged editors and journalists to self-censor and host opposition news sites on servers outside the country to avoid being shut down by the authorities. According to Freedom House, personal attacks and derogatory comments received by activists and opinion makers online, often in response to their criticism of government policies, also contributed to self-censorship.

**Libel/Slander Laws:** The press code includes provisions that permit the government to impose financial penalties on accredited journalists and publishers who violate restrictions related to defamation, libel, and insults. A court may impose a prison sentence if an accredited journalist is unable or unwilling to pay the fine.

Individuals not registered as journalists may be charged with defamation, libel, and slander under the criminal code, as may accredited journalists for their private actions.

After reports from several NGOs in July accusing the government of using Pegasus spyware developed by the Israeli company NSO Group to monitor dissidents, human rights activists, and other high-profile individuals, the government reportedly sued several NGOs and media outlets for “defamation” and “spreading false information.” The government filed lawsuits against Amnesty International and the French media organization Forbidden Stories for defamation, and decision was pending at year's end.

**National Security:** The antiterrorism law provides for the arrest of individuals, including journalists, and filtering websites deemed to “disrupt public order by intimidation, terror, or violence.” The law assigns legal liability to the author and

anyone who in any way helps the author to disseminate information deemed as a justification for acts of terrorism, which would include site owners and internet service providers. While the law was designed to combat terrorism, authorities retain the discretion to define terms such as “national security” and “public order,” under the penal code for which the government can seek fines of up to 200,000 Moroccan dirhams (\$21,000) for publishing content online seen as disruptive to public order, with the maximum fine of 500,000 Moroccan dirhams (\$52,000) if the content offends the military. Online speech offenses related to the monarchy, Islam, and Western Sahara, as well as threats to national security can carry prison sentences of two to six years.

### **Internet Freedom**

The government did not disrupt access to the internet, but it did apply laws governing and restricting public speech and the press on the internet. The press code stipulates that online journalism is equivalent to print journalism. Laws on combatting terrorism permit the government to filter websites. The government repeatedly reminded online journalists to obey the law. The government also prosecuted individuals for expressing certain ideological views online, particularly related to protests in the northern Rif region.

According to Freedom House, numerous accounts were created on Twitter and Facebook with the apparent purpose of harassing, intimidating, and threatening activists who criticize authorities. Activists believed these progovernment commentators were also equipped with direct or indirect access to surveillance tools, since they often obtained private information about other users. According to various NGOs, the government frequently hacked Sahrawi citizen journalists’ and bloggers’ social media accounts.

Many contributors working for online news outlets and many online news outlets themselves were unaccredited and therefore not covered under the press code for their publications. They remained subject to provisions of the antiterrorism law and the penal code that permit the government to jail and impose financial penalties on anyone who violates restrictions related to defamation, libel, and insults.

## **Academic Freedom and Cultural Events**

The law permits the government to criminalize presentations or debate questioning the legitimacy of Islam, the legitimacy of the monarchy, state institutions, and the status of Western Sahara. The law restricts cultural events and academic activities, although the government generally provided more latitude to political and religious activism confined to university campuses. The Ministry of Interior approves appointments of university rectors.

### **b. Freedoms of Peaceful Assembly and Association**

The government limited freedoms of peaceful assembly and association.

#### **Freedom of Peaceful Assembly**

The law provides for the right of peaceful assembly. The government generally allowed authorized and unauthorized peaceful demonstrations to occur. Under the law groups of more than three persons require authorization from the Ministry of Interior to protest publicly. Several NGOs complained that the government used administrative delays and other methods to suppress or discourage unwanted peaceful assembly. Security forces intervened on occasion to disband both authorized and unauthorized protests when officials deemed the demonstration a threat to public security. Amnesty International and Transparency International reported continued arbitrary restrictions on the rights to freedom of peaceful assembly and association, particularly of individuals supporting independence for Western Sahara.

Several proindependence organizations and some human rights NGOs in Western Sahara stated that in recent years the submission of applications for permits to hold demonstrations declined because police rarely granted them. In most cases the organizers proceeded with planned demonstrations in the absence of authorization, and there was no discernible difference in security forces' reaction to authorized or unauthorized protests. NGOs in Western Sahara were unwilling to gather in public spaces in areas of Laayoune. Violent confrontations between security forces and protesters were less common than in previous years, according to several local NGOs, although violent dispersals occurred on occasion. Security force practices were similar to those in internationally recognized Morocco; however, in Western



Sahara there was often a higher ratio of members of security forces to protesters.

In March 2020 the government implemented a royal decree concerning the state of health emergency, making a violation of public authority confinement measures punishable with one to three months' imprisonment, a small fine, or both; the decree also makes the use of social media or broadcast networks to spread misinformation regarding COVID-19 or incite criminal activity punishable with up to one year in prison. The UN high commissioner for human rights noted that security forces "used excessive force to make people abide by lockdowns and curfews." Deputy Interior Minister Nouredine Boutayeb reported that between July 2020 and April 22, 1.5 million individuals were fined or arrested for being in violation of COVID-19 restrictions.

Some NGOs complained that authorities did not apply the approval process for holding a demonstration consistently and used administrative delays and other methods to suppress or discourage unwanted peaceful assembly. HRW's *World Report 2021* highlighted interference with associations that expressed views critical of the monarch and events organized by the AMDH. Police allowed many protests demanding political reform and protesting government actions, but often forcibly dispersed peaceful protests, arrested protesters and protest leaders, or prevented demonstrations from occurring. According to the government, approximately 7,747 protests took place from January to July. While most protests proceeded peacefully, on several occasions violence erupted between protesters and police.

Security forces were generally present both in and out of uniform at protests, particularly if the protest was expected to address a sensitive issue. In general, officers were under orders to observe and not intervene, unless the demonstration became unruly, threatening to bystanders, or overflowed into public highways. In those cases, under standard operating procedures, officers were required to give the crowd three warnings that force would be used if they did not disperse. Security forces would then attempt to force protesters to leave the area, using riot shields to push standing protesters into a designated area or carrying seated protesters to the designated area.

Security force tactics did not differ significantly whether the protest was authorized

or unauthorized, although the decision on whether to intervene sometimes depended on whether the protest was authorized. According to the government, if officers intervened in a protest, a police judiciary officer not involved in the intervention and under the supervision of the attorney general must produce a statement documenting the circumstances of the case, the number of victims, and the material damage due to the operation. The police judiciary officer must address the statement to the Attorney General's Office with a copy to the governor of the territorial jurisdiction where the incident transpired. The government organized training on human rights-based methods to manage crowds throughout the year.

In February the CNDH released a report regarding security force actions to disperse the 2017 Hirak protests and largely upheld police action on the basis that the protests had gradually escalated towards violence. NGOs and the CNDH continued to monitor the Rif Hirak prisoners sentenced by the Casablanca Court of Appeal in 2019.

The Laayoune Commission monitored 21 demonstrations that were held despite restrictions on public gatherings implemented in response to the COVID-19 pandemic. The commission also investigated and monitored 10 cases of alleged human rights violations reported on social media. Security forces dispersed several demonstrations by force, with clashes resulting in injuries on both sides.

### **Freedom of Association**

The constitution and the law provide for freedom of association, although the government sometimes restricted this freedom. The government prohibited or failed to recognize some political opposition groups by deeming them unqualified for NGO status. While the government does not restrict the source of funding for NGOs operating in the country, NGOs that receive funding from foreign sources are required to report the amount and its origins to the government within 30 days from the date of receipt. The government denied official recognition to NGOs it considered to be advocating against Islam as the state religion or questioning the legitimacy of the monarchy or the country's territorial integrity. Authorities obstructed the registration of a number of associations perceived to be critical of the authorities by refusing to accept their registration applications or to deliver

receipts confirming the filing of applications (see section 5).

Amnesty International stated Sahrawi human rights activists remained subject to intimidation, questioning, arrest, and intense surveillance that occasionally amounted to harassment. Authorities routinely rejected the registration applications of Sahrawi human rights groups. NGOs in Western Sahara complained of surveillance, harassment, and intimidation from security forces.

The Ministry of Interior required NGOs to register before being recognized as legal entities, but there was no comprehensive national registry publicly available. A prospective organization must submit its objectives, bylaws, address, and photocopies of members' identification cards to local officials of the ministry. The local officials of the ministry issue a receipt to the organization that signifies formal approval. Organizations without receipts are not formally registered. According to the law, however, any association not denied registration and which did not receive a receipt within 60 days of submitting the required documentation has the right to engage in activities. These same organizations reported extended delays in receiving correspondence from the ministry on the receipt issue.

Unregistered organizations could not access government funds or legally accept contributions. The organizations stated local officials' refusal to issue receipts was a violation of article five of Law 75, which governs the right of association. One of the organizations, the Moroccan Association of Human Rights, reported the ministry has refused to issue it a registration receipt for the last six years.

The National Federation of Amazigh Associations, an organization supporting the inclusion of the Amazigh (Berber) population in public life, reported that, as of October, nine Amazigh organizations denied registration in 2017 continued to be denied registration during the year, including the federation itself (see section 6, Systemic Racial or Ethnic Violence and Discrimination).

The Justice and Charity Organization, a Sunni Islamist movement that rejects the king's spiritual authority, remained banned but largely tolerated, although authorities continued to monitor its activities.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, although it limited movement to areas experiencing widespread unrest. The government denied entry to individuals it believed threatened the stability of the country. The government continued to make travel documents available to Sahrawis to travel and encouraged the return of Sahrawi refugees from Algeria and elsewhere if they acknowledged the government's sovereignty over Western Sahara. Refugees wishing to return are required to obtain the appropriate travel or identity documents at a Moroccan consulate abroad, often in Mauritania. There were a few reported cases, however, of authorities preventing Sahrawis from traveling.

**In-country Movement:** There were several reports of government authorities denying local and international organizations and press access to the Rif and Eastern regions. The government, however, maintained that no international organizations or press were denied access to the Rif region.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern. The government also provided funding to humanitarian organizations to provide social services to migrants, including refugees.

The government has historically deferred to UNHCR as the sole agency in the country entitled to perform refugee status determinations and verify asylum cases.

UNHCR referred cases that meet the criteria for refugee recognition to the government's interministerial Commission in Charge of Hearings for Asylum Seekers within the Bureau of Refugees and Stateless Persons.

**Access to Asylum:** The law provides for the granting of refugee status. The government recognizes asylum status for refugees designated according to the UNHCR statute. The government continued to grant status to UNHCR-recognized refugees and temporary status to registered Syrians. During the year UNHCR reported it registered 5,560 new asylum applications.

**Abuse of Migrants and Refugees:** Refugees, asylum seekers, and migrants were particularly vulnerable to abuse. Authorities continued cooperation with Spanish and EU authorities to thwart trafficking networks and arrest smugglers.

Local and international organizations reported receiving several complaints regarding the rights of migrants. There were reports of government authorities arresting or detaining migrants, particularly around the Spanish enclave cities of Melilla and Ceuta, and relocating them to other parts of the country to deter attempts to cross illegally into Spanish territory. NGOs reported that authorities relocated some migrants from Tangier to cities further south. NGOs alleged that irregular migrants caught begging in Rabat were sent to other cities to keep the capital pristine; however, government authorities denied this allegation. Farther south, several NGOs reported that on May 7, authorities detained dozens of migrants, including pregnant women and children, arriving from sub-Saharan Africa to Laayoune and transferred them to the city of Tan-Tan.

On May 17, an estimated 8,000 individuals – the vast majority of whom were Moroccan – attempted to cross into the Spanish enclave of Ceuta, located at the country's northern tip. NGOs and media speculated the government encouraged the influx of migrants to Ceuta. Approximately 6,000 migrants were returned to Morocco.

The government maintained the return of third-country nationals to their country of origin was coordinated with diplomatic legations who endorsed these departures and issued the appropriate papers (see section 2.f., Durable Solutions).

**Access to Basic Services:** Migrants, asylum seekers, and refugees have equal

access to justice and public services, including health and education. Nonetheless, sometimes they were unable to access the national health care system and continued to have little access to the judicial system until recognized as refugees. Additionally, migrants who do not have a residency permit had difficulty receiving vaccinations because they were required to provide proof of residency and a valid form of identification. Many irregular migrants find it difficult or costly to obtain a valid form of identification and documents showing where they reside in the country.

**Durable Solutions:** The government facilitated voluntary migrant returns with the support of the International Organization for Migration (IOM). In 2020 the IOM facilitated 796 voluntary returns to countries of origin, a reduction from 1,370 in 2019, due to COVID-related challenges. As of March the IOM facilitated 625 voluntary returns. UNHCR resettled a total of 21 refugees during the year, the low number due to COVID.

**Temporary Protection:** The government also provided temporary protection to individuals who may not qualify as refugees. Syrians and Yemenis benefited from “exceptional regularization” outside the usual migrant regularization program.

### **Section 3. Freedom to Participate in the Political Process**

The country is a constitutional monarchy under which ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers. The king shares executive authority with a prime minister who is the head of government. According to the constitution, the king appoints the head of government from the political party with the most seats in parliament and approves members of the government nominated by the head of government.

The law provides for, and citizens participated in, free and fair periodic elections held by secret ballot and based on universal and equal suffrage for parliament’s Chamber of Representatives and municipal and regional councils. Regional and professional bodies indirectly elected members of parliament’s less powerful Chamber of Counselors.

## **Elections and Political Participation**

**Recent Elections:** On September 8, the country held local, regional, and parliamentary elections for the Chamber of Representatives (the lower house of parliament). Although there were allegations of vote buying and candidate intimidation, domestic and international observers considered the elections generally free, fair, and transparent. As stipulated by the constitution, the king tasked the National Rally of Independents, which won the most seats in the newly elected chamber, to form a governing coalition and nominate new ministers.

**Political Parties and Political Participation:** A political party may not legally challenge Islam as the state religion, the institution of the monarchy, or the country's territorial integrity. The law prohibits basing a party on a religious, ethnic, or regional identity. The Ministerial Council, held on February 11, approved legislation that included a number of requirements to increase women's political representation at national and local levels.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate. Voters elected a record number of women in this year's elections. In the new government, led by Head of Government Aziz Akhannouch, seven women were appointed ministers, the highest number to date. One female minister – who was simultaneously elected as mayor of Casablanca – resigned from her ministerial position one week after her appointment to focus on her mayoralty position.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively. Officials sometimes engaged in corrupt practices with impunity. There were reports of government corruption in the executive, judicial, and legislative branches during the year.

**Corruption:** Observers generally considered corruption a persistent problem, with insufficient governmental checks and balances to reduce its occurrence. There

were reports of petty government corruption.

The National Authority for Probity, Prevention, and Fighting Corruption (INPPLC) is responsible for combating corruption. In addition to the INPPLC, the Ministry of Justice and the High Audit Institution (government accountability court) had jurisdiction over corruption issues, and the latter has authority to conduct investigations.

The Ministry of Justice ran a hotline for the public to report instances of corruption. As of August the government reported there were 9,550 calls to the hotline alleging corruption that resulted in 39 cases in court during the year. The government also reported 90 percent of the calls were inquiries regarding corruption cases in trial, rather than new reports of alleged corruption. The Prosecutor General's Office in the Ministry of Justice reported it registered 950 calls to its anticorruption hotline from private citizens during the year; the office stated there were convictions against the officials involved in 16 cases.

In February 2020 a court in Marrakesh sentenced Khalid Ouaya, the former Urban Agency director in Marrakech, to 10 years in prison and one million Moroccan dirhams (\$104,000) for receiving kickbacks from land deals. On June 24, he was sentenced to 10 years' imprisonment and fined 360,000 Moroccan dirhams (\$38,000). On August 2, Ouaya appealed the verdict; the appeal was pending at year's end.

On March 5, media reported a collusion scheme among judges, prosecutors, clerks, and bailiffs of the Casablanca Court of First Instance, legal representatives of public and private creditors, and service providers that involved thousands of suits being filed against citizens without their knowledge. The Prosecutor General's Office reportedly opened an investigation into the case.

The government claimed to investigate corruption and other instances of police malfeasance through an internal mechanism. Nevertheless, international and domestic human rights organizations claimed that authorities dismissed many complaints of abuse and relied only on police statements.

The judicial police investigated allegations, including those against security forces, and advised the court of their findings. Cases at times languished in the



investigatory or trial phases.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups investigated and published findings on human rights cases; however, the government's responsiveness to, cooperation with, and restrictions on domestic and international human rights organizations varied, depending on its evaluation of the political orientation of the organization and the sensitivity of the issues.

The government did not approve the AMDH appeals during the year to register multiple regional branches. The organization regularly faced difficulties renewing the registration of its offices.

During the year activists and NGOs reported continuing restrictions on their activities in the country (see section 2.b, Freedom of Association). According to the government, registered organizations were authorized to meet within their established headquarters, but any meetings outside that space, including privately owned establishments and homes, were in public spaces and require authorization from the Ministry of Interior. Organizations stated that government officials told them their events were canceled for failing to follow required procedures for public meetings, although the organizations claimed to have submitted the necessary paperwork or believed the law did not require it.

Some unrecognized NGOs that did not cooperate officially with the government still shared information informally with both the government and government-affiliated organizations.

**The United Nations or Other International Bodies:** The government cooperated with the United Nations and permitted requested visits.

Nonetheless, an October 1 report regarding the situation in Western Sahara, submitted by the UN secretary-general pursuant to the MINURSO mandate, noted that OHCHR was unable to conduct any visits to the region for the sixth

consecutive year and urged the state and other parties to address outstanding human rights problems and enhance cooperation with OHCHR. The report noted that the human rights situation in Western Sahara has been adversely affected by COVID-19, especially about economic and social rights.

**Government Human Rights Bodies:** The CNDH is a national human rights institution established by the constitution that operates independently from the elected government. It is publicly funded and operates in conformity with the Principles of Paris, according to the Global Alliance of National Human Rights Institutions. The council filled the role of a national human rights monitoring mechanism for preventing torture. The CNDH oversees the National Human Rights Training Institute, which collaborated with international organizations to provide training to civil society, media, law enforcement, medical personnel, educators, and legal practitioners.

Via its regional offices in Dakhla and Laayoune, the CNDH continued a range of activities, including monitoring demonstrations, visiting prisons and medical centers, and organizing capacity-building activities for various stakeholders. It also maintained contact with unregistered NGOs. The CNDH also occasionally investigated cases raised by unregistered NGOs, especially those that drew internet or international media attention.

The Institution of the Mediator acted as a general ombudsman. It considered allegations of governmental injustices and has the power to carry out inquiries and investigations, propose disciplinary action, and refer cases to the public prosecutor.

The mission of the Interministerial Delegation for Human Rights (DIDH), which reports to the minister of state in charge of human rights, is to promote the protection of human rights across all ministries, serve as a government interlocutor with domestic and international NGOs, and interact with relevant UN bodies regarding international human rights obligations. The DIDH coordinated government responses to UN bodies on adherence to treaty obligations and served as the principal advisory body to the king and government on human rights.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** The law punishes individuals convicted of rape with prison terms of five to 10 years; when the conviction involves a minor, the prison sentence ranges from 10 to 20 years. Spousal rape is not a crime. A 2018 law provides a stronger legal framework to protect women from violence, sexual harassment, and abuse. Under the law a sexual assault conviction may result in a prison sentence of six months to five years and a fine. For insults and defamation based on gender, an individual may be fined up to 60,000 Moroccan dirhams for insults and up to 120,000 Moroccan dirhams for defamation (\$6,300 to \$12,600). General insult and defamation charges remain in the penal code. The law requires the DGSN, Prosecutor General's Office, Supreme Judicial Court, and Ministries of Health, Youth, and Women to have specialized units that coordinate with one another on cases involving violence against women. These specialized units receive and process cases of gender-based violence and provide psychological support and other services to victims. In 440 precincts where gender-based violence response units have not been established, a regular police officer was designated to process the cases.

The COVID-19 pandemic saw a spike in domestic abuse because of isolation measures. The government and NGOs expanded programming and outreach that provided shelter, assistance, and guidance for survivors of domestic abuse. According to the Public Prosecutor's Office, the government adopted protective measures, such as shelters, for survivors of domestic violence in the first half of the year. On May 28, the government adopted a bill to create a national registry for social support programs for women and children. Several NGOs adapted services provided to survivors of domestic violence, providing hotlines, shelter, resources, guidance, and legal support.

There were reports, however, that these shelters were not accessible to persons with disabilities. Courts maintained "victims of abuse cells" that brought together prosecutors, lawyers, judges, women's NGO representatives, and hospital personnel to review domestic and child abuse cases to provide for the best interests of women or children.

According to local NGOs, survivors did not report the vast majority of sexual assaults to police due to social pressure and the concern that society would most likely hold the survivors responsible. Some sexual assault survivors also reported police officers at times turned them away from filing a police report or coerced them to pay a bribe to file the report by threatening to charge them with consensual sex outside of marriage, a crime punishable with up to one year in prison. Police selectively investigated cases; among the minority brought to trial, successful prosecutions remained rare.

The law does not specifically define domestic violence against women and minors, but the general prohibitions of the criminal code address such violence. Legally, high-level misdemeanors occur when a survivor's injuries result in 20 days of disability leave from work. Low-level misdemeanors occur when a survivor's disability lasts for less than 20 days. According to NGOs, the courts rarely prosecuted perpetrators of low-level misdemeanors. Police were slow to act in domestic violence cases, and the government generally did not enforce the law and sometimes returned women against their will to abusive homes. Police generally treated domestic violence as a social rather than a criminal matter. Physical abuse was legal grounds for divorce, although few women reported such abuse to authorities.

In January 2020 media reported that 20 suspects kidnapped "Oumaima," a 17-year-old girl, in the Moulay Rachid district (in Casablanca) and then gang raped and abused her for 25 days before she convinced a friend of the perpetrators to assist in her escape. According to the victim's mother, during confinement, the perpetrators forced the girl to ingest toxic substances to try to kill her. The girl was hospitalized after her escape. The investigation continued.

**Sexual Harassment:** Sexual harassment is a crime punishable by up to six months in prison and a fine up to 10,000 Moroccan dirhams (\$1,000) if the offense takes place in a public space or by insinuations through texts, audio recording, or pictures. In cases where the harasser is a coworker, supervisor, or security official, the sentence is doubled. Prison sentences and fines are also doubled in cases where a spouse, former spouse, fiancé, or a family member commits harassment, physical violence, abuse, or mistreatment, or breaks a restraining order, or if the victim is a minor. Civil society leaders stated they did not observe efforts by the

government to enforce the law or provide training on the new law for judicial or law enforcement officials.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Individuals and couples have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. Authorities generally did not discriminate against women in accessing sexual and reproductive health care, including for sexually transmitted infections. Contraception is legal, and most forms were widely available. According to the Population Reference Bureau, the country has invested in increasing the availability of voluntary family planning services, expanding and improving maternal health care, and providing for access to obstetric care by eliminating fees.

The contraceptive pill was available over the counter, without a prescription. Skilled health attendance at delivery and postpartum care were available for women who could afford it, with approximately 75 percent of overall births attended by skilled health personnel.

The country's maternal mortality rate between 1997 and 2018 declined by 68 percent according to the UN Population Fund. The most recent World Health Organization statistics showed there were approximately 70 maternal deaths per 100,000 live births in the country in 2017 and that 37 percent of women between the ages of 15 and 49 used a modern method of contraception in 2019. The major factors influencing maternal mortality and contraceptive prevalence rates were female illiteracy, lack of knowledge about availability of services, cost of services, social pressure against contraceptive use, and limited availability of transportation to health centers and hospitals for those in rural areas. While a 2018 law strengthened penalties for violence against women (see Section 6, Women) and required certain government agencies establish units to provide psychological support and other services to victims of gender-based violence, Human Rights Watch assessed at the time of the law's passage that it did not sufficiently define the government's role in providing services to victims. The government responded that it provides services to survivors of sexual assault via the UN Population Fund.

**Discrimination:** While the constitution provides women equal rights with men in civil, political, economic, cultural, and environmental affairs, laws favor men in property and inheritance. Numerous problems related to discrimination against women remained, including inadequate enforcement of equal rights provided for by the laws and constitution.

According to the law, women are entitled to a share of inherited property, but a woman's share of inheritance is less than that of a man. Women are generally entitled to receive one-half the inheritance a man would receive in the same circumstances. A sole male heir would receive the entire estate, while a sole female heir would receive one-half the estate with the rest going to other relatives.

Since 2019 the law allows female heirs to inherit, and be titled as owners of, those lands.

The family code places the family under the joint responsibility of both spouses, makes divorce available by mutual consent, and places legal limits on polygamy. Implementation of family law reforms remained a problem. The judiciary lacked willingness to enforce them, as many judges did not agree with their provisions. Corruption among working-level court clerks and lack of knowledge about the law's provisions among lawyers were also obstacles to enforcing the law.

The law requires equal pay for equal work, although in practice this did not occur.

## **Systemic Racial or Ethnic Violence and Discrimination**

The majority of the population, including some members of the royal family, claimed some Amazigh heritage. Many of the poorest regions in the country, particularly the rural Middle Atlas region, were predominantly Amazigh and had illiteracy rates higher than the national average. Basic governmental services in this mountainous and underdeveloped region were lacking.

On May 31, media reported that local authorities in Kenitra had refused to register the birth of his daughter with an Amazigh name. On August 25, after review by the Ministry of the Interior, the name was permitted and evaluated according to national standards.

Amazigh cultural groups contended they were rapidly losing their traditions and language to Arabization. Amazigh materials were available in news media and, to a much lesser extent, educational institutions. The government provided television programs in the three national Amazigh dialects of Tarifit, Tashelhit, and Tamazight. According to regulations, public media are required to dedicate 30 percent of broadcast time to Amazigh language and cultural programming. According to Amazigh organizations, however, only 5 percent of broadcast time was given to Amazigh language and culture.

## **Children**

**Birth Registration:** The law permits both parents to pass nationality to their children. The law establishes that all children have civil status regardless of their family status. There were, nonetheless, cases in which authorities denied identification papers to children because they were born to unmarried parents, particularly in rural areas or in the cases of poorly educated mothers unaware of their legal rights.

**Education:** The government offered Tamazight language classes in some schools. Although the palace-funded Royal Institute of Amazigh Culture created a university-level teacher-training program to address the shortage of qualified teachers, Amazigh NGOs contended that the number of qualified teachers of regional dialects of Amazigh languages continued to decrease. The government reported, however, that the number of teachers employed to teach the official national Amazigh language has increased. Instruction in the Amazigh language is mandatory for students at the Ministry of Interior's School for Administrators.

**Child Abuse:** NGOs, human rights groups, media outlets, and UNICEF claimed child abuse was widespread. According to the government, during the year 3,600 cases were investigated for criminal offenses associated with 5,699 reported cases of child abuse. Prosecutions for child abuse were extremely rare. Some children's rights NGOs expressed concerns regarding the lack of legislation to prosecute cases involving incest.

**Child, Early, and Forced Marriage:** The legal age for marriage is 18, but parents may secure a waiver from a judge for underage marriage. The government

maintained a national awareness-raising campaign against the marriage of minors.

**Sexual Exploitation of Children:** The age of consent is 18. The law prohibits commercial sexual exploitation, sale, offering or procuring commercial sex, and practices related to child pornography. Penalties for sexual exploitation of children under the criminal code range from two years to life imprisonment and monetary fines.

On April 28, police arrested a teacher suspected of raping 11 minors in the commune of Sidi Ali in Errachidia. The parents of 12 students filed the complaint. In October the court sentenced the teacher to 20 years in prison and a fine of 40,000 Moroccan dirhams (\$4,200).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

The constitution recognizes the Jewish community as part of the country's population and guarantees everyone the freedom to "practice his religious affairs." Community leaders estimated the size of the Jewish population at 3,500. Overall, there appeared to be little overt anti-Semitism, and the Jewish community generally lived in safety.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities in employment,



education, and access to health care. The law also provides for regulations and building codes that provide for access for persons with disabilities. In general, the government did not effectively enforce or implement these laws and regulations. While building codes enacted in 2003 require accessibility for all persons, the codes exempt most pre-2003 structures, and authorities rarely enforced them for new construction. Most public transportation was inaccessible to persons with disabilities, although the national rail system offered wheelchair ramps, accessible bathrooms, and special seating areas. Government policy provides that persons with disabilities should have equal access to information and communications. Special communication devices for persons with visual or audio disabilities were not widely available.

The Ministry of Family, Solidarity, Equality, and Social Development has responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society by implementing a quota of 7 percent for persons with disabilities in vocational training in the public sector and 5 percent in the private sector. Both sectors were far from achieving the quotas. The government maintained more than 400 integrated classes for children with learning disabilities, but private charities and civil society organizations were primarily responsible for integration.

## **HIV and AIDS Social Stigma**

Persons with HIV and AIDS faced discrimination and had limited treatment options. UNAIDS reported that some health-care providers were reluctant to treat persons with HIV and AIDS due to fear of infection. According to UNAIDS, treatment coverage increased from 16 percent in 2010 to 48 percent in 2016, and the *National Strategic Plan 2017-2021* commits the country to reduce new infections among key and vulnerable populations, eliminate mother-to-child transmission of HIV, reduce AIDS-related deaths, confront discrimination, and strengthen governance for an efficient response. Although overall objectives in the National Strategic Plan were achieved, the testing campaigns for affected individuals were delayed because of COVID-19. As a result, the National Strategic Plan was extended to 2023.

## **Acts of Violence, Criminalization, and Other Abuses Based on**

## **Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual activity, with a maximum sentence of three years in prison for violations. According to a report by the Prosecutor General's Office released in 2020, the state prosecuted individuals in 2020 for same-sex sexual activity. Media and the public addressed questions of sexuality, sexual orientation, and gender identity more openly than in previous years. According to some human rights organizations, lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) victims of violence in high-profile cases from previous years continued to be harassed when recognized in public.

In November 2020 an artist was arrested while filing a complaint against an individual for harassment and homophobia. According to the government, his detention did not have to do with his sexual identity, but rather related to violating COVID-19 restrictions. His next hearing was scheduled for September. Antidiscrimination laws do not apply to LGBTQI+ persons, and the penal code does not criminalize hate crimes. There was a stigma against LGBTQI+ persons, including some reports of overt discrimination based on sexual orientation or gender identity in employment, housing, and health care.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution provides for the right of workers to form and join unions, strike, and bargain collectively, with some restrictions. The law prohibits certain categories of government employees, including members of the armed forces, police, and some members of the judiciary, from forming and joining unions and from conducting strikes. The law excludes migrant workers from assuming leadership positions in unions.

The law prohibits antiunion discrimination and prohibits companies from dismissing workers for participating in legitimate union-organizing activities. Courts have the authority to reinstate workers dismissed arbitrarily and may enforce rulings that compel employers to pay damages and back pay. Trade unions complained that the government at times used the penal code to prosecute workers

for striking and to suppress strikes.

The government generally respected freedom of association and the right to collective bargaining. Employers limited the scope of collective bargaining, frequently setting wages unilaterally for most unionized and nonunionized workers. The law allows independent unions to exist but requires 35 percent of the employee base to be associated with a union to permit the union to be represented and engage in collective bargaining. Unions can legally negotiate with the government on national-level labor issues. At the sectoral level, trade unions negotiated with private employers concerning minimum wage, compensation, and other concerns. Labor disputes were common and, in some cases, resulted from employers failing to implement collective bargaining agreements and withholding wages. It was unclear whether penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination.

The law concerning strikes requires compulsory arbitration of disputes, prohibits sit-ins, and calls for a 10-day notice of a strike. The government may intervene in strikes. A strike may not occur over matters covered in a collective contract for one year after the contract commences. The government has the authority to disperse strikers in public areas not authorized for demonstrations and to prevent the unauthorized occupancy of private space. Unions may neither engage in sabotage nor prevent those individuals who were not on strike from working.

Most union federations are affiliated with political parties, but unions were generally free from government interference.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits and criminalizes all forms of forced or compulsory labor and establishes a fine for the first offense and a jail term of up to three months for subsequent offenses. Penalties were not commensurate with those prescribed for analogous serious crimes such as kidnapping. The domestic workers law provides some protections to domestic workers. Reports indicated that forced labor, especially of children, occurred (see section 7.c.).

For more information see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law does not prohibit all the worst forms of child labor, and child labor occurred, including in its worst forms. The law prohibits employment of children younger than age 16 in dangerous labor. The law prohibits children younger than age 16 from working as domestic servants. The law does not specifically prohibit the use, procuring, or offering of a child for illicit activities, in particular for the production and trafficking of drugs. In some cases employers subjected children to commercial sexual exploitation (see section 6, Children), forced domestic work, and forced labor in the production of artisan products and construction.

The law prohibits persons younger than age 18 from hazardous work in 33 areas, including working in mines, handling dangerous materials, transporting explosives, and operating heavy machinery. The labor code does not apply to children who work in the traditional artisan or handicraft sectors for businesses with fewer than five employees or to those who work on private farms or in residences. Some children became apprentices before they were 12, particularly in small, family-run workshops in the handicraft industry and in the construction industry and mechanic shops. Children also worked in hazardous occupations as designated by law. These included fishing and, in the informal sector, in textiles, light manufacturing, and traditional handicrafts. Children's safety, health conditions, and wages were often substandard.

The government did not effectively enforce the law. The overwhelming majority of child laborers worked in rural areas, according to the government's statistical agency, the High Planning Commission. Punishments for violations of the child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of legal residence in the country for five to 10 years. Penalties were not commensurate with those for other analogous serious crimes, such as kidnapping. The Ministry of Labor and Vocational Integration only conducted child labor inspections in the formal economy across the country, but acknowledged child labor violations in the informal sector, including potential forced child labor crimes. The government reported that, overall, labor inspections suffered from insufficient personnel and resources to address child labor violations, including potential child trafficking crimes, throughout the country. The government adopted Law 51.17, which

requires the government to enact compulsory education for children between the ages of four and 16 by 2025. It significantly increased the number of prosecutions related to the worst forms of child labor, from five cases in 2018 to 170 cases in 2019; however, in 2020 the number dramatically dropped to just 22 cases. For more information see the Department of Labor's *Findings on the Worst Forms of Child Labor* <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

#### **d. Discrimination with Respect to Employment and Occupation**

The labor code prohibits discrimination against persons in employment and occupation based on race, religion, national origin, color, sex, ethnicity, or disability, including physical, sensory, intellectual, and mental disability. The law does not address age or pregnancy.

Discrimination occurred in all categories prohibited by law. Penalties were not commensurate to laws related to civil rights, such as election interference. Women are prohibited from working in occupations that present a risk of excessive danger, exceeds their capacity or is likely to undermine their morality, such as jobs in quarries and underground in mines, or engaging in work that exposes them to the risk of falling or slipping as well as work in a constant squatting or leaning position, work or activities using asbestos and benzene and any other activity exposing them to dangerous chemical agents.

Migrant worker organizations reported that some migrants, particularly those from sub-Saharan African countries, experienced discrimination in hiring, wages, or conditions of employment. These workers often reported employer noncompliance with low or unpaid wages, excessive hours of work, restricted movement, dangerous and difficult work conditions. Even after obtaining a residence card, their vulnerability was reinforced by lack of access to the formal economy, pushing them to the margins of society. Most lived in crowded rooms in dilapidated neighborhoods, while others slept on the streets, in cemeteries, and forests.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The minimum wage was above the poverty line. The law

provides for a 44- to 48-hour maximum workweek with no more than 10 hours work in a single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including limitations on night work for women and minors. The law prohibits excessive overtime. A 2019 tripartite agreement among the government, employers, and unions stipulated that the monthly minimum wage be increased by 10 percent, phased in through two 5 percent increases. The first occurred in 2019 and the second in July 2020. The current, hourly minimum salary was raised based on the tripartite agreement; however, many employers did not observe the legal provisions regulating conditions of work. The government did not effectively enforce basic provisions of the labor code, such as payment of the minimum wage and other basic benefits under the National Social Security Fund. Penalties for violations were not commensurate with those for similar crimes, such as fraud.

**Occupational Safety and Health:** The Ministry of Employment and Vocational Integration sets and enforces rudimentary occupational health and safety standards. Occupational safety and health (OSH) standards were not appropriate for the main industries in the country, and the government did not effectively enforce them. It was unclear whether responsibility for identifying unsafe situations remained with OSH experts and not the worker. In the formal sector, workers can remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in such situations. The government has not ratified article 13 of Convention 155, and there are no provisions in the labor code that refer directly to this right. Penalties for violations of occupational, safety, and health laws were not commensurate with those for similar crimes like negligence. The government did not adequately enforce labor laws, particularly inspections. The country's labor inspectors reported that although they attempted to monitor working conditions and investigate accidents, they lacked adequate resources, preventing effective enforcement of labor laws. Inspectors reported that their role as mediators of labor conflicts significantly limited time spent proactively inspecting work sites and remediating and uncovering violations. Inspectors do not have punitive power and cannot independently levy fines or other punishments. Only action by the public prosecutor that results in a judicial decree can force an employer to take remedial actions. Enforcement procedures were subject to lengthy delays and appeals.

Major workplace accidents were reported during the year. Most notably, in February a flood in a textile factory in Tangier killed 28 garment workers. They were electrocuted when the basement flooded and water came into contact with exposed wiring. The factory was unregistered, and it reportedly did not meet safety standards. In December the factory owner was sentenced to 18 months' imprisonment.

**Informal Sector:** The domestic worker law provides protections for domestic workers, including limits on working hours and a minimum wage. Penalties for violating the law start with a fine and, in cases of repeated offenses, can include one to three months of imprisonment. Labor inspectors did not inspect small workshops with fewer than five employees and private homes where many such violations occurred, as the law requires a warrant or permission of the owner to search a private residence. The law establishes a conciliation process for labor inspectors to handle disputes between domestic workers and their employers, but the law lacks time limits for a resolution. Labor inspectors reported their small numbers, scarce resources at their disposal, and the broad geographic dispersion of sites limited their ability to enforce the law effectively.