

Morocco

Morocco, officially the Kingdom of Morocco, is a country with over 33 million inhabitants, of which 99% are identified as Sunni Muslims, with a small number of Christians, Jews, Shiites, and Baha'is. Judaism is privileged over other religious minorities. Morocco is separated by only 14 km from its northern neighbour, Spain, by the Strait of Gibraltar. There are a variety of languages used throughout the country by varying ethnic groups, including Amazigh dialects, Arabic, Moroccan Arabic (Darija), Hassani (Saharan dialect), French and Spanish. A referendum on constitutional reforms was held in Morocco on 1 July 2011, in response to pro-democracy protests, and was approved by 98.49% of voters. Morocco is a member of the League of Arab States (LAS), as well as the Organization of Islamic Cooperation (OIC).

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
		<p><u>Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious</u></p> <p><u>It is illegal to register an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization, or such groups are persecuted by authorities</u></p>	<p><u>It is illegal or unrecognised to identify as an atheist or as non-religious</u></p>

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<u>The non-religious are barred from some government offices (including posts reserved for particular religions or sects)</u> <u>State legislation is partly derived from religious law or by religious authorities</u>	<u>Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</u>	<u>Systemic religious privilege results in significant social discrimination</u> <u>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</u> <u>Prohibitive interreligious social control (including interreligious marriage bans)</u> <u>Religious control over family law or legislation on moral matters</u>	<u>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</u> <u>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</u>
<u>There is an established church or state religion</u> <u>Legal or constitutional provisions exclude non-religious views from freedom of belief</u>	<u>There is state funding of at least some religious schools</u> <u>Religious schools have powers to discriminate in admissions or employment</u>	<u>Discriminatory prominence is given to religious bodies, traditions or leaders</u>	

Legend

Constitution and government

Following the public protests in 2011, King Mohammad VI introduced a number of legal reforms. The constitutional reforms included the recognition of Amazigh language (a standardized version of the three main languages Tachelhit, Tamazight and Tarifit) as an official language along with Arabic and no longer referring to the king as "sacred". The king's integrity, however, remains "inviolable". Women are guaranteed "civic and social" equality with men, while previously only political equality was guaranteed.

However, changes fell short of establishing real press freedom, democratic accountability, or an independent judiciary. Morocco detains at least 300 political prisoners. Opposing political and human rights associations' right to assembly is regularly violated, their activities are censored. Artists and journalists, are investigated, harassed and jailed.

Although Morocco signed and ratified few UN treaties and resolutions on civil rights and freedom of religion, conscience and thought, such as the International covenant on International Covenant on Civil and Political Rights (ICCPR), and very recently the resolution on the freedom of religion or belief (A/HRC/25/L.19) <un.org/en/ga/search/view_doc.asp?symbol=A/HRC/25/L.19>, their primacy over national laws is compromised: the preamble of the constitution stipulates that Morocco

commits itself “To comply with the international conventions duly ratified by it” subject to their compatibility with the constitution but also “its immutable national identity”.

The constitution declares that “Islam is the religion of the State” (Article 3), and that Morocco “commits itself [...] to deepen the bonds of togetherness with the Arabo-Islamic Ummah” (Preamble). It also refers to Islam, as well as monarchy, as one of the “federative constants” of the Nation (Article 1). The King is considered as a direct descendant of the prophet of Islam, which gives the ruling Alaouite dynasty its legitimacy. The constitution (Article 41) designates the King as Commander of the Faithful, he is mandated to ensure the respect of Islam. He presides over the Superior Council of the “Ulemas” (religious scholars), which is the sole official instance entitled issue “religious consultations” (Fatwas).

While the new constitution guarantees for all “the free exercise of beliefs” (Article 3) and “The freedoms of thought, of opinion and of expression under all their forms” (Article 25), in practice there are significant limitations, such as persecution of the Baha’is since the 1960s, and more recently Christians, and Shiites, as well as the non-religious. Baha’ism is traditionally seen as a heretical deviation from Islam and its members are considered “apostates”. These minorities are subject to harassment, investigations and detentions by authorities, interrupting and arresting them during their private religious meetings and rituals. The government allows foreign Christian communities to attend worship in approved places, but there are no Shia or Baha’i places of worship. Religious groups not belonging to the Maliki Law school or Judaism are required to register before taking any financial transactions as private associations. But the government does not recognize Baha’i or Shiite communities as registered religious organizations.

Education and children’s rights

Adoption is only permitted for Muslims, the president of the National Council for Human Rights (CNDH) the Moroccan official instance dedicated for Human rights, approved this measure, and said that Moroccan authorities have the right to ensure that adoptive children are raised in the Islamic faith.

Religious instruction is compulsory in all national schools (Article 31), both public and private, according to the Sunnite Malikite Islam. All students pass an Islamic education test, among other subjects, to obtain *Baccalaureat*. There are quranic schools (*Msid*), where children since an early age (4-5 years old) learn Quran by heart, and are subject to corporal punishment, indoctrination, among other abuses. The government funds the teaching of Islam in all public schools and Judaism in some schools. Further, private Jewish schools are allowed to teach Judaism and Foreign-run schools can exclude religion from their school’s curriculum. The government further funds the study of Jewish culture at some universities.

Human Rights Education Associates (HREA) issued a study in 2005 on Human rights and Gender equality in Moroccan schoolbooks, and concluded that many school books favour and endorse gender inequality and propagate ideas that violates Human rights.

Brother Rachid, a Moroccan Christian Convert dedicated an episode of his weekly show “Daring Questions” on the endorsement of Hate towards non-Muslims in school books, sitting an example of Islamic education’s book for the 1st primary education (generally 6-year-old children) which stipulates: “I love those who love the prophet Muhammad (PBUH), and I am hostile to those who are hostile towards him”, and the *Baccalaureat* school book that states that the punishment for apostasy is execution.

<[youtube.com/watch?v=UtxLJ5nAZ6Y](https://www.youtube.com/watch?v=UtxLJ5nAZ6Y)>

Activist and researcher at Moroccan Amazigh Cultural Institute (IRCAM), Ahmed Assid, spoke on Islam and education in Morocco, at a seminar organized by the Moroccan Association of Human Rights, and said that religious education in Morocco “is now outdated, and teaches religious values that contradict universal values of Human rights”. He added that the message of Islam taught to young people in school textbooks is “terroristic”. The religious education emphasizes values that go back to when Islam was “spread by the sword” during the time of prophet Mohamed. Assid said the education should emphasize that religious belief is a free choice of the individual and no one should be forced, intimidated or threatened to follow any belief: “How can you teach children with a message of ‘either become a muslim or be killed’. And this is being listed as one of the supreme values of our religion, highlighting prophet Mohamed giving newly conquered people the choice of Islam or Death. These values are negative and they are currently present in our education curriculum.” Assid said all the values taught at school should be compatible with today’s world human rights principles. As expected, Ahmed Assid speech has sparked controversy and a shower of criticism. The Salafist preacher Hassan El Kattani called for not “letting these remarks pass without reaction” and filed a complaint against Assid for “undermining Islam”.

<moroccoboard.com/viewpoint-5/112-mostapha-saout/5852-morocco-extremist-values-in-religious-school-books>

Family, community and society

There are two family codes in Morocco, following the *automatic* state designation for citizens as Sunnite Malikite Muslims (*Moudawana*, reformed in 2004), or Jews (*Hebraic Moroccan Family Law*). There is no legal mechanism recognizing Christian or other non-Muslim communities. In consequence, all Moroccans, even if they are non-religious or belong to other belief groups, are forced to abide by those codes, and required to marry, divorce, and inherit according to their *de facto* religious designation.

The *Moudawana* permits sets the age of marriage at 18, but judges routinely allow girls below this age to marry. Interreligious marriage is prohibited; “the marriage of a Muslim woman to a non-Muslim man, and the marriage of a Muslim man to a non-Muslim woman unless she is of the Christian or Jewish faith” (Article 39) and obviously the religious - non religious marriage. In 2014 the controversial law (Article 475 of the Penal Code) allowing rapists escaping punishment by marrying their victim was removed. Abortion is strictly prohibited, including anyone who somehow facilitates it (Articles from 449 to 458). Polygyny is forbidden if “there is the risk of inequity between the wives” or “when the wife stipulates in the marriage contract that her husband will not take another wife.” (Article 40). Men have to petition the court to authorize it (Article 42). Women are discriminated in inheritance and divorce law. Marital rape remains legal.

The *Moudawana* includes Islamic concepts such as “kinship by breastfeeding” stating that “Impediments to marriage resulting from kinship by breastfeeding are the same as those prohibited through blood kinship and kinship by marriage. Only the breastfed child - not his or her brothers and sisters - is considered the child of the woman who breastfeeds him or her and of her husband” (Article 38).

According to Islamic law, women are not allowed to take the role of a preacher or imam, but the Ministry of Endowments and Islamic Affairs (MEIA) employs over 200 female Muslim spiritual guides (*murshidat*), who teach in religious topics, women’s legal rights issues, and family planning. However, women are not allowed to lead group prayers or to deliver Friday sermons in mosques.

Article 490 prohibits premarital heterosexual activities, and also used against unmarried couples living together. “Adultery” is illegal and punished with a prison sentence of up to two years (Article

491). Article 483 mandates a prison sentence of one month to two years for any act of “public obscenity”. In 2013, following a complaint from a “Human Rights” association, A 15-year-old boy and 14-year-old girl, along with a 15-year-old boy who took the picture, were arrested for posting a picture of them kissing on Facebook (the case is known as #NadorKiss), charged under this article and detained for three days.

In 2015 a movie called “Much loved” caused a big public debate, showing the live of Moroccan prostitutes and openly sexual scenes. Authorities first banned the movie from airing, later permitted it again and the feelings of the population were heated. Actress Loubna Abidar, who played a prostitute in the movie, was attacked by unknown knife-wielding assailants in Casablanca and stated that she was received with laughter at the police station. The actress and her director, Nabil Ayouch, were summoned to court in June on charges of “pornography, indecency and inciting minors to debauchery. Among the reactions on social media there was a Facebook page that called for the execution of the movie maker and the actress. Loubna Abidar left Morocco for security reasons. <theguardian.com/film/2015/nov/10/loubna-abidar-star-much-loved-morocco-sex-worker-film-flees-beating>

In June 2015 two young women were harassed in a market in Inezgane for wearing skirts. Police arrested them and the girls were trialed. However, the both were acquitted of indecency charges in the trial.

<bbc.com/news/world-africa-33410759>

The Moroccan penal code prohibits homosexuality and refers to it as “lewd or unnatural acts with an individual of the same sex” (Article 489). Homosexuals face often charges of prostitution, drunkenness and obscenity as well and several persons are jailed every year. Ironically, in May 2014, a “Human rights” association demanded harsher punishment according to Islamic religion for 6 homosexuals.

There were reports of public Anti-Semitism, however, Jews and Muslims have a long history of peaceful coexistence in Morocco and Jews serve in high-level government positions. In February 2014 anti-Semitic literature (as Adolf Hitler’s “Mein Kampf” and others) were found at an annual book fair in Casablanca. Allegedly in response to the conflict in Gaza in 2014, a rabbi was attacked by a man, while walking to his synagogue. In October 2015, a public pro-Palestinian “Al Aqsa Intifada march” was organised in the streets of Casablanca, where some men dressed up as Orthodox Jews and were led at gunpoint by masked men wearing keffiyehs.

In general, there are no laws prohibiting religious clothing or the use of religious symbols in public or private sphere. However, some women stated, that some employers required them to remove their Hijab during working hours.

Freedom of expression, advocacy of humanist values

“Apostasy” and non-religion under the law

There are no laws requiring the designation of religion on IDs or passports, and “apostasy” is not a crime under civil or criminal law.

However, there are several “blasphemy” laws bearing the threat of punishment for apostates. Jews can convert legally to Sunnite Malikite Islam, but conversion from Islam is discouraged by the state.

In 2013, the High Religious (Ulema) Council issued a fatwa asserting that any Muslim who abandons Islam should be executed, stipulating that the Islamic Law considers anyone born from Muslim

parents, or a Muslim father, as a Muslim.

In 2017, the Council reversed this opinion, claiming instead that apostasy was akin to “treason” but should not be punishable by “death”.

[<moroccoworldnews.com/2017/02/207505/moroccos-high-religious-committee-says-apostates-should-not-be-killed/>](http://moroccoworldnews.com/2017/02/207505/moroccos-high-religious-committee-says-apostates-should-not-be-killed/)

Non-Muslims are prohibited by the Penal code to proselytize and to “shake the faith” of Muslims (Article 220). Proselytizing can be punished with a sentence of 3 to 6 months’ imprisonment and a fine of 115 to 575 MAD. The distribution of non-Islamic religious materials is restricted by the government. Several individuals, for instance Christians, were arrested and accused of proselytizing. Some Christian converts reported that they were pressured by authorities to renounce their faith by informing their friends, relatives, and employers of the conversion.

Article 222 of the Penal Code states that “a person commonly known to be Muslim who violates the fast in a public place during Ramadan, without having one of the justifications allowed by Islam [such as travelling, sickness or menstruation], shall be punished by one to six months in prison,” as well as a fine. Several individuals are arrested and sentenced for eating, smoking or for consuming alcohol in Ramadan every year. Those laws remain, even if not strictly applied, a sword of Damocles on citizens and on civil rights, not least for the Moroccan non-religious community. The non-religious are in fact, shaping up to be a prominent and vocal — and also seriously persecuted — belief group in Morocco, since the campaign against fasting laws in 2009, and the publication of a fatwa calling for the murder or execution of apostates. Suffering from stigmatisation, activists reported many cases of violence by family members, investigation by authorities, and general difficulties in educational, professional and social life. They receive little support and mostly rejection from local human rights groups, usually refusing to grant assistance to legal cases of both non-religious and/or LGBTQ people, contrary to other religious minorities.

Wider freedom of expression issues

A 2002 law restricting media freedom prohibits expression deemed critical of “Islam, the institution of the monarchy, or territorial integrity.” Such expression may be punishable by imprisonment and includes members of the parliament. Further, any publication that criticises the monarchy, Islam and “sacred institutions” is prohibited under the article 179. This article is often used as a political weapon against journalists, activists and artists who criticise the government and its institutions.

Further, Moroccan television stations are required to dedicate 5 percent of their airtime to religious content and to broadcast the Islamic call to prayer five times daily.

Political parties are prohibited from criticising Islam, or monarchy (Article 7). On the other side, the constitution prohibits the foundation of political parties on religious, ethnic, linguistic, or regional bases. Some parties identified as “Islamically-oriented” rather than Islamist as the PJD (Party of Justice and Development) are permitted. MPs, while generally protected from prosecution in relation to their political activities, may “be prosecuted or investigated, arrested, detained or judged” if they express any opinion that “challenges the monarchic form of the State, the Muslim religion, or constitutes an infringement of the due respect of the king” (Article 64). This is also made explicit in Article 175 stating that no revision of the constitution may challenge the status and provisions of Islam, or monarchy.

Article 29 of the constitution guarantees “freedoms of reunion, of assembly, of peaceful demonstration, of association”, but states that the law establishes the conditions and modalities of its exercise. The law regulating associations prohibits associations to criticise Islam, or monarchy

(Article 3). In practice, authorities often refuse to receive the legal files for the establishment of associations. On July 22, the Administrative Judiciary Court turned down the lawsuit filed by the members of “Freedom Now” Association, alleging that the association doesn’t meet the “legal conditions” that grant it the right to litigation independently of its members.

The government monitors activities of mosques (including the content of preaching) and non-Muslim religious groups and places in some cases restrictions on members. For example, in February 2014 Salafi cleric Abu Naim was convicted of defamation and insulting a political figure for denouncing a prominent politician, secularists and the political left. He had pronounced takfir (accusing of apostasy) upon these persons.

Highlighted cases

In May 2013, 22-year-old **Imad Iddine Habib**, a well-known atheist and founder of the Council of Ex-Muslims of Morocco received a number of death threats for his apostasy, and was harassed by authorities. He is now living abroad.

<ex-muslim.org.uk/wp-content/uploads/2013/12/Apostasy_Report_Web1.pdf>

In 2012, **Khalid Gueddar**, an editorial cartoonist was detained by police after publishing a caricature on his website that they said insulted Islam, the sixth journalist detained in the country in a week. The prominent cartoonist, said he was interrogated for six hours on Monday in Casablanca. Gueddar was arrested in 2009 along with another journalist after publishing a caricature of the Moroccan king’s cousin. Caricatures of Islam or the royal family are illegal in Morocco. He ultimately received a suspended sentence and a fine of €300,000.

The latest cartoon, which he said he drew in 2011 in response to the arrest that year of an imam accused of soliciting a prostitute in a mosque in Fez, shows someone tossing lingerie from a minaret. He said he published it again to illustrate a similar situation.

“The interrogation focused on what I think of Islam, on my drawings and on my website,” Gueddar said. His lawyer said if charged and convicted, Gueddar could face a harsh sentence and he compared the questioning to an inquisition on religion. The justice minister, Mustapha Ramid, said he would not intervene in what he described as a normal judicial process.

In 2012, **Zakaria Zine Al-Abidine**, A 22-year-old atheist from Casablanca, was sentenced to 5 years in prison, as well as a fine, for publishing cartoons and comments on Muhammad, the prophet of Islam, in his Facebook account.

<menara.ma/ar/2012/09/20/270659.html>

Kacem El Ghazzali was a Moroccan atheist still at high school when he started an anonymous secularist blog in 2010. Critics tracked him down revealing his identity and threatening his life for “apostasy” and “blasphemy”. He then appeared the Arabic language version of the international news network France 24 to talk about his atheism. After the TV interview the principal of Ghazzali’s school accused him of violating the law against “shaking the faith” of a Muslim and physically assaulted him. Other students at the school threw rocks at him. The imam in his village of Bouderbala denounced him from the pulpit, and his extended family stopped talking to him. After a period in hiding because of the threats to his life, Ghazzali was able to gain asylum in Switzerland. (Since living in Switzerland, Kacem El Ghazzali has since spoken as an invited delegate of the IHEU at the UN Human Rights Council in Geneva on a number of occasions.)

<spiegel.de/international/world/moroccan-blogger-champions-freedom-in-swiss-exile-a-891561.html>

<iheu.org/why-must-i-be-killed-asks-moroccan-atheist/>

In 2009, **M.A.L.I.** (Alternative Movement for Individual Liberties) held a picnic during the day of Ramadan to contest Article 222 of the penal code forbidding eating in public during Ramadan. The picnic was treated as a national emergency. The superior council of Ulemas said it was an insult to God. “King Mohammed VI’s political adviser persuaded all parties, including ones that routinely denounce Islamists, to issue condemnations for the sake of national unity. The activists were held and interrogated for several days, though ultimately not fined or taken to court. Police said they had to be protected from popular anger.”

<economist.com/node/16793362>

Since the picnic, dozens of cases of people arrested every Ramadan for breaking fast in public are featured in local and International media, lawyers often refuse to defend such cases, which makes their status vulnerable in courts, as well as in prisons and society.

Testimonies

“I did come out as an atheist, my mother and sister know about it and they are understanding, my father on the other hand doesn’t know, not that he will be violent or something, it’s just I don’t want to start a boring argument with him. Many of my friends know about my atheism and they understand, I even had Muslim girlfriends who had no problem with me being an atheist. The Ramadan before the last, I ate at school, many classmates were shocked and stopped talking to me after that, others didn’t care.”

— Naoufel