



**United Nations Human Rights Council
Universal Periodic Review
Morocco**

Submission of Jubilee Campaign USA, Inc.
November 21, 2011

Jubilee Campaign promotes the human rights and religious liberty of ethnic and religious minorities; advocates the release of prisoners of conscience; and protects and promotes the freedom and safety of children from bodily harm and sexual exploitation.

United Nations Human Rights Council
Universal Periodic Review of Member-State Morocco (officially the Kingdom of Morocco)

Jubilee Campaign USA, Inc., in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Kingdom of Morocco (Morocco) as a contribution to the Universal Periodic Review of UNHRC member-state Morocco.

A. Religious freedom

1. Morocco's religious freedom practices are among the best in the Middle East. However, Morocco consistently denies converts from Islam in Morocco basic human rights. In recent years Morocco took wide-spread action to suppress Christians as well as Muslims who do not adhere to the Sunni Maliki creed of Islam. The dominant religious bloc in Morocco follows the Maliki rite of Sunni Islam.¹
2. Article 6 of the 1996 Constitution and Article 3 of the new Constitution declares, "Islam shall be the state religion. The state shall guarantee freedom of worship for all."² Jubilee Campaign applauds the guarantee of religious freedom. We hope that the freedoms in Morocco's new Constitution will be implemented both for the Muslim majority as well as both Muslim and non-Muslim religious minorities.
3. Article 220 of the Penal Code prohibits using "means of seduction to shake the belief of a Muslim or to change his religious allegiance." Throughout the 1980s and 1990s this law justified the harassment and arbitrary detention of converts from Islam or Muslims who inquired about Christianity as seen in the cases of Mehedi Ksara, Fouad Jaafar, Mohcen Ibrahim Bel Haj, Samir Ben Ali, Rachid Cohen, and Mustafa Zemada.³
4. More recently, the case of Jamaa Ait Bakrim demonstrates a clear bias against converts from Islam and a use of Article 220 to ban all conversions without regard to the presence or absence of "means of seduction". Mr. Bakrim suffered harassment for publicly displaying symbols of his Christian identity. In 1995 police arrested Mr. Bakrim for proselytization. He spent seven months in prison. In 1998, Mr. Bakrim spent a year in prison for publicly displaying a cross, which the courts labeled proselytization. Finally in 2005, after Mr. Bakrim burned a pair of defunct utility poles, the court sentenced him to 15 years in prison for proselytization and destroying the property of others. In the sentence the judge noted Mr. Bakrim's opening statement, which contained a declaration of Mr. Bakrim's Christian religious identity. The judge called Mr. Bakrim's Christian religious identity "inconsistent" with his "not guilty" plea to the charge of proselytization.⁴

¹ See International Religious Freedom Report 2010. 17 November 2010. Accessed 10 August 2011. Available at: <http://www.state.gov/g/drl/rls/irf/2010/148834.htm>

² The Constitution of Morocco, 1996. 13 September 1996. Accessed 9 August 2011, available at <http://www.al-bab.com/maroc/gov/con96.htm>

³ "The Christian Community in Morocco: A Report of Jubilee Campaign" 17 December 2006. Accessed 10 August 2011. Available at http://s14.zetaboards.com/christian_morocco/topic/127406/1/

⁴ "Convert Serving 15 Years for His Faith" 17 September 2010. Accessed 10 August 2011. Available at: <http://www.compassdirect.org/english/country/morocco/25655>

5. Article 220 of the Penal defines seduction as: “the exploitation of his [a Muslim’s] weakness or his need for assistance, or by using to such ends educational or health establishments, hostels or orphanages.”⁵ This article threatens the rights of legitimate acts of charity or charitable institutions. Even institutions that publicly registered with the government can be denied their legal rights based on an accusation of proselytization. For example, the Village of Hope publicly registered in 2002 as a Christian charity providing foster parents for orphans or abandoned children. On March 9, 2010 sixteen workers and foster parents were deported for alleged proselytization.⁶
6. Including the Village of Hope case, the government of Morocco expelled 150 foreigners for alleged proselytization during 2010.⁷ According to United States Congressman Frank Wolf at a Congressional Hearing on the subject “Among the individuals who were deported or denied reentry were businessmen, educators, humanitarian and social workers, many of whom had resided in Morocco for over a decade in full compliance with the law.”⁸ The length of residency and variety of professions indicates that this new policy specifically targeted foreigners of Christian religious identity.
7. In addition to specific cases of imprisonment and expulsion, the government discriminated against religious minorities namely Christians and Shi’a Muslims. According to the U.S. Department of State “authorities followed, detained, harassed, and threatened scores of Shi'a and Christians.” The Moroccan Ministry of the Interior admitted to surveillance specifically targeting Christians and Shi’a Muslims.⁹
8. Jubilee Campaign calls for genuine protection of the right to religious freedom including that of religious minorities. It calls for Morocco to bring its laws in accordance with international human rights standards concerning proselytization. This is especially appropriate in light of the new Constitution, which explicitly endorses universally recognized human rights, and provides for the “pre-eminence of international covenants – as ratified by Morocco – over national legislation.”¹⁰ Jubilee Campaign notes that Morocco ratified the International Covenant on Civil and Political Rights without reservation.¹¹

⁵ The Christian Community in Morocco: A Report of Jubilee Campaign” 17 December 2006. *Accessed* 10 August 2011. *Available at* http://s14.zetaboards.com/christian_morocco/topic/127406/1/

⁶ “Christians Expelled, Forced to Abandon 33 Foster Kids in Morocco” 10 March 2010. *Accessed* 10 August 2011. *Available at:* <http://www.christianpost.com/news/christians-expelled-forced-to-abandon-33-foster-kids-in-morocco-44190/>

⁷ See International Religious Freedom Report 2010. 17 November 2010. *Accessed* 10 August 2011. *Available at:* <http://www.state.gov/g/drl/rls/irf/2010/148834.htm>

⁸ “Human Rights and Religious Freedom in Morocco.” Hearing before the Tom Lantos Human Rights Commission, United States House of Representatives. 17 June 2010. Official Transcript. Pg. 4

⁹ See International Religious Freedom Report 2010. 17 November 2010. *Accessed* 10 August 2011. *Available at:* <http://www.state.gov/g/drl/rls/irf/2010/148834.htm>

¹⁰ “King Mohamed VI Speech on Proposed Constitution 6/17/11” *Accessed* 10 August 2011. *Available At:* <http://moroccansforchange.com/2011/06/17/king-mohamed-vi-speech-on-proposed-constitution-61711-full-text-feb20-khitab/>

¹¹ ICCPR - STATUS AS AT : 10-08-2011 01:30:12 EDT. http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en

B. Due Process

1. Morocco's Constitution and various laws contain many safeguards for basic human rights. In order for those safeguards to operate the police and courts must grant due process to the people upon whom they operate. During the 2009 crackdown on the Shi'a Muslim minority and the 2010 crackdown on the Christian minority, police and courts often denied due process to members of these religious minorities. While some of those accused may be guilty of crimes, denial of due process sets a dangerous precedent and leaves innocent victims with no legal recourse.
2. Article Ten of the 1996 Constitution reads: "No one shall be arrested, put into custody or penalised except under the circumstances and procedures prescribed by law. The home shall be inviolable. Search warrant shall be issued and investigation ordered under the conditions and procedures prescribed by law."¹² Article 23 of the new Constitution contains even stronger language condemning arbitrary detention and guaranteeing presumption of innocence and the right to a fair trial.¹³
3. Article 26 of the Law on Entry and Residence of Foreigners in Morocco and Illegal Immigration and Emigration lays out specific criteria under which resident aliens cannot be arbitrarily expelled. Article 23 of the same law grants aliens the right to appeal their deportation order within 48 hours of being notified.
4. Therefore, the expulsion of foreign Christians from Morocco in 2010 was not only a violation of their right to religious freedom; it was a clear violation of their right to due process. The workers and foster parents of the Village of Hope received "2 and a half hours" to pack their bags and leave.¹⁴ They were denied any chance to liquidate their possessions, and were forced to leave without formal expulsion orders, leaving them in legal limbo without the ability to appeal their case.¹⁵ The Moroccan government also appointed new directors, seizing the personal property and assets of the Village of Hope without compensation.¹⁶
5. Jubilee Campaign calls on the Moroccan government to follow its own laws and constitutional provisions giving due process to those accused of crimes. Extrajudicial police actions without proper documentation, time to appeal and proper representation in court corrupt the legal system and negatively impact the rights of all Moroccan citizens.

¹² Constitution of Morocco, 1996. Adopted 13 September 1996. Accessed 10 August 2011. Available At: <http://www.al-bab.com/maroc/gov/con96.htm>

¹³ Morocco Draft Constitution, 2011. Accessed 10 August 2011. Available at: http://www.al-bab.com/arab/docs/morocco/constitution_2011.htm

¹⁴ "Human Rights and Religious Freedom in Morocco." Hearing before the Tom Lantos Human Rights Commission, United States House of Representatives. 17 June 2010. Official Transcript. Pg. 19

¹⁵ Lillian Kwon. "Expelled Christians Testify, Seek Return to Moroccan Kids." 18 June 2010. Accessed 10 August 2011. Available at: <http://www.christianpost.com/news/expelled-christians-testify-seek-return-to-moroccan-kids-45596/>

¹⁶ Lillian Kwon. "Expelled Christians Remain Separated from Moroccan Foster Kids." 22 October 2010. Accessed 10 August 2011. Available At: <http://www.christianpost.com/news/expelled-christians-remain-separated-from-moroccan-foster-kids-47311/>

C. Freedom of Speech, Assembly and Press

1. The Kingdom of Morocco bans expression that criticizes “Islam, the institution of the Monarchy, or territorial integrity.” It forbids non-Muslim religious texts in Arabic, and confiscates Bibles it believes will be used for proselytization. Public distribution of Christian or Shi’a Muslim religious materials is forbidden.¹⁷
2. A 2002 law prohibits any assembly that “seeks to undermine the Islamic religion.” This has a chilling effect on the exercise of assembly, especially of Christian converts.¹⁸
3. Every time the anti-proselytization law is enforced whether through the courts or through extrajudicial police action, it violates not merely the right to religious freedom but the right to freedom of expression. Publicly displays of identity, including religious identity are protected by the principle of freedom of speech or expression.
4. Jubilee Campaign calls on the Kingdom of Morocco to honor its obligations under its Constitution and international covenants to give its citizens freedom of speech, assembly, and press. These rights must specifically include the right to publicly assemble and proclaim a non-Muslim religious identity.

D. Summary of Recommendations

1. Morocco must end its discrimination against those who convert from Islam. Morocco must recognize the legitimacy of free conversions and guarantee all religious minorities full religious freedom.
2. Morocco must change Article 220 of the Penal Code to bring it into accordance with international covenants, which clearly recognize the right of speakers to publicly peacefully attempt to persuade someone to change their religion as well as the right of hearers to change their religion if they are persuaded.
3. Morocco must respect the due process of law and follow legitimate procedure in enforcing law. Morocco must not allow extrajudicial actions to threaten the rights of religious minorities, both resident aliens and converts.
4. Morocco must guarantee the rights to freedom of speech, assembly and press, including the right to publicly express a minority religious identity.
5. Morocco must seriously and meaningfully enforce the fundamental rights provisions of its new Constitution as well as its obligations under international law.

¹⁷ See International Religious Freedom Report 2010. 17 November 2010. *Accessed* 10 August 2011.
Available at: <http://www.state.gov/g/drl/rls/irf/2010/148834.htm>

¹⁸ *Id.*