



**University of Oklahoma College of Law  
International Human Rights Clinic  
The United States of America**

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Report on the Kingdom of Morocco at the 13<sup>th</sup> Session of the  
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**Prepared by**

**Students**

Ryan Kull, JD/MBA Candidate, 2013  
James Linhardt, J.D. Candidate, 2013  
Christopher J. Nassar, J.D. Candidate, 2012  
Jason Kennedy, J.D. Candidate, 2012

**Professors**

Cheryl Wattley  
Lindsay Robertson  
Taiawagi Helton  
Peter Krug  
Alvaro Baca

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## **EXECUTIVE SUMMARY**

The International Human Rights Clinic of the University of Oklahoma College of Law, U.S.A., submits the following report to the Thirteenth Session of the UPR Working Group of the Human Rights Council. This report concerns the indigenous Amazigh people of the Kingdom of Morocco and Morocco's compliance with recognized international instruments. The clinic acknowledges the recent steps taken by King Mohammed VI which promote and safeguard Amazigh culture. The report and attached annex focus on four selected areas: (1) Land Rights and Natural Resource Development; (2) Political Participation; (3) Access to Social Services; and (4) Children's Rights. Each section concludes with a series of recommendations for improving Morocco's domestic compliance with its international commitments and obligations. The report is followed by an annex that provides background information on Morocco and its indigenous Amazigh peoples.

## **INTRODUCTION**

The Imazighen (plural form of Amazigh) are the largest indigenous people of Morocco. They are commonly referred to as Berbers but that is disfavored due to its connection with the word barbarian. Imazighen compose 30-60 percent of the population of Morocco. Therefore, the Imazighen are very different from the common notion that indigenous populations are minority groups. Amazigh peoples' native language is Tamazight, which is spoken exclusively by an estimated thirty percent of the Moroccan population. Tamazight became an official language as a result of the 2011 constitutional referendum. Before the referendum, Arabic was the official language of Morocco, although French was prevalently used and promoted in both education and business. King Mohammed VI has advocated for Amazigh rights through various acts such as creating the Royal Institute of Amazigh Culture and the Equity and Reconciliation Commission.

## **I. LAND RIGHTS AND NATURAL RESOURCE DEVELOPMENT**

### **Normative and Institutional Framework**

International Instruments: Article 5(e)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Article 17 of the International Covenant on Civil and Political Rights (ICCPR). The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), if determined to be customary international law, could be binding on Morocco. Articles 10, 26, and 32 are all relevant to land rights and natural resource development. Article 17 of the United Nations Declaration of Human Rights (UNDHR).

Domestic Undertakings: Decrees implemented while Morocco was a French Protectorate in the early 20<sup>th</sup> century continue to exist in the framework of land rights in Morocco. Through a series of decrees, the French Protectorate expropriated traditional Amazigh land. These decrees continue to make resources vulnerable to exploitation. Article 15 of the Moroccan constitution guarantees the right to property, but that right can be restricted if economic development requires it.

### **Human Rights on the Ground**

Although steps have been taken to establish a better system of land rights, published reports suggest these have not been successfully implemented. Morocco's census does

not call for individuals to identify themselves as Amazigh, or any other ethnic origin, making it difficult to determine the precise number of rural Moroccans who are Amazigh. However, it is widely recognized that Amazigh people make up a large majority of rural Moroccans. Rural Moroccans often do not have formal title to land. They have little recourse if they are arbitrarily deprived of their land. Expropriation appears to be an issue where mining and natural resource development is prevalent and even Imazighen with title to their land are not fully protected. The Department of Energy and Mining's procedures only require an offer to the owner of the land and attempt to peaceably reconcile the situation; there are no requirements that actual consent or compensation take place. There are recent reports of land and resource expropriation in Aït Sidi Ali, Ben Smim, and Oulmés. Although reports are not widespread, the continued existence of Protectorate-era laws remains a constant threat for Morocco's majority Amazigh rural population.

### **Recommendations**

- Develop a system of land-law that provides an accessible mechanism for Imazighen to gain formal title to their land, especially in rural areas where traditional Amazigh lands have not always been recognized by the Moroccan government.
- Develop a system to adequately compensate Imazighen who are displaced by natural resource development.
- Consider developing a system to include representatives of displaced communities in the planning and implementation of natural resource development in an effort to provide increased economic and social benefits to those communities.
- Consider accession and ratification of the ILO Convention 169, a convention that aims to give indigenous peoples increased control over their institutions and way of life.
- Consider including requests for information relating to ethnic origin in their census. This will help to determine the specific number of rural Imazighen affected by these issues.

## **II. POLITICAL RIGHTS**

### **Normative and Institutional Frameworks**

International Instruments: Morocco has adopted the following relevant international instruments: The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of all Forms of Racial Discrimination.

Domestic Undertakings: Article 5 of the new Moroccan constitution, which was passed in July 2011, establishes Tamazight as a national language equal to Arabic. Article 7 of this new Constitution continues to ban the existence of religious, linguistic, or ethnic political parties. The government has established the Royal Institute of Amazigh Culture (IRCAM) to promote Amazigh culture and language within the country.

### **Human Rights on the Ground**

Morocco has international legal obligations that guarantee the right to political expression and assembly. However, their Constitution seems to place strong restrictions on what type of political parties can assemble, but these restrictions appear to be unfairly and unequally enforced. The Moroccan government has continually denied Amazigh rights parties from taking part in elections and even judicially dissolved them, due to a Constitutional ban on political parties based on ethnic, linguistic, or religious platforms.

In contrast, openly Islamic parties are allowed to participate in elections without interference. The language rights that have been promised to the people as a part of the recently revised Constitution have not yet been realized. The Constitution requires implementing legislation, but no such legislation has been introduced. This lack of implementation continues to leave exclusive speakers of Amazigh without adequate access to the courts, government services, and education.

### **Recommendations**

- Consider allowing Amazigh political parties to form and participate in elections.
- Continue timely formulation of an implementation plan for elevation of Tamazight as an official language.
- Assure that the Tamazight implementation plan specifically provides for universal translation in court proceedings and governmental activities.
- Continue to demonstrate a commitment to and respect for Amazigh culture by maintaining and promoting IRCAM.

## **III. ACCESS TO SOCIAL SERVICES: MEDIA**

### **Normative and Institutional Frameworks**

**International Instruments:** The Kingdom of Morocco is a member of several international treaties that stress the importance of access to information disseminated through media. Among those treaties are: International Covenant on Civil and Political Rights, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. International Covenant on Civil and Political Rights was ratified by The Kingdom of Morocco on May 3, 1979. Article 19 Section Two charges States to allow everyone the freedom of expression including the right to seek and receive information through any form of media that one may choose. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is concerned with workers coming into the country and being able to have access to information. It was ratified by Morocco on June 21, 1993. Article 13 Section Two charges States to allow Migrant workers and members of their families the freedom of expression including the right to seek and receive information through any form of media that one may choose. The Kingdom of Morocco might have an obligation under international customary law through the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Article 16, Subsection One creates rights for Indigenous peoples to establish media in their native language and have non-discriminate access to all forms of non-indigenous media. Subsection Two of Article 16 directs States to use State-owned media to reflect indigenous cultural diversity and to encourage privately owned media to do the same.

**Domestic Undertakings:** Morocco's newly adopted constitution provides specific provisions that address access to media for political candidates. Morocco's decision to detail media access for political candidates in the new constitution establishes Morocco's desire to inform its citizens and to grant them the opportunity for self-expression. Article Ten and Article 11 Section Two are the sections of the constitution that discuss equal access for all political candidates.

### **Human Rights on the Ground**

Morocco's new constitution has recognized Tamazight as an official language. Thirty percent of Moroccans speak only the Tamazight language. Tamazight is a term used to reference its three distinct dialects. In accordance with Paragraph 15(c), Morocco has

taken positive steps in its response to the report of the Office of High Commissioner for Human Rights, specifically paragraph 33. Morocco has created a Tamazight language television network and offers Tamazight radio programming in eighteen Moroccan cities. Access to the television network is available upon purchase of a satellite dish. The government can build upon this progress by recruiting employees from different Tamazight dialect speaking areas of Morocco, increasing the number of produced Tamazight language programs, and expanding the number of on-air hours of Tamazight language programming.

### **Recommendations**

- Consider adding Tamazight subtitles to Arabic and French language television programs to allow Tamazight speakers meaningful access to those programs. Currently, Arabic subtitles are required on Tamazight language programs. Adding a similar requirement for Tamazight on Arabic language programs would equalize Moroccan citizens' access to television programs.
- Amazigh TV should contemplate broadcasting 24 hours-a-day so that information can be reliably relayed during the night. This action would enhance television access for Tamazight speakers, who don't have 24 hour television access like Arabic and French speaking citizens already possess.
- Develop a mechanism to effectively evaluate Amazigh TV's audience. Creating a mechanism to find out who is watching Amazigh TV would give the network the ability to tailor programs to meet audience preferences, which would allow Amazigh TV to maintain its most popular programs.
- Develop recruitment strategies for employees who originate from the areas of Morocco that represent the different Tamazight dialects.

## **IV. CHILDREN'S RIGHTS (*Individual Determination and Education*)**

### **Normative and Institutional Frameworks**

International Instruments: The Kingdom of Morocco is a party to the International Covenant on Civil and Political Rights (ICCPR). Article 17 of the covenant may be binding concerning a parent's right to name their children. The Human Rights Committee found in *Coeriel et al v. Netherlands* and in *Raihman v. Latvia* that arbitrary government intrusion in naming is a violation of the ICCPR. Article 27 of the Covenant affords indigenous and minority groups the right to enjoy their own culture including the selection of their children's names with cultural significance. Morocco is a party to the International Convention on the Elimination of All Forms of Racial Discrimination. During the Moroccan review on August 10, 2010, the Committee on the Elimination of Racial Discrimination (CERD) recommended that the ambiguity of Morocco's naming policy should be further defined. Morocco is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 1 allows people the right of self-determination and this could extend to individuals including children. Further, Article 13 states every child has the right to an education. Morocco is a party to the Convention on the Rights of the Child (CRC). The convention states in Article 7-1 and 8-1 families have the right to name their children. Article 28 expressly states all children have the right to an education.

Domestic Undertakings: The Moroccan Department of the Interior on April 9, 2011 issued a domestic directive, D-3220, to every local branch of the civil registry to define what a "Moroccan Name" is and clarify which Amazigh names are "Moroccan." In 2001,

the Moroccan government established the Royal Institute of Amazigh Culture in direct response to the countries previous periodic review. The institute is committed to developing literature and cultural curriculum for children. The recent constitutional referendum made Tamazight an official state language allowing Amazigh children throughout Morocco the right to be educated in their native language

### **Human Rights of the Ground**

A recent directive D-3220 was issued to help alleviate some of the ambiguity in acceptable names for children. In an attempt to clarify acceptable names, the directive has caused greater confusion for Amazigh parents and government officials. The ambiguity also creates hardships for the parents because without a birth certificate their children do not have access to public services, medical insurance reimbursement, or a passport. Children in predominantly Tamazight speaking communities are currently instructed in Arabic. There is no primary or secondary comprehensive curriculum for children to be educated in Tamazight. Tamazight is not given the same prominence and importance of Arabic and is not taught in schools. This should be changing in the near future because of the recent designation of Tamazight as an official language.

### **Recommendations**

- Make continued efforts to protect the interests of Moroccan children by becoming a party to the African Charter on the Rights and Welfare of the Child.
- Address ambiguities and contradictions arising in Directive 3220 and enact legislation that allows children's names to not be denied governmental approval unless the name is patently offensive or harmful.
- Incorporate Amazigh culture and Tamazight language into the public educational curriculum.
- Explore opportunities to comply with international obligations by providing education in Tamazight so all Moroccan children have the right to an education.