

**The Moroccan legal system and the protection of minorities  
from discrimination:  
A comparative analytical study**



**Moroccan Association for  
Religious Freedom**

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## Executive summary

Morocco officially adopts the Islamic religion as a method of governance in its political and social system, and in particular the Sunni Maliki School. Since its independence in 1956, Morocco has relied on a "national and regional Islamic reference"<sup>1</sup>, in the sense that it adopted a monolithic model based on the same doctrine and not others, and is based on the Maliki school, unlike some other countries where religious doctrines are multiple, with the aim of protecting its territorial field from Religious societies, whom are different from official guidelines.

During the institutional building of the state after independence, each of the ruling groups (the monarchy and the national movement<sup>2</sup>), took into account the religious principle, on the one hand the patriots sought to integrate the religious factor in the national strategy to recruit the people against French protection, and on the other hand, building the state - the central nation requires mobilization and effort to achieve the concept of "unity", the latter based on Islamic principles and teachings. Therefore, the struggles of the national movement were launched on a religious basis that opposes French protection, by seeking to unify the Moroccan national identity to be an Islamic identity.

In the beginning of the sixties and late seventies, the religious position of Islam was used in building the state within the framework of its affiliation with the (Islamic identity) and the Muslim world group, and it became an institutional component of political practice: a source of the legitimacy of the authority and its removal from the opposition group.

Based on the foregoing, the Islamic religious concept interferes in the Moroccan political body, in a way that cannot be debated around it<sup>3</sup>. The historical accumulation of religious authority from Morocco denies the existence or cancellation of all other religious entities, with the exception of the Jewish tributaries that have a special place historically regarding political and economic authority in Morocco. In the year 1968, King Hassan II

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<sup>1</sup>Tozy (Mohamed), « l'évolution du champ religieux marocain au défi de la mondialisation », in « Revue Internationale de politique comparée », 2009/1 (Vol.16), pp 63 - 81

<sup>2</sup> The Moroccan national movement appeared in the 1930s to resist French protection, and it is an extension of the jihad movements that were launched from mosques, corners and ligaments to repel the Spanish and Portuguese conquests.

<sup>3</sup> Ibid, Tozy, p 85

stated: «For our sons to be good citizens and true Muslims, they must receive an education inspired by our religion." He also considered that it is "a duty of the rulers of the Islamic world to allow the supreme authorities to ensure the revival and expansion of the teachings of the Islamic religion, and pointed to the" generosity of Islamic law ", besides the extent to which it accommodates all the needs of human beings at all times without the need to 'amend' them at all.<sup>4</sup>

As such, the power of the monarchy in Morocco stems from the concept of "divine right"<sup>5</sup>. Until 2011, the person of the king was sacred in the constitution, a characteristic that is found midway between God and man. The status of holiness was abandoned and replaced by the word "the person of the King must be respected" in the new 2011 constitution. The attribute of respect or holiness refers to the fact that the people always owe the king respect and influence, and it is an Arabic term for sanctification and worship, as well as was used as a historical indication to distinguish the prophetic lineage that the Moroccan kings claimed for centuries to belong to.

In light of this political environment that appears to discourage people from open communication in the religious sphere, while the state's official debt continues to play a central role in government, it hinders the search for meaningful answers to questions related to the problem of discrimination based on religion, and the rights of religion or belief, The scarcity of information related to legal provisions in the context of the Islamic state, or the Muslim majority<sup>6</sup>, whose laws threaten anyone who wants to change their religion for personal or fateful reasons, in addition to the absence of any comprehensive field studies that reflect legal and institutional arrangements in the Moroccan context. This study represents a step, albeit small, as it is important to compensate for this urgent gap.

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<sup>4</sup>Hassan 2, « Risalat al Qarn », 'Lettre du siècle ', November 9, 1980.

<sup>5</sup> The right of divine kings is a religious political concept, from which kings who rule with absolute authority derive their legitimacy from religion, and they consider that any kind of disobedience is a sin against God, and found the concept in medieval Europe and in Islam is still present in many Islamic countries

<sup>6</sup> This study defines a Muslim-majority country as the country where the number of Muslims exceeds half of the population.

## Introduction

By 2011, Morocco had passed a new constitution as a result of the popular movement that called for reforms during the popular uprisings from which the region passed, and it already guaranteed a set of basic rights and freedoms, such as the freedom of speech, freedom of association, and peaceful protest, as well as toppling the "holiness" of the king who it is considered the highest executive authority in the country. From the start, Morocco has been involved in international efforts to promote human rights, and has ratified most of the international human rights conventions with some reservations<sup>7</sup>, including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination against women, and joined the United States coalition to promote global religious freedom.

There were some important indications of progress in 2011, when the government took important legal steps to protect the Amazigh language and identity of the indigenous people, most notably the constitutional recognition of the Amazigh language in addition to the Arabic language, and the adoption of a regulatory law at the parliament level that formalizes the Amazigh language.

After that period, the government, under the leadership of King Mohamed VI, continued to participate in international initiatives on promoting religious freedom and coexistence through interfaith dialogue. Most notable of these efforts is the participation of high-level government officials in the «*The Fez Plan of Action*», to prevent incitement that could lead to brutal crimes, alongside the United Nations, the International Council of Churches, the United States, Italy, Jordan and Thailand.

*Morocco* is now a member of the International Alliance for Religious Freedom, which is led by Washington to support religious minorities. The Declaration of Principles of the Coalition states that "Members are obligated to uphold their obligations under international law in general, and the International Covenant on Civil and Political Rights in particular, freedom of thought, opinion, religion or belief, including the right to hold any

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<sup>7</sup> Morocco maintains Article 14 of the Convention on the Rights of the Child, through which states are obliged to guarantee the right to religion and thought to the child.

belief or not to believe in anything at all. " Morocco also sponsors and actively participates in the United Nations Alliance of Civilizations initiative.

These steps have resulted in a slight improvement in the status of Moroccan religious minorities and religious freedom for society in general, compared to previous years in which the security authorities have been launching public campaigns of arrests and violence that sometimes lead to torture against religious activists from religious communities that are victims of incidents of discrimination.

However, many developments are still subject to human rights apostasy, because *Morocco* neglected in its constitution the affected religious communities presented in this study in detail, and has not modified a set of repressive laws that are inconsistent with the international human rights reference it has ratified. For example, in the criminal law there is a group of chapters that punish those who "offended" the Islamic religion or the monarchy, that are considered "constants"; among the Kingdom's principles besides "territorial unity", this is among many other chapters and laws that restrict freedom of speech and religion, as well as, are sometimes used to imprison religious minorities and to suppress activists.

During the years 2019 and 2020, Morocco launched a public campaign of arrests and prosecutions, targeting dozens of activists of social media users, including singers, journalists, and members of the Moroccan Human Rights Association offices in *Khenifra* and *Nador*, schoolchildren and supervisors of pages on social media sites such as (*Mool Hanoot* - means the owner of the shop). The arrests were made according to the accusations announced due to criticism of the judicial rulings related to the "Rif *Hirak* Movement", who participated in the demonstrations by the Amazigh population, and the criticism of the judges who issued harsh verdicts against the residents participating in the protests, whom reached 20 years against the leader of the movement, "*Nasser Zafzafi*", who was accused of arresting a Friday prayer in addition to other charges.

## I. The Reality of Minority Religious Societies: Extensive Restrictions

Morocco imposes an Islamic religious education prepared by the Ministry of Endowments and Islamic Affairs, and enforces it on all educational and private institutions. The law obliges members of the government (ministers), Royal Armed Forces officers, paramilitary forces, judges, notarial and high-ranking officials to take oath before King Mohammed VI in a fixed Islamic form: “I swear by God the Great that I am loyal to God and to my King». The Law of founding associations provides that there is no legal presence for any association if its goals or objectives are considered to be prejudicial to Islam, the monarchy, contradict *good morals*, or call for all forms of discrimination. And if the law does not define what is meant by these broad terms and wide restrictions, civil society defending human rights is understood as a form of restrictions imposed on freedoms in general, including religious freedom, and targeting the rights of minorities, non-Islamic and Muslim minorities.

In this way, and alongside the Moroccan Christian, Shiite and Ahmadis associations, the Ministry of the Interior refused to register the “Moroccan Association for Religious Freedom”, claiming that it “prejudices” Islam, and a Moroccan court in Casablanca dissolved the “*Racines*” association, because of “insulting the Islamic religion” in a filmed episode from “*Un diner, deux cons*” show published in YouTube, and the appeals court upheld the verdict.

In this study, a group of Christians and Shiites indorse that the Ministry of the Interior, opposes their presence as members of civil society associations, and they said that men of authority asked members of regular craft societies to delete their names in order to be able to place an application for registration and obtain legal receipt. The government believes that with a set of legal and administrative measures it will limit what it describes in some official documents as “the danger of beliefs that threaten the entity of the Moroccan state.”<sup>8</sup>

In the case of religious minorities and the issue of freedom of belief, there is not only legislation, but there is an authoritarian practice that may sometimes be separate from

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<sup>8</sup>See the Decree on establishing the Supreme Scientific Council.

the laws adopted, and that security practice that despises certain religious groups stems from the claim that members of the new religious movements and members of ancient religious minorities are potential traitors. For example, in 2018, the police detained a Christian activist 3 times in 3 cities in less than a month, and the attorney-general told a lawyer who was assigned by the Religious Minorities Committee, “He did not order the arrest of this person.” Committee reports indicate that individuals and religious minority groups suffer from arrests and prosecutions.

However, the criminal law considers all Moroccans to be Muslims, and people of different sexual orientations are punished with imprisonment, and the laws do not specify remedies for persons and groups that are subject to discrimination or violence on a religious basis by government institutions, or some of the population that represents the majority. But international law guarantees people the right to an effective remedy, when they are discriminated against their rights violated because of their beliefs and affiliations.

The restrictions imposed on the human rights of minorities in Moroccan law, go far beyond the boundaries of international covenants related to freedom of opinion, expression, association and non-discrimination. The chapters of the criminal law and public freedom laws, are very broad and not precise when you talk about “prejudice” Islam or “calling” for discrimination, and this provides the judges with the basis for imprisoning religious activists, including those belonging to minorities, and dissolving their organizations or refusing to register them at all.

Though, despite the suppression of civil and political freedoms, systematic violations of human rights, the crushing of protest movements, allegations of torture of its leaders, state corruption and the absence of freedom of belief, this does not mean that Morocco crushed all the unwanted presence, and closed all spaces of expression, but there are indeed religious groups between them Islamic and Christian, Its members are Moroccans who carry out their activities dynamically, from activists, Amazighs to human rights organizations concerned with LGBT community are indeed independent, but they are either out of law, under the oppression of threats, or legal but suffer from violent harassment of an always arbitrary nature.

The Committee on Religious Minorities has repeatedly called for legal recognition of the affected religious communities<sup>9</sup>. Including Shi'a, Sunni and Sufi private houses, that are excluded compared to those funded by the government. The importance of legal recognition of the existence of religious minorities, men, women, and children, lies in working at the state level to provide information about the religious composition of the population and other indicators about religious diversity, which is a prerequisite for identifying the special needs of various vulnerable religious groups, and identifying any deficiencies in their protection from discrimination.

In our study, we will address some of the main problems related to discrimination in national laws, especially in the constitution and the various legal systems with mention of the social and historical context of the emergence of the concept of religious legitimacy in the Moroccan state, starting from previous studies that have benefited us in this aspect, and we will present some of the sub-questions as follows:

- What is the concept of the state religion? And how is it used in drafting national laws related to belief and public life?
- Does the constitution include articles protecting freedoms and rights associated with religious minorities?
- What are the limits of freedom of association law in Morocco? To what extent does national law seek to establish a unilateral system based on the abolition of other entities?
- How does the government justify its religious authority towards citizens, and what is the role of the formal institutions it has created in the aim to protect human rights at the national level, in the sense of what are the limits of its independence from the state? What are the most prominent manifestations of religious legitimacy in Morocco?

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<sup>9</sup> See the Rabat Declaration of the National Conference for Religious Minorities, organized on November 18, 2017 in Rabat.

## 1. List of terms

- a. **Minority Rights:** This study considers that the rights of minorities are: non-discrimination, identity protection, and active participation.
- b. **The Minorities Committee:** the acronym for the legal name of "Moroccan Association for Religious Rights and Freedoms".
- c. **Missionary:** The missionary or Christian mission organized to spread Christianity and undertakes missions to send individuals and groups carrying out missionary duty.
- d. **The Emirate of the Believers:** The "Foundation" of the Emirate of the Believers consists of a group of religious institutions established by the King *Mohamed 6*, in order to protect and spread Islamic religion.
- e. **Makhzen:** is a historical concept related to the instrument of repression. Today, the "Makhzen", is considered the ruling elite that revolves around the Royal Household, and acts outside the constitution and law in favor of the political system (military, security police, businessmen's ...).
- f. **The constants of the nation:** the Islamic religion, the monarchical political system, the national or territorial integrity of the Kingdom.
- g. **Spiritual Security:** King *Mohammed VI* spoke in official speeches and messages about spiritual security, and it is often linked to the Maliki school of thought: "We will maintain spiritual safety and the unity of the royal doctrine." Extract from the 2004 Casablanca speech. He also said: "We are keen to maintain the spiritual safety of Moroccans, in accordance with the Maliki School." The text of the royal message

at the Fez International Symposium, on promoting dialogue among civilizations and respecting cultural diversity.

- h. **The Oath of Allegiance:** One of the characteristics of the political system associated with the Islamic religion. Allegiance: is practiced through prostration to the king as an expression of loyalty.
  
- i. **The noble ancestry:** means the affiliation with the family of the Prophet of Islam *Muhammad*, and the ruling *Alaouite* dynasty, claims that it belongs to "*Ali bin Abi Talib*", or what has been described as "a golden chain of noble ancestry"<sup>10</sup>, that is, the succession of the Prophet *Muhammad*.
  
- j. **Maliki Fiqh:** One of the Sunni Islamic schools of thought, that adopt the doctrinal views of Imam *Malik bin Anas*.
  
- k. **Ashaari doctrine:** It is a doctrine that differs from the approach of (the predecessor), and is attributed to Imam *Abu al-Hasan al-Ashaari*.
  
- l. **Fatwa:** A religious decree issued in the Moroccan context by the "Supreme Scientific Council", or scholars in Islamic law.
  
- m. **Junaidism Sufism:** Sufism is a mystical system among Sunni and Shiite Islam, and other institutions. It has spiritual rituals. "*Al-Junaidi*" means a person whose full name is "*Abu Al-Qasim Al-Junaid*", the most famous of the Sufi imams of his time, and "official" Sufism is based on his school.
  
- n. **Salafism:** A movement in *Sunni* Islam, advocating a return to the traditions of the first generation of Muslims, or what was called: "the righteous predecessor".

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<sup>10</sup><http://www.habous.gov.ma/daouat-alhaq/item/7085>

- o. **Al-Khawarej:** A term given to a sect that rebelled at the beginning of Islam against the fourth caliph *Ali*, after he agreed to stop fighting against his rival *Mu'aweya*.
  
- p. **Monotheism:** Belief in the oneness of God.

## 2. Methodology

Within the framework of the project "Fighting Discrimination"<sup>11</sup>, which was implemented in a period coinciding with the imposition of the state of emergency, due to the outbreak of "Covid-19", and the month of Ramadan, a period that was known to violently target vulnerable groups such as minorities - 4 working groups were formed (Discrimination Monitoring Group In the constitution, the Discrimination Monitoring Group in the Criminal Code, the Family Code Group, the Liberties Laws Group), to examine the causes of discrimination based on religion or belief in the law. There was also a documentation team that supported the work of the groups by working on organizational and administrative documents, and everything related to the topic.

The study is based on a cautious review of national legislation, international treaties ratified by Morocco, previous reports of the Religious Minorities Committee, among which are listening records documenting allegations of discrimination reported by about 100 persons belonging to religious minorities, annual reports of local and international organizations, and reports we were able to reach in French and English. The aim was to focus on how the state's relationship with official religion affects the equality of religious believers and the human rights of minorities. In addition, the study was based on 254 surveys.

Seminars and lectures were also organized within the framework of the preparation of this study, for the duration of the project covered by the "Discrimination Program", in which members of the affected religious minorities, Amazigh indigenous groups, and local and international organizations participated, such as the head of the Amazigh Network for Citizenship. "*Abdallah Badou*", "the head of the Maghreb Observatory

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<sup>11</sup> Under this project, which is supported by the International Minority Rights Group and the Norwegian Agency for Development Cooperation, the Religious Minorities Committee is committed to preparing a study on the problem of discrimination.

of Freedoms," *"Amin Belghazi"*, member of the office of the Moroccan Association for Human Rights, the president of the Moroccan Association for Religious Freedoms *"Jawad El-Hamidy,"* and other activists on the Moroccan Christian Committee such as *"Ghezlan Sidqi"* and *"Asma Dafri"*, and the committee Moroccan Shiites such as *"Fatima Mashay"* and *"Karim Akasbi"*, as well as individuals belonging to the minorities of the LGBTQ, and people with special needs.

To ensure academic accuracy, study supervisors coordinated their work with sociologists and attorneys who provided good information.

During the project's implementation period, group members reviewed discrimination incidents that occurred in April, March, and May 2020, such as subjecting people to arbitrary detention and ill-treatment because of their beliefs, and prosecuting others for allegedly breaking the fast during Ramadan, or insulting the Islamic faith, and other facts, which include the practices of the police and other law enforcement personnel, relying on religion or belief, or faith symbols. Some positive reports, such as opening investigations into allegations of religion or related detention, have been followed up, and these data can be reviewed on the website of the Minorities Committee.

June 2020 was also dedicated to reviewing posts on social media that incite discrimination and hatred because of religion or belief, in addition to organizing the validation processes of information provided by alleged victims of discrimination, based on jurists and experts, to ensure the accuracy of each section of the study, and the quality of information.

The reality may be somewhat different from the laws, so the report's methodology was based on holding video and audio interviews of religious minorities. Over the past two years, a set of seemingly objective and transparent reports and transcripts of allegations of violations based on religion or belief, have helped to provide data that improve the information for the study's indicators.

Compared to the annual reports of the Religious Minorities Committee, for the years 2018 and 2019, this year we carried out this study with methodological and scientific standards based on several readings of previous studies in the sociological and legal field, to

understand the dilemma of religion in the Moroccan political system, and our study will be based on a qualitative approach and a comparative study of discrimination in national legislation, based on some reports that include many cases of religious minorities, which we have listened to throughout the work of the association.

### **3. Study structure**

This study demonstrates the worrying legal and institutional aspects that need to be changed for the better, especially with regard to expanding the space for religious minorities to express themselves more, and within the framework of the guarantees of the law, and not outside it. The religious communities we met, highlighting that they did not benefit from the 2011 constitution any rights or freedoms, unlike women, Amazighs, and Jews who recognized their rights even more.

The study explains Moroccan laws under the microscope of the interests of religious minorities, and stands for an analysis of the content of the constitution and criminal law, besides other documents and their relationship to the right to religion, non-discrimination, and human rights for other Moroccans under the Muslim majority, and tries to address issues of religious inequality, besides the relationship of Islamic law to the legal system, in order for Morocco to preserve its ancient diversity and not exclude any of its members, and to become a democratic state that is inclusive of all its components, so everyone can benefit equally from rights.

The study examines whether laws and policies, and the process of law enforcement such as the government, protect persons belonging to religious minorities, from discrimination prohibited under international law, and compares national legislation with international standards.

The term “discrimination” and “racism” is included in the International Covenant on Civil and Political Rights, whose Article 20, prohibits “any call for national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.” As for equality, it is one of the most important principles in international human rights covenants, and pursuant to the principle of constitutionality of laws, not all laws should violate the principle of equality, otherwise they would be contrary to the constitution supposed to guarantee equality in a clear way and mechanisms. In the Moroccan context, the

constitution prohibits one type of discrimination in a clear way, which is discrimination between men and women<sup>12</sup>. On the other hand, it became clear that the constitution does not prohibit discrimination based on religion, in an explicit manner that does not violate international law to protect human rights.

Thus, the first section analyzes the role of Islam in the constitutional legal system in detail, and monitors the materials that affect religious minority issues, including institutions concerned with addressing the breach of the rights stipulated constitutionally, then the criminal law, the family code, public freedom laws, including the law of establishing associations, besides other legal occurrences , And the extent of the internationally recognized human rights guarantees as well as cases where the freedom to manifest religion can be restricted.<sup>13</sup>

As for the second section, it seeks to answer the question of whether national legislation protects freedom of religion, and the material manifestations of that freedom, by documenting the suffering of 5 religious minorities in real situation, which are Christians, *Shiites*, *Bahais*, and the *Ahmadiya* sect, in addition to allocating a small section to non-believers who describe themselves as "non-believers", or atheists, as well as the government's use of those laws that violate human rights, as monitored by this study.

In the same section, the study refers to stories of social discrimination, and highlights some challenges for Jews, such as the problem of anti-Semitism in the media and the Internet, the statements of some anti-Semitic tendencies, and societal discrimination. *Sufis* groups were not included due to the absence of sufficient time. The study documents in a socio-historical section, the foundations of the Moroccan religious model, and the efforts of the Royal Institution to control the religious sphere generally.

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<sup>12</sup> Chapter 19 of the Constitution of Morocco: Men and women enjoy equal rights, civil, political, economic, social, cultural and environmental rights and freedoms set forth in this section of the Constitution, and in its other requirements, as well as in international agreements and covenants, as approved by Morocco, all within the scope of provisions The constitution, the Kingdom's principles and laws

<sup>13</sup> This section is based on a report submitted by the Special Rapporteur on freedom of religion or belief, Mrs. Asma Jahangir, to the United Nations General Assembly - Seventh Session, 20 July 2007.

## II. International standards to protect against discrimination and ensure freedom of religion

The international parties and the global legal standards are still continuing to play important roles with regard to global legal human rights, and their relations with policies in Islamic countries, especially with regard to the rights of religion or an internationally recognized belief. As such, Article 18 of the Universal Declaration of Human Rights addresses the relationship between religion and rights, and states that: *“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance..»*

At the time, not a single country out of a total of 58 independent states voted at against the Universal Declaration of Human Rights, and this reflected a historic consensus on the subject of fundamental human rights, including freedom of belief and religion. Since the early days of the United Nations, Christians, Jews, Muslims, Hindus, Buddhists, and other beliefs have worked together and with each other to advance human rights to nations.

70 years later, many vital questions about the extent of keeping pace with international human rights standards within the constitution, besides the rest of the Moroccan laws. There were two issues that were pervaded by the discussion of the preparations for the constitutional document, namely: *Holiness* of the King, and guarantees of freedom of religion or belief for all Moroccans.

Although the constitution established an official state religion, this does not contradict the right to freedom of religion or belief, if individuals enjoy the freedom to leave that belief. The European Court of Human Rights affirmed that the mere existence of a dominant official church does not violate the right to freedom of belief, as long as individuals are free to leave the church.<sup>14</sup>

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<sup>14</sup> Paragraph 9 of the Human Rights Committee's general comment No. 22: the right to freedom of thought, conscience and religion (Article 18).

## 1. Introducing the affected religious minorities

With the exception of the 2014 census, the last one confirmed that the population was 36 million; however there are no reliable statistics or data that can be trusted, especially with regard to the numbers of religious sects or minorities, due to the absence of legal safety that protect them from violence and discrimination, and in various aspects of public life. Also, there is no official number and recent data, for the number of Muslims belonging to the majority.<sup>15</sup>

But estimates that do not include those who do not believe in religions, and who are large in Morocco, say that 25,000<sup>16</sup> Muslim citizens have converted to Christianity, while 2,000<sup>17</sup> Shiites are located in the northern region mostly, in addition to 675<sup>18</sup> people belonging to the Ahmadiya Muslim community, and 300<sup>19</sup> people to the Baha'i community; it is believed that 3,000<sup>20</sup> foreign Christians reside in Morocco. The number of atheists remains unknown.

However, the number of "non-religious" people has reached 15 percent of Moroccans.<sup>21</sup>

These affected religious minorities are still deprived of the practice of their religious rites and the right to establish associations, however, the government says that they monitor them in their geographically dispersed sites, "and they know their locations and what they do."<sup>22</sup> The Supreme Scientific Council previously issued a Fatwa of killing them.

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<sup>15</sup> Estimates say that 99.99% of Moroccans may differ significantly from reality.

<sup>16</sup> Annual report of the Moroccan Association for Human Rights, 2017-2018, Freedom of Belief Section.

<sup>17</sup> The annual report of the Moroccan Association for Religious Freedom for the year 2018/2019.

<sup>18</sup> An interview with the representative of the Ahmadiya Community in Morocco, "Issam El-Khamisi", posted on "Maghreb Voices" website, entitled: "Representative of Ahmadiya in Morocco: "...Our number is 675".

<sup>19</sup> The international Religious Freedom Report 2019, issued by the US Department of State.

<sup>20</sup> Ibid,

<sup>21</sup> Report of the US Department, Religious Freedom, Morocco. 2020

<sup>22</sup> A statement by Ahmed Al-Tawfiq, Minister of Endowments and Islamic Affairs in the Council of Advisors [https://www.abc.es/internacional/abci-ministro-marroqui-califica-virus-conversos-cristianismo-201705251403\\_noticia.html](https://www.abc.es/internacional/abci-ministro-marroqui-califica-virus-conversos-cristianismo-201705251403_noticia.html)

## 2. Christians in Morocco

The Christian religious minority consists of 3 main communities: American and European Christians permanently residing in Morocco, Christian immigrants who came from sub-Saharan Africa, and formerly Muslim Moroccans who converted to Christianity, most of whom belong to the Evangelical Christian Doctrine.

This group is still linked in the minds of the government and some conservative political parties to international agendas, because of their relations with European and American churches, and it is said that this group was not originally and does not rise to the level of a minority, but was "made" by some influential countries, and they mean in fact strong churches.

The perception based on the idea that Christians relate to "foreign industry" has negatively affected the Christian community since independence in 1956. In contrast, King *Mohammed VI* made personal efforts to ensure that Jews were able to practice their religion more freely than the constrained Muslim majority community.

Although Moroccan and foreign Christians, after decades of systematic persecution, are now able to enjoy a greater degree of public appearances in recent years: (organizing major celebration on the occasion of Christmas, forming religious communities, raising demands ..), it is from time to time in many cities, representatives of the Interior Ministry authorities organize patrols to warn foreign church leaders against accepting Christian Moroccans' access to churches with the aim of praying or worshiping.

The respondents emphasized in this study that people who tried to enter churches to pray were arrested "because they are Moroccans". This administrative procedure does not include foreigners or citizens who enter churches as tourism, or for taking pictures purposes.

Some civil society organizations, such as the Moroccan Association for Human Rights (AMDH), point to an increasing number of formerly Muslim Moroccans who have converted to Christianity as mentioned in the above estimates. Although the law does not criminalize conversion to religion, at the same time, it does not recognize non-Muslim Moroccans, and due to widespread harassment, members of minority communities prefer to practice their rituals in secret.

Embracing Christianity from the perspective of social representations is confronted by violence on the part of the population and families, due to the stigma surrounding leaving Islam and embracing Christianity, while the government subjects them to violent control because of their methods of proselytizing, in fact, there are reports claiming that members of this community, may be more vulnerable to harassment.<sup>23</sup>

➤ **Case Study: *Al-Hussein*, a Moroccan citizen, complains of repeated targeting**

In April 2018, features affiliated with the police in the city of *Ifrane* detained *Hussein Al-Amiri*, married and father of two children, who was born on 1981, for a period of 48 hours under unfair conditions, after arresting him in front of a residence (villa) intended to host Moroccan Christians to hold prayers and organize Christian religious activities under what is called "serving the Lord".

During the period of detention and interrogation, the interrogators asked him at two o'clock at night on the first day, about the number of Moroccan Christians that the residence was hosting, and his portfolio was searched in which they found 5 various Christian religious books and he received questions related to his belief.

Before his arrest, *Al-Amiri*, accompanied by Moroccan Christians who were visiting him, accordingly, was subjected to several harassments in front of that home church by the security forces, including the withdrawal of his national card and provoking him with questions about the reasons that made him settle in the city of *Ifrane*.

After he was released only two days in *Ifrane*, the police in the city of *Qasr al-Kabir* arrested him again, and detained him for 48 hours in a police station and subjected him to ill-treatment.

He says that at that time he was subjected to "several provocations and psychological torture, and was asked though, to summon his wife to interrogate her about her religious beliefs, and they asked him to utter an Islamic religious phrase" I bear witness that there is God and I testify that Muhammad is his Messenger ", but he refused that despite the pressures before he was released."

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<sup>23</sup> U.S. Government, Department of State, International Freedom of Religion Report, 2017

*Al-Amiri's* ordeal will not end with the arrests for his conversion to Christianity, but he will be arrested in May 2018, while he was on a bus that was heading from *Al-Qasr Al-Kabir* to the city of *Kenitra*, where his wife and young children are present, but those officers released him after an inspection.

In 2019, when Pope Francis announced that he would make an official visit to Morocco, an international news agency tried to host *Al-Amiri* to talk about his suffering as belonging to a persecuted minority, but soon he reached a summons to appear before a court, claiming that he was involved in a case dating back more than 10 years. He had already canceled that interview, which was expected to take place at his home.

### 3. The Moroccan Bahá'ís

Morocco does not recognize Baha'i faith as a religion, and the status of Baha'is is no different from that of Christians and other minorities. In 1962, the late King *Hassan II* issued an order to execute a small group of Moroccan Baha'is, and the Court of First Instance in *Nador* ruled their right with a total of 3 executions, 5 life sentences with hard labor, and 15 years of imprisonment for the rest. The court based its ruling on the "dangerous nature" of the Baha'i community, which amounts to threatening the "integrity of Morocco and harming its official religion." However, international pressure led to the annulment of the ruling by the Supreme Council of the Judicial Power, which is still in place to this day.

There are no special temples for Baha'is, and it is forbidden for them to organize religious events in halls, even if they are private. In 2017, Baha'i affiliates reported that the Ministry of Interior prevented them from using a hall in Meknes and Tangiers to organize the birthday of their Prophet, Bahá'u'lláh.<sup>24</sup>

The Baha'i belief is considered a new religious movement, the Bahá'í prophet is Baha Allah who denied that Muhammad is the last prophecy, and believes that he is the last of the messengers. The situation of the Baha'is in Morocco is characterized by the nature of restrictions and arrests, which target the new members of the faithful in this religion by the

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<sup>24</sup> Official website of the Baha'is in Morocco, 25 October 2017, Statement: "Banning the use of the wedding hall to organize the birthday of Baha'u'llah"

authorities that refuse their presence. Likewise, the Shiites and the Ahmadis do not have temples.

Baha'i is a monotheistic religion that Baha'u'llah was founded in Persia in the nineteenth century. Its basic belief is the oneness: the oneness of God, who is the source of all creation, the oneness of humanity, where all human beings are created and all are equal, and the oneness of religion, where all religions stem from the same source. It is believed that the Baha'is first settled in Lebanon, around 1819.

Today, although their numbers are not officially known, there are only a few hundred of its members living in Morocco.

Although Baha'is have struggled against a history of persecution in a number of countries such as Iran and Egypt, Baha'is in Morocco are not allowed to practice their religious rites nor celebrations and to gather freely.

Although those affiliated with a Baha'i organization claim that the authorities "never" bother them, but a Baha'i in Mohamadia city told the Committee for Religious Minorities that the police went to his family's home 4 times, in order to inform them that he was wanted.

When he came to the police station, the policemen asked him why he had joined a Baha'i group and attended their activities. Another Baha'i was expelled from the ranks of the armed forces after the authorities learned of his belief.

#### **4. Shiites**

While the majority of Moroccans are Muslims of the Sunni Maliki sect, Shiites represent a small portion of the country's population, and they formed the majority in Morocco earlier, according to statements by Shiite activists.

However, there is not much information available about Morocco's Shiite population, although there are reports of only 2,000 Shiites.<sup>25</sup>

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<sup>25</sup> Annual Report of the U.S. Department of State for Freedom of Religion, 2019

The situation in Morocco today is especially dangerous for the Shiites, who are rejected in the country, and there is no available data on them, the majority of them prefer silence for fear of authorities and judicial prosecutions, and they may deny that they are Shiites, yet they suffer persecution, such as being fired from government jobs and trials.

Consequently, "*Abd al-Rahman al-Shokrani*," a leader of a Shiite association was convicted for two years in prison because of his activities, and for others' serious attempts to forcibly migrate abroad.

And despite the fact that the Shiites find it difficult to impose their belief, especially in the part related to prayer with the Sunnis side by side in the same mosque, and ablution in the same way adopted by the Sunni doctrine, in addition to the absence of any temple of their own or what is known as (*Hussainiyat*). In this context, the authorities have formed committees at the level of prefectures and regions, to fight all sources of "Shiite infiltration", and to carry out campaigns to monitor and follow up everything related to Iran, while visiting major libraries in various cities with the aim of inspecting and identifying the presence of the Shiite writers in the Moroccan cultural arena.<sup>26</sup>

In May 2015, a statement by the *Shadhiliyya al-Mishishiya* (a Sufi Shiite corner) said that a group of 60 people violated 4 members of the *Zawiya* during a religious activity that it organized in the city of *Tetouan*, which led to their fainting without the interference of the security authorities, despite their presence on the spot and their assistance during the beating, in addition to the use of extremist religious phrases such as "God is Great", "Kill the charlatan Shiites." Also, a complaint was lodged with the security and judicial authorities, and the Moroccan justice did not bother to follow up the indicted perpetrators, according to the published document entitled "A statement of indignation and condemnation."

The Peaceful Group reported that a *takfiri* gang consisting of more than 60 people almost killed 4 of its followers in the presence of elected representatives and parliamentarians who refused to contact the police, and after attending a National Security vehicle, the agent that transported

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<sup>26</sup> Moroccan Center for Contemporary Studies and Research, a study entitled "Shi'ism in Morocco: History, Reality and Dimensions".

it did not intervene except to inquire about the time without arresting any of those involved, despite their presence on the spot.

The Minorities Committee obtained other correspondence, which *Al-Zawiya* sent to diplomats, requesting to intervene with the Moroccan authorities to punish the perpetrators and restore honor to this peaceful religious group.

One of the members of the *Zawiya* with whom we spoke, said that the attackers against the Sufi Shiites are likely to be mocking the local authorities of *Tetouan*, for reasons related to the perspective of the Ministry of Endowments and Islamic Affairs and the rest of the official religious institutions of this religious group that is inconsistent with the *Sunni-Maliki Ash'ari* sect.

## 5. Moroccan Jews

Morocco recognizes in the preamble of the constitution, "the Hebrew tributary as part of the components of national identity". The number of Jews today does not exceed 2,400 people in the whole country. They have 15 synagogues, more than 160 Jewish cemeteries, and more than 630 holy sites, in addition to 300 Jewish shrines, which are natural places, such as the olive tree in Fez, or lakes, large stones, or caves. Also, some Jewish monumental places in Morocco are characterized by attracting Jews and Muslims alike.<sup>27</sup>

The Jews have a law that regulates their affairs within the framework of the "Moroccan Jewish Community Committees", which, according to the law, are concerned with helping the poor, and if the case requires managing Jewish endowments. These committees can watch over the management of religious affairs and express their opinions, supporting their reasons and submitting proposals on all matters of interest to their groups.<sup>28</sup>

However, other factors made the Jews vulnerable to pressure and social discrimination in Morocco, including the extremist organizations and personalities describing

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<sup>27</sup> 2M governmental Channel, "a report entitled "His Majesty King Mohammed VI .. Permanent Care and Continuous Efforts to preserve the Jewish Heritage", Thursday January 16, 2020

<sup>28</sup> Official Gazette No. 1703, "Honorable Dahir in the Reorganization of the Committees of the Moroccan Israeli Communities", p.527

everything negative and bad as "Jewish" and Moroccan figures describing nudity and smoking as "the behavior of the Jewish." In addition, Islamic organizations condemned the mixing of the call to prayer with the Jewish hymns at a ceremony marking Pope Francis' visit to Morocco in 2019, and a group called the "Association of Arab Maghreb Scholars" issued a statement in which it confirmed that Islam is the end of religions and laws, and it abrogates all religions before it and "all other religions are invalid and distorted."

And claims also: "We condemn mixing the slogan of Islam (the call to prayer) with the hymns of the heresy Jews." The International Union of Muslim Scholars said that it condemned this matter at the Imams Institute in Morocco.<sup>29</sup>

During an online training organized by the Committee for Religious Minorities in April 2020 for the benefit of 30 people from religious minorities, a Jew who attended the meeting spoke about societal discrimination to which he was exposed, and said that people reject Jewish symbols that he wears and expose him to discrimination because of that.

A videotape showed 20 Israeli Jews of Moroccan origin who say they are proud of their Moroccan origin, but who refuse to settle or visit Morocco due to safety concerns.

Other religious minorities, including the Ahmadiyya community, face the absence of temples of worship, and conduct all their collective prayers and religious events according to the home assembly system, which is a system based on "secrecy" although the authorities represented by the security apparatus always succeed in discovering their new homes and resuming threats against them.

"*Issam El-Khammas*," who used to speak on behalf of the "Ahmadiyya Community in Morocco," says that they have gone through psychological issues. Meetings with the security authorities take place without prior warning and the questions are provocative and carry a lot of mockery and intimidation.<sup>30</sup>

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<sup>29</sup> Moroccan Association for Religious Freedom report on anti-Semitism in the region, "On the occasion of the presentation by the Human Rights Council of the United Nations Special Rapporteur on freedom of religion or belief to identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief before the Human Rights Council", September 2019.

<sup>30</sup> DW report, <https://www.dw.com/ar/%D8%A7%D9%84%D8%A3%D8%AD%D9%85%D8%AF%D9%8A%D8%A9-%D9%88%D8%A7%D9%84%D8%A8%D9%87%D8%A7%D8%A6%D9%8A%D9%88%D9%86-%D8%A3%D9%82%D9%84%D9%8A%D8%A7%D8%AA-%D8%AF%D9%8A%D9%86%D9%8A%D8%A9-%D8%AA%D8%A8%D8%AD%D8%AB-%D8%B9%D9%86-%D8%AD%D9%82%D9%88%D9%82%D9%87%D8%A7-%D9%81%D9%8A-%D8%A7%D9%84%D9%85%D8%BA%D8%B1%D8%A8/a-41647468>

The government imposes on members of these minorities in public or private education, an Islamic religious teaching that is not in line with their beliefs, and minority communities do not have the right to establish schools without Islamic religious education as determined by the Ministry of Endowments and Islamic Affairs.

#### **6. Ibadism in Morocco**

Until recently, we were not aware of the exact existence of people embracing the Ibadi doctrine in Morocco, unlike Algeria and Libya, for example, and how we prove with some figures part of the presence of this doctrine in Moroccan cities and villages.

This doctrine can be discovered, especially when approaching the Amazigh movements, especially those within universities.

There you can find among Amazigh students scattered information about the desire of some parties belonging to the informal Amazigh class outside Morocco, specifically Libya and Algeria, to spread ideas related to this doctrine, and those interested will find young people who embrace this doctrine because it is compatible with their Berber identity.

*Abd Samad Finiq*, an Ibadi and a member of the Religious Minorities Committee, revealed many aspects of this, claiming that the sect has reached an advanced stage within Amazigh youth circles, especially in the Middle Atlas, the southeast and the Sous region.

### **III. Freedom of Religion in the Constitution**

This section provides a brief overview of the 2011 constitution adopted by Morocco, the context of its drafting, and its relationship to the rights of religious minorities in accordance with international legal standards. This section identifies a number of religious trends entrenched in the constitution, beginning with describing the local legal chapters and then comparing them with international standards and relevant human rights tools through cases in which other religions can be restricted.

These legal trends include the issue of discrimination, treating members of religious minorities as an unrecognized and marginalized group, in the absence of government guarantees of equality and religious freedom.

As the details below show, there were no indications of progress in the interest of religious communities in general in 2011, in the context of preparing the constitution, although the government is involved in international reviews, but with no legal steps taken to enhance the protection of the rights of religious minorities in a way that can be compared positively with International standards.

#### **1. Context of the 2011 Constitution**

When Moroccans began protesting on February 20 2011 in the country's major cities, a wide spectrum of different groups became involved in the protest movement whose demands included agreement on a democratic constitution.

The "February 20 Movement" consisted of left-wing political parties such as the Democratic Approach and the left-wing federal parties, and the Islamic opposition represented by the Justice and Charity Group, in addition to mass human rights associations, such as the Moroccan Association for Human Rights and Amazighs associations, and groups belonging to some minorities, which saw the protests as an opportunity to press for recognition of their identity, language and culture.

In response to these protests, King *Mohammed VI* promised a democratic constitution, in a speech addressed to the people who were participating in protests against

the ruling establishment, and on March 9, 2011, the king delivered a speech in which he announced "a comprehensive reformulation of the 1996 constitution and put it to a referendum», including political parties and associations, to participate in debates about reforms.

Thus, the king appointed the Advisory Committee for Constitutional Reform, and the constitutional amendment process began, but this process was not considered by the population as the beginning of a new democratic era due to the king's appointment of the members of the committee. In addition, the committee has not established any rule to ensure that its proposals are taken into account in the process of preparing the constitution, and opposition political forces have assumed that this committee is illegal and does not respect the principles of popular sovereignty.

Indeed, the February 20 Movement condemned the entire founding process and demanded that the people boycott it, but the committee tried to overcome the lack of legitimacy by consulting conservative parties loyal to the monarchy, such as the Islamist Justice and Development Party, the conservative Independence Party, in addition to other "administrative" parties.

After this process and the consultations led by the royal committee, the final version of the constitution absorbed contradictions that are usually difficult to collect, and conflicting articles that worried civil society forces. In general, the goal behind this was to satisfy the West on the one hand, and to preserve the religious means that support executive dynasty, and perpetuate tyranny from another side.

For example, but not limited to, Chapter 1 of the Constitution defines the system of government on the basis that it is a constitutional monarchy, parliamentary and social democracy, but Article 51 gives the King alone the right to dissolve the two houses of Parliament with a Royal Dahir.

Many religious manifestations fall within the scope of rights related to freedom of expression, opinion and association. Article 19 of the constitution allows the enjoyment of human rights contained in international conventions and covenants ratified by Morocco, and freedom of expression and opinion, but that is within the "constants" of Islamic belief

prevailing, and more than that, criminal law criminalizes, as the study reports, "insulting" the Islamic religion and the monarchy.<sup>31</sup>

To verify that "the state guarantees" basic rights and freedoms in a specific chapter of the constitution, and then to return to emphasize that the enjoyment of these rights should be within the framework of Islam and the political system or public order, <sup>32</sup>public health, public morals, the rights or fundamental freedoms of others".

The criminalization of offending the official religion conflicts with the right to freedom of expression and opinion, because this type of law can be used to strike at the expression of religious belief. The government decided that Christian, Shiite, and other minority groups offended Islam only because their members were not Muslims.

The most prominent points of contention during the preparation of the constitutional document were freedom of belief and the sanctity of the King, as the Independence Party and the Justice and Development Party refused to guarantee freedom of religion in the constitution, while reports at the time said that the representatives of these two parties who publicly rejected the constitutional protection of religious freedom openly in the state media, mere mockers of the royal establishment to suppress this historically unwanted demand. On the other hand, partisan forces were able to overthrow the phrase "the king is sacred" in the constitutional document, but the monarchy is still within the limits of the "constants" that punish anyone who "touches" it with imprisonment, and Article 46 stipulates that "the king's person does not violate his sanctity," And the king has a duty of reverence and respect. "

The constitution did not resolve the main point of disagreement observed for Moroccan society, which lies in the right to abandon or change the Islamic religion, and there is no clear article in the constitution in this section.

In fact, the government does not pose a problem if a non-Muslim person wants to convert to Islam, but it exerts strong pressure of arrest and violence to prevent Muslims from choosing another religion.

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<sup>31</sup> Criminal Law, Chapter 5-267 in a supplementary amendment to Chapter 222, added in 2016

<sup>32</sup> The Constitution of Morocco issued in 2011 - Chapter Two: Fundamental Freedoms and Rights, Chapter 19

And the Justice and Development Party, which heads the government, had in turn targeted minorities on various occasions, and not only in the context of preparing the constitutional document. In 2017, the party used the pretext of “religious minorities in support of the multinational force,” to demand from within Parliament, Minister of Islamic Affairs Ahmed Al-Tawfiq to prevent A conference planned by various religious minorities.<sup>33</sup>

**a. The result: a constitution that does not guarantee the free exercise of beliefs**

In the end, the Royal Commission for the consultations produced a constitution without articles that would include religious freedoms, or provide gains for the rest of the affected religious communities, and it also mentioned religious groups (Muslims and the Hebrew tributaries),<sup>34</sup> excluding the marginalized ones, and defines its identity as a Muslim and supports the religion of the majority. “Islam occupies the center stage in the Moroccan identity,” and that the king is “the protector of the community and religion and the commander of the believers,” and the king is the head of the Supreme Council of the Judicial Authority, in addition to being the only one who is capable of combining political and religious powers.

The constitutional document does not guarantee a real separation between the main authorities of the country, as the king presides over the Ministerial Council that deliberates on reviewing the constitution and the strategic directions of the state, and chairs the Supreme Council of the Judicial Authority, which has the authority to discipline judges and broadcast complaints related to the threat to their independence, and he is the head of the Royal Armed Forces, and the head of The Scientific Supreme Council, which represents the religious authority, he is the head of the Supreme Council for Security, and has the powers to dissolve the two houses of Parliament.

In the export of the constitution, it was stated that the Kingdom of Morocco is an Islamic state with full sovereignty... just as the Moroccan identity is distinguished by the assumption of the Islamic religion at the forefront, and Chapter 1 states that the nation relies in its public life on universal constants represented in the tolerant Islamic religion, and

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<sup>33</sup> Al-Arousni Latifa, “A conference on religious minorities raises great controversy in Morocco” in Asharq Al-Awsat Newspaper, electronic version - 19 November 2017

<sup>34</sup> The Constitution of Morocco, promulgated in 2011 - “Preamble of the Constitution”.

Chapter 3 states that Islam is the religion of the state, and the state guarantees everyone the freedom to practice his religious affairs.

Constitutional chapters that raise the status of Islam lead to the imposition of Islamic religious teachings in aspects of state institutions such as the judiciary, in a manner that creates legal challenges for religious minorities.

According to article 42, the king exercises his constitutional duties according to the "Dahirs" expected by the prime minister, with the exception of what is related to the religious powers mentioned in article 41, related to "the king is the Commander of the Faithful, the protector of religion, and the guarantor of the freedom to practice religious affairs," and "the head of the Scientific Council. On this legal basis, the (Islamic) religious authorities are restricted to King Mohammed VI only, and he exercises them with legal Dahirs.<sup>35</sup>

Islam was mentioned in the constitution 12 times; Judaism once in the preamble, and it ignored other beliefs, including Christianity, which exacerbates the feeling that certain religious components are considered second-class citizens.

Articles 19, 20, 21, 22, 23, 24 and 25 of the constitution protect many important rights and freedoms, either by effectively defining institutions, budgets, and legislation that oversee the implementation of this, or by stipulating that "the state guarantees" only.

These chapters state that "freedom of thought, opinion and expression is guaranteed in all its forms," including "equality between men and women in rights ...

To achieve parity, a commission was created in charge of combating discrimination against women, in addition to the right to physical integrity and freedom of movement.

However, at the same time, it addresses the ambiguous conditions under which rights and freedoms are subject to religious restrictions and narrow interpretations, which impose restrictions on all freedoms and rights. For example, Article 19 of the constitution obliges male and female citizens to exercise the rights stipulated in international human

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<sup>35</sup> Morocco's Constitution of 2011, Chapter Three: Monarchy, Chapter 41.

rights covenants within the framework of the constants represented in the Islamic religion and the monarchy, thus subjecting unrecognized religious minorities to an Islamic public order.

This means that the Moroccan constitution, in this way, makes state institutions unable to provide protection against violations for the benefit of some vulnerable groups.

Among the other provisions in the constitution, which seek to establish religious matters permanently, by preventing them from being reformed, such as the Islamic nature of the state, also that Article 175 prohibits the amendment of provisions relating to the Islamic religion and the monarchy.

**2. Relevant constitutional legal chapters**

Chapter's number	Legal text
<b>the preamble</b>	<ul style="list-style-type: none"> <li>• The Kingdom of Morocco is an Islamic state with full sovereignty.</li> <li>• The Moroccan identity is characterized by the assumption of the Islamic religion at the forefront.</li> </ul>
<b>Chapter 1</b>	<ul style="list-style-type: none"> <li>• The <i>Ummah</i> is based in its public life on comprehensive constants, represented in the tolerant Islamic religion, multi-tributary national unity, constitutional monarchy, and democratic choice.</li> </ul>
<b>Chapter 3</b>	Islam is the religion of the state and the state guarantees everyone the exercise of his religious affairs.

<p><b>Chapter 7</b></p>	<p>Political parties may not be established on a religious, linguistic, ethnic or regional basis, and in general, on any basis of discrimination or violation of human rights.</p> <ul style="list-style-type: none"> <li>• It is not permissible for (political parties) to harm the religion of Islam, the monarchy, constitutional principles, democratic foundations, or the national or territorial integrity of the Kingdom.</li> </ul>
<p><b>Chapter 19</b></p>	<p>Men and women enjoy, on an equal basis, civil, political, economic, social, cultural and environmental rights and freedoms stipulated in this chapter of the constitution and in its other requirements, as well as in international conventions and charters, as Morocco has ratified them, all within the scope of the provisions of the constitution and the Kingdom's constants and laws</p>
<p><b>Chapter 28</b></p>	<p>Everyone has the right to express and publish news, ideas and opinions freely and without restrictions, except for what is explicitly stipulated by law.</p>
<p><b>Chapter 31</b></p>	<p>The state, public institutions, and territorial groups shall work to mobilize all available means to facilitate the reasons for male and female citizens to benefit, on an equal basis, from the right to: the education to adhere to the Moroccan identity, and the established national constants</p>

<p><b>Chapter 41</b></p>	<p>The King, Commander of the Faithful, Protector of the Faith and Religion, and Guarantor of the Freedom to Practice Religious Affairs;</p> <ul style="list-style-type: none"> <li>• The King, Commander of the Faithful, chairs the Supreme Scientific Council, which studies the issues that it presents to him;</li> <li>• The Council considers the only body qualified to issue <i>fatwas</i> that are officially approved, as is the matter of problems referred to it, based on the principles and provisions of the true Islamic religion, and its tolerant purposes;</li> </ul> <p>The King exercises the religious powers related to the Principality of the Faithful, which are exclusively vested in him through Decrees.</p>
<p><b>Chapter 42</b></p>	<p>The king exercises these functions by decrees, through the authorities expressly delegated to him by the text of the constitution. The <i>Dahirs</i> (Decrees) are expected to sympathize by the Head of Government, with the exception of those stipulated in Articles 41 and 44.</p>
<p><b>Chapter 64</b></p>	<p>It is not possible for any member of Parliament to be pursued, searched for or arrested on the occasion of expressing his opinion or voting during the exercise of his duties, except if the opinion expressed is arguing about the monarchy or the Islamic religion, or Includes breaches of due respect</p>
<p><b>Chapter 175</b></p>	<p>The review (amendment of the constitution) cannot deal with the provisions related to the Islamic religion, the monarchy of the state, the democratic choice of the nation, and the</p>

	acquisitions in the field of fundamental freedoms and rights stipulated in this constitution.
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### 3. International legal standards

In General Comment No. 22 of the Human Rights Committee, the following states: The recognition of a religion as the state religion or the official or traditional religion, or the fact that its adherents constitute the majority of the population, should not hinder the enjoyment of any of the rights stipulated in the Covenant.

The constitution, in its current form, declares that Islam is the religion of the state, freedom of religion or belief, and international human rights provisions, in violation of the International Covenant on Civil and Political Rights,<sup>36</sup> because the guarantees it provides in Chapter 3 of the Constitution, do not comply with this covenant and with relevant international standards. .

For example, the Special Rapporteur on contemporary forms of racial discrimination expressed concerns about restrictions on religious minorities and the violation of their religious freedom,<sup>37</sup> and the Minorities Committee condemned the ban on practicing religious rites for Christians and other minorities, including the Baha'i.<sup>38</sup>

The term: “the state guarantees” in some legal frameworks, doesn’t specifying the mechanisms that guarantee these rights and freedoms, thus, cannot be compared positively with international human rights standards.

Morocco, which has a predominantly Muslim population, must enjoy constitutional guarantees of the right to freedom of religion or belief that in practice comply

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<sup>36</sup> International Covenant on Civil and Political Rights, Article 18, paragraphs 1, 2, 3 and 4.

<sup>37</sup> Report of the special Rapporteur on contemporary forms of: racism, racial, xenophobia and related intolerance, Human Rights Council UN, 24 June-12 July 2019, p 16.

<sup>38</sup> Moroccan Association for Religious Freedom "Annual Report 2017-2018

with legally binding international standards,<sup>39</sup> and that the restrictions imposed on these rights conform to the same strictly defined standards.

The lowest legal standards required achieving effective constitutional guarantees of the right to freedom of religion or belief can be deduced from the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights.

These international legal standards mentioned above include 3 main guarantees, which are as follows:

- There is no compulsion that restricts a person's freedom to adopt a belief in a religion or belief.<sup>40</sup>
- The freedom to manifest all material aspects of religion, including worship, practice and the fulfillment of obligatory duties, whether individually or collectively, publicly or separately, in addition to the right to religious education.
- Protection from all coercive interference that may impair the freedom to convert to a religion of one's choice, and this right includes the right to change one's religion.<sup>41</sup>
- Compliance with all authorities and other citizens of the right to freedom of conscience, religion, belief and opinion, except in cases stipulated by international law.

The constitution should provide for the protection of individuals from coercion of the following practices:

- Receive religious instruction that is inconsistent with one's religion;<sup>42</sup>
- Taking an oath that contradicts one's religion

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<sup>39</sup> Universal Declaration of Human Rights, Article 18.

<sup>40</sup> According to the United Nations Human Rights Committee, "Article 18 / Chapter Two of the International Covenant on Civil and Political Rights prohibits coercion in restricting the freedom to adopt or believe in a religion or belief, including the use of threat or physical coercion or imposing penalties to force followers or others to restrict their religious beliefs. And religious congregations, apostasy from their religion or belief, or changing their religion.

Also, policies and practices that achieve the same goals and effectiveness, such as, for example, those policies that restrict education, health care, employment, or the rights guaranteed in Article 25 (political rights) and other provisions in the International Covenant are considered invalid with Article 18 / Chapter Two.

<sup>41</sup> Ibid: Paragraph 5 / Committee's General Comment 22.

<sup>42</sup>The Universal Declaration of Human Rights adopted and proclaimed by the United Nations General Assembly in December 1948 in Resolution 217 / A

The constitution should provide more guarantees in favor of religious freedom, according to the following:

- Constitution guarantees compatible with international standards, to promote freedom of thought, conscience, religion or belief, in addition to the relevant human rights, with the need to identify effective mechanisms for the application of these guarantees, which could be a specialized constitutional institution or regulatory legislation.
- Implement the prohibition of discrimination on the basis of religion or belief.
- Strict adherence to the rule of law, and international human rights standards, including easy access to mechanisms for applying these standards through international institutions, such as the United Nations.

The current constitution restricts a set of basic freedoms and rights if they contradict or offend Islam, or the ruling system. These restrictions are never permitted by international law, bearing in mind that the freedom to declare a religion or belief may sometimes be subject to certain restrictions that the International Covenant on Civil and Political Rights specifies precisely in Article 18, paragraph 3.

The constitution speaks of equality and non-discrimination in a way that does not reflect international standards, and in this framework a group of articles that are in line with international standards should be added, stating the following:

- "All male and female citizens are equal in their rights and before the law, regardless of gender, opinion, belief, religion, sect, or origin. Discrimination against a Moroccan citizen on the basis of his gender, religion, or origin is prohibited."
- "No citizen will be held accountable because of his religion, belief, or sect."

On condition of preserving public health and public order, every religious group has the right to: establish administrations and institutions with religious and charitable goals, and to administer their religious affairs independently of the state.

The Human Rights Committee has repeatedly urged states to ensure that their constitutional systems and legislation provide for everyone without discrimination adequate and effective guarantees for freedom of thought, conscience, religion or belief, including by providing effective remedies in cases where the right to freedom to acquire a religion and the right is violated.

These legal measures required in the Moroccan context aim at not subjecting religious equality and freedom to the principles of Islamic religion or Islamic law, which can be a source of restrictions and discriminatory treatment within the law and in practice, especially with regard to personal status issues such as marriage, divorce and inheritance.

➤ **Constitutional institutions and remedies**

**National Council for Human Rights**

Article 161 of the constitution provides for the treatment of all issues related to the defense of rights within the framework of the National Council for Human Rights, which is a constitutional body that was said to be a pluralistic and independent, which examines all issues related to the defense and protection of human rights and freedoms, and to ensure their full exercise and advancement and the maintenance of dignity the rights and freedoms of citizens, individuals and groups.

According to the "Paris Principles", national human rights institutions must have 6 basic criteria: a clearly defined and broad mandate within universal human rights standards, self-administration and to be independent from the government, therefore, independence guaranteed by law or the constitution, pluralism and diversity in membership to reflect categories of society, adequate resources and powers to conduct the investigation.

In accordance with the law governing the National Council for Human Rights, the Council established a set of mechanisms to protect people with special needs, children victims of violations, and prevent torture.

However, the CNDH does not include listening to and protecting members of religious minorities, promoting freedom of religion or belief for groups or individuals, and preparing reports on discrimination based on religion or belief.

The National Council for Human Rights has the right to open investigations into the alleged violations, and public authorities (which usually mean the Ministry of the Interior) can object to these investigations and cancel them by a written decision or adhere to the confidentiality of information when serious reasons are involved.

Article 36 of the law governing the council speaks about selecting its members, taking into account "intellectual and social pluralism" and "parity and cultural diversity" or "linguistic", but it seems that there was no room for discussion or mention of "religious diversity" and religious "pluralism", or belonging to minorities, which are required and undesirable criteria from the Moroccan authorities. However, according to the law, the "Supreme Scientific Council" - which includes Sunni Muslim scholars and has called for the killing of "people outside Islam religion" - appoints two members of the composition of the council,<sup>43</sup> which are supposed to be human rights defenders.

The first challenge for the institution of the National Council for Human Rights relates to the need to amend the constitution outside the red lines associated with Islam, and the political system whose legitimacy relates to the same religion, to amend the regulatory law related to it, and to cancel the special considerations of public authorities within the documents of the Council, in a manner that guarantees the actual independence of the Council from the government, its employees, and extremist religious scholars who are present within the National Council for Human Rights.

As for the second challenge, it relates to the need to integrate religious diversity in the council, so that the institution can effectively address the violations related to religion or belief for members of groups affiliated with the majority and minority simultaneously, and to confront and prevent direct and indirect discrimination related to religion.

As for the third challenge, it is related to activities targeting vulnerable religious minorities within the National Institution for Human Rights, and these activities include: preventing arbitrary detention of religious or semi-religious activists, monitoring cases that have been exposed to this, and serious issues related to religious activists from the majority and minority.

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<sup>43</sup> Official Gazette, Issue 1 March 2018 - Dahir No. 187 issued on 22 February 2018 implementing Law No. 76.15 related to the reorganization of the National Council for Human Rights - Chapter Three: Formation of the Council, Article 36

While Morocco has some institutions such as the "Alwasit" (Kingdom's Mediator), and the National Council for Human Rights, which includes in its composition members appointed by the Supreme Scientific Council, there is indeed an urgent need for an independent institution entrusted with the task of cooperating with the local judiciary to deal with violence that results from discrimination by religious basis, in line with Morocco's human rights obligations, which include ensuring the free exercise of freedom of religion and the prosecution of perpetrators of religious intolerance.

The Special Rapporteur on freedom of religion or belief emphasized the importance of establishing bodies or institutions specifically concerned with examining complaints related to the exercise of freedom of belief and discrimination based on religion. This institution should enjoy effective autonomy and be independent from the government, and be entrusted with receiving and considering complaints, checking them automatically and following them up. Finally, this institution can be assigned the task of mediating between associations, religious groups and the government.

### **The Supreme Scientific Council and the king's religious authorities**

The constitution provides for the authority of the Supreme Scientific Council, a religious institution headed by the king that has the right to appoint members of the Constitutional Court and members of the National Council for Human Rights, in addition to members of the Supreme Council of the Judicial Power.<sup>44</sup>

In accordance with his constitutional powers, the king established about 20 Islamic religious institutions whose goal is "to protect the community and the Islamic religion,"<sup>45</sup> including the Supreme Scientific Council, which is financially supported by the Ministry of Endowments and Islamic Affairs as the supreme authority in religious matters such as "*ifta*", and its mission is to protect religion from "beliefs that threaten the entity of the Moroccan state." According to the royal "decree", the king is headed as the "Imam of the nation," and includes in its composition Sunni Muslim scholars.

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<sup>44</sup> Kingdom of Morocco, Ministry of Justice, Directorate of Projects - Honorable Dahir No. 1.14.139 issued on 16 Shawwal 1435 (August 13, 2014) implementing Organizational Law No. 13.06.66 relating to the Constitutional Court, p4

<sup>45</sup> Ibid, p46

According to Article 41, the Scientific Supreme Council is considered the only body qualified to issue "fatwa" that are officially approved on matters referred to it, based on the principles and rulings of the Islamic religion.

On the level of practice, we find that this Council, along with the Ministry of Islamic Affairs and public authorities, is targeting the independence of mosques and imams in an authoritarian manner, which violates the right to enjoy religious freedom for the majority society.

Among its specializations is writing a "certificate of embracing Islam" for people who want to marry Moroccan women while they are not Muslims, and spreading the official belief in Europe through its branches there, while local missionaries of other religions are punished with a penalty of up to 3 years in prison.

The existence of this institution in force in the first place is a matter of concern for the Minorities Committee because it contravenes the principles of citizenship. In an official fatwa, that institution demanded the killing of people who change their Islamic religion, and the divorce of the man if his wife discovered that he was a Christian, also a Muslim woman does not inherit from her husband who converts to Christianity, and they called for the criminalization of marriage of Moroccan to a non-Muslim, and recommended polygamy as a social solution that is valid for men and women, and considering equal inheritance is a red line, and granting the right to divorce to men only.

The king also established the *Muhammadiyah* Association of Scholars, which is concerned with protecting the community and the Islamic religion and combating extremism. However, this institution is not necessarily "enlightened," as it is said. In 2018, it expelled *Asma Lamrabet*, head of the Center for Studies and Research on Women Issues in Islam, affiliated to the same institution, due to its call for equality between men and women in inheritance. In a speech addressed to the Moroccan people, the king called for adherence to the Islamic religion and the Sunni Maliki school of thought as a moderate doctrine.<sup>46</sup>

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<sup>46</sup> Al-Ali Zayed, Hamad Mahmoud, Aouf Yousef "The Yearbook of the Arab Organization for Constitutional Law 2015-2016, p73

**Governmental religious institutions affiliated with the Ministry of Endowments /**

**And the organizations that the king founded in his capacity as imam of the nation**

<b>The royal's institution name</b>	<b>Its aims</b>
The Ministry of Awqaf and Islamic Affairs	<ul style="list-style-type: none"> <li>• Work on the correct definition of the realities of the true Islamic religion and ensure the spread of its teachings.</li> <li>• Preserving the unity of the Maliki school of thought and ensuring that religious rites are held in all mosques in the Kingdom.</li> <li>• Building and restoring mosques.</li> </ul>
Supreme Scientific Council	<ul style="list-style-type: none"> <li>• Conducting the implementation of the rulings of Islam and taking care of its affairs;</li> <li>• Elimination of foreign sects that pose a threat to the existence of the Moroccan nation;</li> <li>• Establishing proof that what Islam has brought is valid for every time and place;</li> <li>• Establishing proof that Islam is indispensable for what other doctrines and beliefs that have nothing to do with the values upon which the Moroccan nation is based;</li> </ul>
<i>Muhammadiyah</i> Association of Scholars	Introducing the provisions of the true Islamic law and its lofty aims, and working to spread the values of Islam;
Mohammed VI Foundation for the publication of the Holy Quran	<ul style="list-style-type: none"> <li>• Protecting the denomination and religion</li> <li>• Copying the Qur'ans by order of the king,</li> <li>• Supervising the distribution of the Qur'ans;</li> <li>• The license for legal persons whom wish to print or distribute the Qur'an;</li> <li>• Ensure the integrity of copies, which holding errors;</li> </ul>

	<ul style="list-style-type: none"> <li>• Work to prevent the circulation of some copies of the Qur'an, if necessary.</li> </ul>
Dar Al Hadith Hasania Institute	<ul style="list-style-type: none"> <li>• Protecting the denomination and religion;</li> <li>• Serving the <i>Sunnah</i> and Islamic sciences;</li> <li>• Graduate scholars and form enlightened crews;</li> <li>• Strengthening Morocco's position as a reference for Sunni-Maliki Islamic thought.</li> </ul>
<i>Mohammed VI</i> Institute for <i>Quranic</i> Studies	<ul style="list-style-type: none"> <li>• Learning, teaching, publishing and circulating the <i>Holy Quran</i> among people;</li> <li>• Using the Qur'an in various aspects of a Muslim's life;</li> <li>• Training scholars specialized in <i>Quranic</i> studies who are familiar with the scientific research approach;</li> <li>• Show the greatness of the Qur'an and its secrets.</li> </ul>
<i>Al-Qarawiyyin</i> Mosque	<ul style="list-style-type: none"> <li>• Training in the field of <i>Sharia</i> sciences and Islamic thought.</li> </ul>
The Royal Institute for Research in the History of <i>Morocco</i>	<ul style="list-style-type: none"> <li>• Organizing seminars, issuing books and translating them into French, English and German languages.</li> </ul>

#### **Institutions concerned with training Muslims outside Morocco**

Moroccan Scientific Council for Europe	<ul style="list-style-type: none"> <li>• Watching for the proper performance of religious duties, carrying out the rituals of Islam, preserving its sanctities, and spiritual security for all Moroccans residing in Europe, within the framework of the Ash'ari</li> </ul>
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	<p>doctrine and the Maliki school;</p> <ul style="list-style-type: none"> <li>• Coordinating its activities with the community council in order to implement common programs,</li> <li>• Implementing the religious life of Moroccans living abroad.</li> </ul>
Mohammed VI Foundation of African Scholars	<ul style="list-style-type: none"> <li>• Protecting the Islamic religion from delusional ideas;</li> <li>• Uniting the efforts of the scholars of Morocco and the rest of African countries to serve the interests of the Islamic religion;</li> <li>• Reinforcing the King's desire to preserve the unity of the Islamic religion and to monitor extremist currents.</li> </ul>
Community Council	<ul style="list-style-type: none"> <li>• Coordinate its work with the Supreme Scientific Council;</li> <li>• The maintenance of strong ties to Moroccans residing abroad with their Moroccan religious identity.</li> </ul>

#### **Religious awards**

Mohammed VI Award for People of Hadith	<ul style="list-style-type: none"> <li>• Encouraging actions that contribute to caring for the <i>hadith</i>;</li> <li>• Strengthening the attachment of Muslim youth to the <i>Sunnah</i>;</li> </ul> <p>Reward national qualifications and capabilities that serve the noble prophetic <i>hadith</i>;</p>
Mohammed VI Prize for the People of the Qur'an	<ul style="list-style-type: none"> <li>• Highlighting the status of the <i>Qur'an</i> and its miracles;</li> <li>• Strengthening the attachment of Muslim youth to the <i>Qur'an</i> and its ideas.</li> </ul>

Mohammed VI Prize for memorizing the Qur'an	<ul style="list-style-type: none"> <li>Forming Muslim youth, confirming their Islamic values, and educating them in a correct and upright Islamic education.</li> </ul>
Mohammed VI Award for the call to prayer.	<ul style="list-style-type: none"> <li>Reward the religious curators assigned to the task of the call to prayer, which are known for their dedication to work, and mastery of performing the task in the <i>Moroccan</i> form.</li> </ul>
Mohammed VI Prize for Islamic Thought and Studies	<ul style="list-style-type: none"> <li>Rewarding prominent <i>Islamic</i> scientific figures who have served Islamic thought and provided research and studies in the field of <i>Sharia</i> sciences.</li> </ul>

#### Religious media

Mohammed VI channel of the Holy Quran	<ul style="list-style-type: none"> <li>Promoting the Islamic religion and the official sect.</li> </ul>
Radio Mohammed VI of the Holy Quran	<ul style="list-style-type: none"> <li>Promoting the Islamic religion and the official sect.</li> </ul>

#### Other religious royal activities

Funding 1496 Sufi places	<ul style="list-style-type: none"> <li>Support the religious legitimacy of the royal authority;</li> <li>The religious and educational supervision of citizens.</li> </ul>
Protecting 5,038 shrines from extinction	
Creation of antique education schools and financing the mosques of Ceuta and Melilla	

#### **IV. The Constitutional Court**

The Constitutional Court is composed of jurisprudential competencies, including 6 members appointed by a royal decree, a member from among those proposed by the Secretary General of the Supreme Scientific Council.

The task of the court is to assess the conformity of the country's international obligations and other legislation with the constitution, while the mission of the "Council of Scholars" within the court is to monitor the conformity of legislation and agreements with Islamic principles in a manner that may target the legal interests of those belonging to religious minorities, because it may cancel provisions that are not compatible with the official Islamic religion, allegedly "incompatibility."

We also noted that the bodies that have the right to refer laws before they are issued to the Constitutional Court are the king, the head of government, the speaker of the parliament, the speaker of the House of Councilors, five members of the House of Representatives, or 40 members of the House of Councilors. The decisions of the court are binding on all public authorities, and all courts, administrative and judicial authorities.

The authority of the government and the king: Appointing members of the Constitutional Court according to his religious status (head of the Supreme Scientific Council), in addition to his judiciary authority. Thus, the government's powers related to the court may prevent the achievement of the court's goals, which is to stop attacks on a democratic constitution that effectively guarantees human rights and fundamental freedoms.

Withdrawing the powers of all judges in broadcasting in the constitutionality of laws, and international conventions and limiting this to one body represented by the Constitutional Court, in which the "Supreme Scientific Council" and the king and the government have a large and almost absolute role in appointing its members, may not achieve the interest, especially in the transitional stages of development towards democracy and the rule of law in Morocco.

## **1. The Supreme Commission for Audiovisual Communication**

The Supreme Commission for Audiovisual Communication, which is a constitutional body, also claims that it promotes respect for the plural expression of opinion and thought, in accordance with Article 165 of the Constitution, which also provides for the right to information in the audiovisual field within the framework of respecting the laws of the Kingdom.

This government institution, known for short as "Hakka",<sup>47</sup> obliges all 9 public television stations, in addition to broadcasters to devote 5 percent of their time to broadcasting the Islamic call, the call to prayer, and Friday prayers and promoting Islamic content.

The government has a television and radio channel called "Mohammed VI of the Holy Quran", whose mission is to promote the official religion all the time, and sometimes host anti-Semitic preachers. The National Radio and Television Company's specifications are also required for all official channels and radio stations to broadcast the call to prayer 5 times a day.

For three years, the Minorities Committee has been submitting requests to cover activities of religious minorities in the control offices of the public government media, including the official news agency, without result. Government media agencies did not devote any of their programs to positively talking about other beliefs, or hosting a religious leader belonging to a religion other than Sunni Islam, due to the lack of religious pluralism and the lack of recognition of its existence.

The bias of government media for one party at the expense of the rights of the other, in the period of time allocated to the programs, is a breach of professional standards for journalism.

According to the current standards adopted by the Supreme Commission for Audiovisual Communication and the National Radio and Television Company specifications,

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<sup>47</sup> The High Commission for Audiovisual Communication is a Moroccan constitutional institution specializing in the audiovisual field.

the government excludes, in the context of indirect discrimination, groups and individuals from their right to self-express their religious views, similar to Muslim groups in the media.

The concept of "preference" applies to this reality, which is characterized by prejudice in favor of one religion and the goal of equality.

Equality can be achieved in democratic public media, through freedom of opinion and expression, and to appear in the various public media without discrimination.

## **2. The Supreme Council of the Judicial Power**

The constitution stipulates that the judiciary is independent of the executive authority, and the king is the guarantor of the independence of the judiciary,<sup>48</sup> it states also that: "The judge shall not receive any orders or instructions regarding his judicial mission, nor shall he be subject to any pressure." The Supreme Council of the Judicial Power ensures the implementation of the guarantees granted to judges, especially With regard to their independence, appointment, promotion, retirement, and discipline.<sup>49</sup>

King *Mohammed VI* presides over the Supreme Council of the Judicial Power,<sup>50</sup> holds its official meetings and sessions with the permission of King *Mohammed VI*, and appoints five personalities, including a member proposed by the Supreme Scientific Council, which is ruled by the king.

The director of the Dar al-Hadith al-Hassania, which was founded by the late King Hassan II, was appointed in order to support official religious education and protect the Islamic religion, which Morocco includes among the sacred constants.<sup>51</sup>

According to the constitution, whenever a judge considers his independence threatened, he must refer the matter to the Supreme Council of the Judicial Power headed

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<sup>48</sup> The Constitution of Morocco issued in 2011, Chapter Seven relating to the Judicial Authority and the Independence of the Judiciary, the Supreme Council of the Judicial Authority, Article 107, p43

<sup>49</sup> Ibid., article 113, p44

<sup>50</sup> The first speech of the President of the Court of Cassation, the Managing Director of the Supreme Council of the Judicial Power on the occasion of the opening of the official session of the new judicial year on Wednesday January 22, 2020: "With the permission of His Royal Majesty King Mohammed VI, we are holding this official session."

<sup>51</sup> Text of the Honorable Dahir of the reorganization of the Dar al-Hadith Al-Hasania Institute

by the king.<sup>52</sup> After the 2011 constitution, Morocco transferred the authority of the public prosecution from the Ministry of Justice belonging to the executive authority, to an independent body called the Presidency of Public Prosecution, which was created in addition to the Ministry of Justice, and stands for the administrative and financial responsibility of the courts, however, all courts issue their decisions in the name of the king.

In March 2019, Diego Garcia, the UN Special Rapporteur on the independence of the judiciary and lawyers, announced that he would not visit Morocco, due to the absence of the necessary conditions for the visit, stressing that the Moroccan government did not present a work program in line with the demands applied in this type of visit.

### **At the level of education**

There is an Islamic religious education on the official Sunni school of thought, and the Ministry of Endowments and Islamic Affairs prepares it for the benefit of all educational institutions that are run with state funds in elementary, junior secondary and high school education, therefore, the Ministry of National Education requires all students to attend Islamic education lessons, which sometimes consist of acts of worship such as memorizing the Qur'an. And chant it collectively.

The law does not provide for the right of minorities to establish educational institutions devoid of formal religious education.

Morocco is a party to the International Convention on the Rights of the Child, but has reservations on Article 14, which states that states parties respect "the child's right to freedom of thought, conscience and religion." On the other hand, and in a disturbing step for human rights organizations, the government approved draft Law No. 58.19, related to the ratification of the so-called "Covenant on the Rights of the Child in Islam"<sup>53</sup> that does not provide for religious pluralism, and was adopted during the thirty-second session of the Council of Foreign Ministers of Member States In the Organization of the Islamic Conference in Sana'a.

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<sup>52</sup> Ibid. Chapter 109, paragraph 2, p44

<sup>53</sup> <http://hrlibrary.umn.edu/arab/CCHI.html>

Reserving Article 14 of the Convention on the Rights of the Child, which responds to all international human rights standards, and joining another convention that is based on religious unilateralism and considers that the entire society is Muslim, may have implications for the implementation of the Convention on the Rights of the Child and other international human rights conventions.

Despite the lack of political will to respect the child's right to religion and conscience, Morocco pledged to respect the freedom of other children and parents to secure the education and upbringing of their children according to their own beliefs.<sup>54</sup>

Hence the importance of recognizing the existence of religious minorities, including men, women and children, and providing information about the religious composition of the population and other indicators of belief diversity, which is a prerequisite for identifying the special needs of different religious groups, and identifying any deficiencies that may exist in terms of protecting them from discrimination.<sup>55</sup>

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<sup>54</sup> The International Covenant on Civil and Political Rights, which was in effect since 1976

<sup>55</sup> United Nations "Report of the Committee on the Elimination of Racial Discrimination", seventy-fourth session, A/64/18, p 126

### **3. Criminal Code**

With the exception of Moroccan Jews, all citizens are subject to a unified system of civil courts, which has jurisdiction over all Muslims and non-Muslims. National law includes legal traditions derived from Islamic law, with the exception of the commercial courts of the Ministry of Economy.

This Moroccan legal system considers all Moroccans to be Muslims, and it does not recognize people who have changed their religion or non-believers. Sharia is applied in family law cases including those related to inheritance, marriage and divorce, and the judicial authorities appoint judges who are experts in Islamic jurisprudence, and train the remaining judges on the Maliki, Ash'ari Sunni interpretation of laws related to Islam, that manage personal status issues for everyone, including non-Islamic groups.

Morocco has criminal law chapters that explicitly allow restricting freedom of expression, opinion, and religion, and entrench discrimination, and may be a primary reason for accusing those with opposing religious views of undermining the status of the Islamic religion and religious unity, which increases the likelihood of the emergence of collective religious hatred that is mixed with religious hatred and nationalism.

Chapter 5-267, in a supplementary amendment to Article 222, added in 2016, states the following:

“A person shall be punished by imprisonment from six months to two years, and a fine of 20,000 to 50,000 dirhams or one of those two penalties: for anyone who offends the Islamic religion or the monarchy, or incites against the territorial integrity of the Kingdom.”

The penalty is raised to imprisonment from two to five years and a fine from 50,000 to 500,000 or either of these two penalties, if the acts referred to in the first paragraph above are committed by means of speeches, shouting, or threats in public places and gatherings, or by posters displayed in public view or by sale or distribution, or by every means that fulfills the condition of publicity, including electronic, paper and audio-visual means.

Proselytizing in favor of any religion other than Islam entails imprisonment and a fine. Article 220 of the Criminal Code punishes “anyone who uses inducement to undermine a Muslim’s belief, or convert him to another religion,” with imprisonment of up to three years.

In addition to restricting freedoms, these chapters allow for censorship and restrictions on non-Islamic religious expression in the media and on the Internet.

However, a series of chapters in the criminal law and the constitution burdened the state with the responsibility to protect Islam, permitting non-recognition of non-Muslims, discrimination against them, criminalizing their religious activities and exposing them to legal risks.

Law enforcement agencies, on their own, arrested those involved in religious activities that contradicted Islam and the established sect. For example, there have been reports of people being arrested and referred to court for breaking their fast or smoking in a public place, meaning by that, a an accident that occurred in a forest far from urban orbit, during Ramadan 2020.<sup>56</sup>

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<sup>56</sup> See a report published by the Committee for Religious Minorities on its official website: <https://minorities24.com/%D8%A7%D9%84%D8%B4%D8%B1%D8%B7%D8%A9-%D8%AA%D8%B9%D8%AA%D9%82%D9%84-%D8%B4%D8%AE%D8%B5%D9%8A%D9%86-%D9%84%D8%A5%D9%81%D8%B7%D8%A7%D8%B1%D9%87%D9%85%D8%A7-%D9%86%D9%87%D8%A7%D8%B1-%D8%B1%D9%85%D8%B6/>

**The Minorities Committee's coverage of 4 months of arrests and trials for religious opinion:**

In April 2020, the General Directorate of National Security announced that it is searching for a girl in Marrakesh in order to arrest her, claiming that she wrote a text entitled "Surat Corona" in the form of Quranic verses, indicating that it will also arrest people who have shared the post on their social media pages.

In May 2020, the same security apparatus arrested the famous Moroccan actor "*Rafik Abu Bakr*" in the city of Casablanca in May 2020, on charges of "insulting the Islamic religion." In the same month that coincided with Ramadan 2020 of this year, the Amazigh activist, *Sofiane Chouitar*, complained in a video that was widely circulated, including being arrested, insulted and defamed by police officers in the city of *Saidia*, because he was wearing a cross, and he said that his religion was the subject of an interrogation at the police station.

The *Casablanca* Court of Appeal upheld the conviction of a Salafi activist this year and his sentence to a valid year in prison, after his arrest in March 2020, when he broadcast a video criticizing the decision of the "Commander of the Faithful" to close mosques to counter the Coronavirus.

In the midst of all these facts, the Religious Minorities Committee was issuing statements and mobilizing international organizations defending human rights to shed light on the suffering of minorities.

In general, proselytizing in favor of non-Muslim Sunni religions and sects, and criticizing the official religion and the king, are subjects in which the law is inappropriately applied. Although there is an official letter issued by ministers, officials and various community groups calling in the media to hate religious minorities, the laws for this are applied to protect Islam and political sanctities only, as the above paragraph shows.

Religious minorities complain of violations that are not necessarily supported by the law. In 2017, Christians said that they had been threatened and banned from getting their administrative documents. *Mustafa Al-Soussi*, a Christian who heads the Christian Committee that the government refuses to register, sent a letter to the Minister of Interior, saying:

“Greetings: We write to you today to raise our notice to your sovereignty of abuse of power by some of the interests of the Ministry of the Interior, (Police Commission and Command) in some cities, where some of our fellow Christian Moroccans were prevented from administrative documents for nothing other than because they are known for their Christian faith, even if they did not advertise or practice it publicly (...).

Also, other violations took place in Laayoune city, where one of our brothers who was harassed by security agents, which they called him by phone to come to the headquarters of the state of security in Laayoune city to inquire about the license of his commercial shop, but he was surprised when he went to the police with a set of questions related to his religion. ”

The letter from the Christian Committee adds: “They asked him to bring his wife to the police headquarters in order to search and investigate her religious beliefs, only to discover that the matter is not related to the legal status of the place he owns.” This was not the first time that the police threatened to bring the detainees' wives, according to the hearing records prepared by the Committee for Religious Minorities.

The government also deports suspected foreign Christian preachers to their countries, or not allowing them to enter the national territory and sometimes detaining them in airports, without legal procedures and under the pretext of protecting public order, one of the major terms that the government uses for repression.

In addition, the law criminalizes "outright" drunkenness, punishable by imprisonment for a period ranging between one and six months and a fine of between 150 and 500 dirhams, or one of these two penalties, every person found drunk in bars, alleys, roads, or cafes, or in other public places.<sup>57</sup>

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<sup>57</sup> Royal Decree No. 724.66 acts as a law relating to the punishment for public drunkenness

## 7. Family Code and legal clerks

Courts are referring to the 2004 "family code" on personal status, which they say is "consistent with the provisions of Islam." The preamble of the Code says fairness for women and protection of men's dignity and human rights will be within the framework of Islam.

The preamble affirms that King Mohammed VI, as Commander of the Faithful, assigned a committee to conduct a fundamental review of the Personal Status Code, "highlighting the commitment to the provisions of Sharia and the purposes of the Islamic religion."<sup>58</sup>

With the exception of the Jews, and the rules of the Hebrew personal status apply to them, the provisions of the Family Code apply to all Moroccans even if they are of other nationalities, the relationships in which one of the parties is Moroccan, and the relations between two Moroccans, one of whom is a Muslim.<sup>59</sup>

This law defines engagement on the basis that it is a dating between man and a woman, and includes in its ruling "reading (Surah) Al-Fatihah (in the Qur'an)",<sup>60</sup> and "marriage of a Muslim woman to a non-Muslim, and a Muslim to a non-Muslim woman" is classified as an impediment to marriage (prohibition), according to the third section of the Code Family. Children have the right over their parents to be "religiously oriented" and be educated in correct behavior.<sup>61</sup>

Since marriage of a Muslim woman to a non-Muslim, and a non-Muslim man to a non-Muslim woman, is prohibited by virtue of this law, Chapter Two of the Family Code considers it "null, corrupt and untrue," and for their marriage to be legal, they must obtain "permission" from the Supreme Scientific Council.

The notary documents marriage and formulates its legal contracts. Article 3 of the Justice Plan Law, which regulates the independent profession of justice, stipulates that notary must be a Muslim, and that everyone, including non-Muslims, marry "according to

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<sup>58</sup> Law No. 70.03, the Family Code, Kingdom of Morocco, Ministry of Justice, Directorate of Legislation. (Royal Decree No. 1.04.22 issued on February 3, 2004,

<sup>59</sup> The same reference: Introductory chapter: General Provisions, Article 2 p

<sup>60</sup> Ibid. Book One: Marriage, Section One: Engagement and Marriage, Article 4 p10

<sup>61</sup> Ibid. p22

the law of God and His Messenger." In the event that a Moroccan citizen decides to marry a foreign man who is not Muslim, the Family Code Law stipulates that the man should enter Islam, and this is announced in an official document delivered by the Supreme Scientific Council, after he pronounces the "*Shahada*" or testimony.

In 2018, a group of Moroccan Christians boycotted this marriage, described it as bad, and demanded a civil marriage, but they faced many legal problems and societal harassment, and their marriage remained illegal for two years.<sup>62</sup>

There is no civil law that can be resorted to, and in 2019, the Committee for Religious Minorities announced that the Nador authorities prevented a Moroccan Christian from marrying a German residing in the United States, withdrew their passports, and interrogated them. These two people were unable to document their marriage for the time being.

Before that, the Court of First Instance in Agadir ruled, in a court ruling in the name of the king, to prevent German and Moroccan marriages, on suspicion that they are "satanic and use clothing related to this trend." On both sides, it has been proven that the Moroccan side is a follower of the Satanism, and that the foreign side shows through its appearance that it belongs to the same trend.<sup>63</sup>

Another law related to the adoption of children for non-Muslim foreigners stipulates that they must officially convert to Islam in order to be able to adopt orphan children. Guardianship of orphaned children does not require only conversion to Islam, but rather preserving the religion "upon which he was born."

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<sup>62</sup> See the press conference organized by the Committee for Religious Minorities in favor of Christians banned from marriage, the Moroccan Commission for Human Rights headquarters in Rabat, May 2018

<sup>63</sup> Ministry of Justice, Agadir Court of Appeal: A judgment issued by the Family Judges Department, titled "The Mixed Marriage File."

➤ **An example of a court ruling preventing marriage**

In the name of His Majesty, according to the law

We, *Mohamed Johar*, the judge in charge of marriage at the First Instance Court of Agadir, with the help of *Mr. Abdel Malek Anhzam*, the courthouse clerk's, issued:

The following command:

... and based on the book of the King's Attorney No. 97 / Qass / 2015 GG on 04/30/2015, in which it was stated that the research was conducted on both parties, it was proved that the Moroccan party is a follower of what is termed "Satanism", and was engaged in a selling clothes and equipment that are related to this trend, thus he discontinued from that in 2008, and the foreign party appears from its appearance that she belongs to the same trend and that the Moroccan side declared that he is a Muslim, and the foreigner stated that she adheres to the Christian religion.

Whereas, the deputy of the two parties stated that this person had retreated from his belief since 2008, and since this statement is contradicted by the beliefs and actions of the person concerned, as well as the type of trade he engages in, and the foreign party, as stated in the Public Prosecution book, appears from its appearance that she belongs to the same trend.

And since such beliefs are contrary to the Moroccan public order ... we declare in attendance the rejection of the request.

## 1. Discrimination in the law establishing associations

### ➤ Progressive provisions

The Law of Associations, as amended in 2002, includes positive provisions stating that associations only need to tell the authorities about the establishment, but do not need to obtain prior permission to be legal.

The 2002 amendments also stipulate that once an association is legally "authorized", the courts alone have the power to dissolve it <sup>64</sup>and not the Ministry of Interior or its administration.

According to Chapter 2 of the law governing the right to establish associations, "associations of persons may be established freely and without prior permission, provided that they take into account the requirements of Chapter 5.

Chapter 5 stipulates that each association must submit a declaration to the headquarters of the local administrative authority in which the association's headquarters are located directly, or through a legal aid office, who receives a temporary receipt, sealed and dated at once.

Thus, according to the law, the local authority has no role in evaluating and determining the eligibility of the association that seeks to declare itself. Instead, it must only send a copy of the founding file documents to the Public Prosecution of the competent court.

The attorney general can "if necessary" issue an "opinion" on the association's founding documents.

The objection of the attorney of the property within the sixty-day period means that the association is not legally authorized, and its members can appeal that objection before the administrative court and the restrictions mentioned in this option are the same as the restrictions that exist when submitting an appeal before the court in the administration's refusal to receive the documents or issue the deposit receipt referred to above.

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<sup>64</sup> Royal Decree No. 1.58.376 issued on November 15, 1958 regulating the right to establish associations: Publications of the General Secretariat of Government

## 2. Weak judgments

Despite the positive provisions referred to, Chapter 3 of the Law on Establishing Associations defines in a manner that violates international legal standards the types of associations that are not legally entitled to exist: "Every association that establishes for an unlawful purpose or goal that is inconsistent with the laws, public morals, or may aim to harm the Islamic religion and the national territorial integrity, otherwise the monarchy, or to call for all forms of discrimination to be null."

Chapter 3's definition of prohibited goals contradicts Morocco's obligations under the International Covenant on Civil and Political Rights, which stipulates in Article 22 that: "No restrictions may be placed on the exercise of (the right to form associations), except those stipulated by law and constitute measures. Necessary in a democratic society to maintain national security, public safety or public order, protect public health or morals, or protect the rights and freedoms of others.

These restrictions must be interpreted narrowly in Article 22, for example, terms such as "national security" and "public safety", and refer to cases that involve a direct and violent threat to the nation and which should not be confused with cases that only threaten the survival of those who rule the country currently in power.

"Necessary" restrictions must be proportionate: this means that they must not be more widespread than necessary to address the specific reason for imposing them, and moreover when restricting the right to association it is the authorities to prove that this measure is both justified and proportionate.<sup>65</sup>

There is a problem with the Law of Associations, which is that it is not required that state authorities give a reason when refusing legal recognition of an association. Morocco has a law that generally requires state authorities to state the justification behind any individual administrative decision that deprives the party in question.<sup>66</sup>

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<sup>65</sup> See the Human Rights Committee, General Comment No. 31, and The Nature of the General Legal Obligation Imposed on States Parties to this Covenant [2004]. According to Manfred Nowak, one of the leading commentators of the era, Article 22

<sup>66</sup> Decree No. 1-58-377, November 15, 1958 relating to public gatherings, Article 11, stipulates that eligible entities must provide the authorities in advance with information about the assembly, which they can prevent if they are deemed to be a "threat to public security."

However, in practice it does not always provide an explanation, as shown in the case studies below, where the authorities formally objected to the establishment of the Moroccan Association for Religious Freedoms, on the pretext of “harming” Islam.

### **Studying affected cases**

#### **➤ Moroccan Association for Religious Freedom:**

The Moroccan Association for Religious Freedom submitted its founding documents for the state of Rabat-Salé-Kenitra in April 2018, and according to the report of a judicial commissioner, the authorities in the state refused to hand over the file in exchange for the temporary receipt on the grounds that the association contradicts Article 3, which states that any association “harms” Islam or “calls” for the distinction is invalid. Since then, the association has held two conferences, the last of which was in June 2019.

Each time it tries to notify the Rabat State authorities in writing of the election of the office's members, as required by Chapter 5 of the Law of Associations. Each time, the authorities refuse to issue the receipt without even explaining the reasons for this refusal again.

As long as the authorities consider it not properly authorized, the association cannot legally organize rallies in the public street. Nevertheless, the association and its local branches continue to organize public gatherings in support of its demands, and *Jawad El-Hamidy*, the association’s president, insists that this organization is completely legal because it was followed with good intentions the procedures stipulated by law.

While the association that hosts the Christian Committee and the Shiite Committee is still working on issuing a large number of statements and reports on human rights violations against religious minorities, and organizing sit-ins and conferences, the lack of a legal status has serious consequences for them and for its members.

#### **➤ Racines Cultural Association**

On October 9, 2019, the governor of *Casablanca-Anfa*, who is a high-ranking official in the Ministry of the Interior, wrote to the General Prosecutor in *Casablanca* and asked him to solve “*Racines*”, on the grounds that the association had organized “an activity

which included a debate, that is believed to insult institutions and the Islamic religion in which it expresses political opinions that are far from the goals for which this association was founded. »

The governor's message was referring to the episode of "*1 Dîner 2Cons*", which was recorded on August 5 and was attended by *Jawad El-Hamidy*, president of the Moroccan Association for Religious Freedom, *Amin Belghazi*, head of the Maghreb Observatory of Freedoms, *Ahmed Benchemsi*, spokesperson for Human Rights Watch, and others.

On the 13th of November, the Public Prosecution petitioned the court to dissolve "*Racines*" association based on the notes mentioned in the Governor's letter.

The Casablanca Appeals Court decided to dissolve the "*Racines*" Association, based on the request of the *Casablanca-Anfa* Governor's, after the Casablanca Court of First Instance issued a ruling in December 2019 to dissolve Cultural Association on suspicion that it had insulted the Islamic religion.

#### ➤ **Moroccan Christians Coordination Association**

In November 2018, the founding general assembly of the Coordination of Moroccan Christians was held at the headquarters of the Federation of Amazigh Associations in the capital Rabat, and the legal file was placed with an employee of the state of Rabat in the absence of a judicial commissioner.

However, the administration did not deliver any receipt to the members of this association in accordance with Article 5 of the Law on Establishing Associations, and since March 2019, this association has not organized any activities nor issued any statement from it, and its activities have apparently ceased.

#### ➤ **"Al-Khat Al-Risali" and Publishing Center**

After the successive rejection of their requests related to the registration of Shi'a associations within the framework of the Public Freedoms Law, Shiites committed clever legal deception, whereby the mission line was directed to another legal path in which the Ministry of Interior had no authority on their request, Furth more, " they succeeded in their endeavor and obtained a license for the" company ".

After they were subjected to repeated prohibitions regarding the printing of their publications and the organization of gatherings within this framework, they attempted to establish the "Al-Khat Al-Risali Association" and register it with the Ministry of Interior.

➤ **Progressive Messengers Association**

After the security forces prevented the founding conference of the *Rissali Line* in September 2013, Moroccan Shiites held the founding general assembly of an association named "Progressive Messengers " inside the headquarters of the Association for the Defense of Human Rights in *Tetouan* in April 2016, which is the body that includes in the membership of its office activists known for their association, another association that was prevented from holding the founding conference is the "*Rissali Line*", which has a Shiite orientation.

*Abd al-Rahim al-Shukrani*, president of the association, said: "After we were previously prevented on false pretenses, we are returning again to put the file on the foundation table, which is a new test of the Moroccan authorities' willingness to implement the constitution and the law, and give priority to the principle of citizenship and not to discriminate between citizens on any basis of discrimination."

After the controversy escalates by the founding conference of this association, the Ministry of the Interior "denied the authorization of the *Rissali Line* Association, which represents Moroccan Shiites to practice any activity for it." A communiqué of Tangiers stated that some national media outlets have recently reported that a license has been granted to the *Rissali Line* to practice printing and publishing activity in Tangiers, stressing that it is "an enlightenment of national public opinion."

Immediately after this communication, the "*Progressive Messengers*" association announced in May 2016 that the security services had arrested *Abdou Al-Shukrani*, the president of the association, and sentenced him to two years in prison. This incident marked the end of the activity of this association and the disappearance of its members, although

the accusation against the president is "financial fraud", but the Shiites believe that it is settling accounts and fabricating files.<sup>67</sup>

Local Baha'i and Ahmadiyya groups continued to report that they did not attempt to register themselves with the government as an association, believing that their registration applications would be denied.

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<sup>67</sup> See the US State Department's annual report on freedom of religion for 2016.

## VI. Conclusions related to the right of establishing associations

It is noted through the cases studied above, that the activities of civil society organizations and associations concerned with issues of protecting the affected religious communities, or the expression of religious or quasi-religious opinions have been subject to prohibitions and discriminatory restrictions related to registration requirements, and the Ministry of Interior often tightens restrictions on freedom of association if it concerned cases of persons belonging to unrecognized religious minorities.

Freedom of peaceful assembly and association is closely related to the realization of the right to participate in public life, and thus discrimination and other obstacles to the realization of this right will undermine efforts to ensure the enjoyment of other rights to participate in collective and public life on an equal basis for all.

Freedom of assembly includes the right to form organizations, political parties, and other bodies concerned with political and public affairs. Freedom of peaceful assembly includes the right to organize virtual meetings, vigils, and gatherings on the Internet.<sup>68</sup> Peaceful gatherings play a vibrant role in mobilizing residents to express complaints.

Many international human rights mechanisms recognize the important role of civil society actors - particularly those defending human rights, including the rights of minorities and marginalized communities - in promoting and respecting the rights of all human rights.<sup>69</sup>

Many of the repressive measures taken by Morocco against the aforementioned associations were inconsistent with Article 19 of the International Covenant on Civil and Political Rights, which guarantees the right to freedom of expression.

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<sup>68</sup> Human Rights Committee, General Comment No. 34 (2011), para. 12; and A/66/290

<sup>69</sup> See Human Rights Council resolutions 15/21 (2010), 21/16 (2012) and 24/5 (2013); and Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 2011, available from <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/CommentarytotheDeclarationonHumanRightsDefenders.aspx>.

This right includes the freedom to discuss public affairs, organize peaceful gatherings and meetings, criticize and oppose government actions, and organize campaigns and propaganda of political ideas.

### **Restrictions on the right to establish political parties and expression in Parliament**

The law discriminates against non-Muslims in the field of the right to establish political parties and associations, and it is the right of everyone to create political parties by filing a registration application with the Ministry of Interior, which includes permission to establish a party, the address of the central headquarters, a copy of the Basic Law and its program, and written commitments of 300 founding members to hold the conference.

However, the right to establish political parties is not regardless of religion or belief. Under the organizational law of political parties and the constitution, “every establishment of a political party that aims to harm the Islamic religion, the monarchy,<sup>70</sup> or the constitutional principles is considered null.” In addition, from the legal point of view, “there is no political party based on a religious basis”<sup>71</sup> according to the law regulating the right to establish political parties.

This ban targets non-Muslims only, because there are actually parties that say that their basis is the Islamic religion, such as the party that currently heads the government, and are considered completely legal.

According to the constitution, members of parliament enjoy immunity, but they may be arrested if they criticize Islam or express an opinion that disputes the monarchy or includes anything that violates the due respect for the king inside or outside parliament, and religious parties cannot be established.

Where the legitimacy of the government is derived from a specific religion in a country and the constitution prohibits the establishment of religious parties or "prejudice" to religion, minorities face violations against their right to political participation and

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<sup>70</sup> The Constitution of Morocco, Chapter Four: Legislative Power, Organization of Parliament, Chapter 64, p. 15.

<sup>71</sup> Organizational Law No. 11.29 regarding political parties, Chapter 1: General Provisions, Article 4: Any establishment of a political party based on a religious basis is considered null. Any establishment of a political party that aims to harm the Islamic religion is considered null.

representation, and violent control of the majority's religion in a manner that damages their right to enjoy religious freedom.

Christian and Shiite members of the Committee for Religious Minorities spoke of their expulsion from the Authenticity and Modernity Party and the United Socialist Party because of their beliefs.

➤ **Conclusions related to political participation**

The representation of members of religious minorities in political and public processes, and in governance institutions remains absent in Morocco due to the presence of a variety of laws and policies that prevent them, and a deliberate attempt to cancel their participation, as well as the weak political will in government and society to remove structural obstacles that prevent minorities from participating in public life and equal participation.

While the Declaration on the Rights of Persons Belonging to National or Ethnic Minorities, and Religious or Linguistic Minorities is guided by Article 28 of the International Covenant on Civil and Political Rights, it defines the rights of minorities and obliges states to respect, protect and promote these rights.

The declaration states in its Article 2-2 that “persons belonging to minorities shall have the right to participate in cultural, religious, social, economic and public life effectively.” This provision was interpreted as including rights related to the right of the individual to be elected and voting, to hold public office, and to participate fully in other political and administrative activities, as well as by making use of minority associations and establishing free communications both within the state and across its borders (Paragraphs 32 and 37).

➤ The United Nations Forum on Minority Issues has addressed the matter of the effective political participation of minorities and adopted a set of recommendations aimed at promoting the full participation of minorities in public and political life (Paragraph 10 of document A / HRC / 13/25).

These recommendations include effective government efforts to eliminate discrimination, including through the establishment of independent monitoring and complaints mechanisms, in order to prevent discrimination, and actions that hinder the effective participation of all.

➤ **Social discrimination**

Discrimination emanating from society is considered a real threat that has a negative impact on people's lives more than legal and administrative discrimination, due to the serious violence that imposes it. In this study, the respondents mentioned physical abuse, as well as discriminatory acts and verbal abuse.

***Asma H. (24 years old) / Casablanca***

"I decided to convert to Christianity and not abandon it despite all the persecution, violence and cruelty I was subjected to by my family and friends, and I was subjected to attempted murder and was named because of my refusal to leave Christianity to convert to Islam again." The Moroccan judicial authorities also met a complaint that I submitted to the King's Attorney at the Court of First Instance, in Casablanca by ignoring and not following it up, and even destroying it.

At the beginning of 2018, I was brutally assaulted by my family of 3, after I refused to get rid of Christian books, as I was violated and expelled from my house after being called a "Jewish".

In 2018, my mother passed away, and I tried to reconcile with the rest of my family who required me to convert again to Islam, and when I refused to do so, I was held in a room and attacked, poisoned, and my family tried to kill me.

If I hadn't escaped after the assault and detention in a room, they would have burned my Moroccan nationality papers and baccalaureate certificate that I got by my mother in order to remain without my identity, nationality.

As a result of this suffering, diseases such as nerves and diabetes, I found it tough to find accommodation and medicine expenses, as a Christian named (MS) decided to abandon me after he hosted me for 5 days in the city of Taroudant. A number of Christians

got rid of me and refused to communicate with me and help me, in addition of calling me names in social media applications.

***Youssef N. (29 years old) / Rabat***

I went to work in Rabat in a private company to build apartments in glass and aluminum after I obtained a diploma in the same field. My rights were violated while some workers in my workplace knew my embrace of the Shiite sect through my Facebook page, and they violated me in the month of Ramadan (2019) after I rejected their provocations. They used to describe me as “Shiite,” and the employer intervened during the incident and asked me about the validity of the workers’ allegations and threatened me with dismissal if it was proven that I was indeed a Shi’ite, but he did not fire me from work when I absolutely denied that I was.

***Zakaria G. (28 years old), Tangier***

I was arbitrarily dismissed from working in a private marble company in Tangiers - located near the *Malabta* district, because of my breakfast in the month of Ramadan (2019) and the confession to the workers and the employer during my questioning that the reason was due to my conversion to Christianity.

I was eating in the month of Ramadan while I was in hiding, but a person working in the same company exposed that and asked me about the reason for my breaking the fast at the time of the Muslims fasting, so I told him that the reason was due to my being a Christian and not a Muslim, which exposed me to being dismissed by the employer after a year and a half of work.

Two days later, I received a phone call from one of my co-workers asking me to return to resume work, and I actually returned to my workplace via a taxi, to be surprised with set of stone attack by 3 workers who subjected me to beating, insulting and using offensive words, as a result, I bleed a lot and I run towards my home.

Someone asked me, are you thirsty? I told him no and they started hitting me with stones. The religion that I profess (Christianity) does not allow me to file a lawsuit against those who violated me or who dismissed me arbitrarily because of my religion, since it calls for tolerance of individuals and non-response to what comes from them.

***Al-Hussein S. (31 years old) Zagora***

In 2015 I believed in Christianity, and at the beginning of 2017, I began to share my religious ideas with the residents of the “*Naqoub*” area, in which I live, as part of what is known as evangelization. At that time, the royal gendarmerie began to visit my house, provoking my mother and terrorizing my friends in my absence.

One of the residents filed a complaint with the Royal Gendarmerie Center in the winter of 2016 claiming that I spread the Christian faith and advise young people not to fast in the area, and the same security apparatus reacted to these allegations, by going to my house via the gendarmerie and asking about my household even though they know that I work in washing cars near the house.

After my mother told me this, I went to the royal gendarmerie and asked them why they visited my house and told them that I was not a criminal and I admitted that the proselytization that I do is targeting adults, but their response was that they asked me to stop the evangelizing because the Ministry of the Interior gave instructions to do so.

**1. The religious sphere’s Control**

Morocco has ratified 260 laws to "protect" the official Islamic religion, issued decisions to suspend imams from work and warrants asking the authorities to monitor imams' accounts on social media, and established about 20 institutions to serve Islam.

The Higher Scientific Council, chaired by King *Mohammed VI* since 2006, approved the “Guide to the Imam, and Preachers,” prepared by the governmental authority in charge of endowments and Islamic affairs.

The evidence states that the imam is the Viceroy in the mosque and obliges imams, preachers, to adhere to the "unity of the nation", and to consider the Commander of the Faithful as the protector of the Islamic nation, and to avoid disagreement that is "evil."<sup>72</sup>

The imam is considered "the king's viceroy in the mosque," and it obligates all mosque imams, and preachers to have their religious discourse under the shadows of the "Emirate of the Faithful," Furth more, the guide is based on "limiting the constants and options so that it cannot be opposed." In a section entitled "The Emirate of the Faithful as a Pillar of Spiritual Security," the guide states that the imam and the preacher should not lose sight of the fact that the Islamic nation feels that its faith is under the protection of the Commander of the Faithful, who is King Mohammed VI.

The guide claims also that among the manifestations of obedience to the rulers is to follow them, and not to disagree with their doctrinal and jurisprudential choices and to follow up on their choices.

In practice, the guardian ministry builds and repairs mosques, and pays salaries to imams and religious curators. The government works to close mosques immediately after the end of prayer, despite demands to leave them open to all Muslims to read the Qur'an and perform prayer outside the official times. In addition, the Ministry of Endowments and Islamic Affairs determines the Friday sermon and imposes on the imams to pray for the benefit of the King and his Crown Prince.

In recent years, the ministry has suspended hundreds of imams from work for criticizing the authorities, or for breaking the sermon that the ministry writes for the imam to recite it to the worshipers.

These Friday sermons, which are supposed to be religious, sometimes touch on political issues, such as the imam calling on the population to vote on the constitution "yes" during the year 2011, or calling the worshipers not to go out to demand protests.

In May 2017, the imam of a mosque in Al Hoceima described a local protest movement as "*Fitna*," and one of the worshipers who was a member of the protest

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<sup>72</sup> The Guide to the Imam, and Preachers was approved on March 16, 2006 in a letter sent by the Supreme Scientific Council to the Minister of Endowments and Islamic Affairs: Publications of the Ministry of Endowments and Islamic Affairs.

movement responded by saying, "You are mocking the government," which ultimately led to the cancellation of the entire prayer and even the mosque's burial by the authorities in January 2018.

➤ **"Is the mosque for God or for the Makhzen?"**

In May 2017, the Ministry of Endowments and Islamic Affairs circulated to the mosques of *Al Hoceima* a sermon that criticized the protests that lasted for a year. The Friday sermon at the Al-Malik Mosque in the same city gave a speech on the topic of "the sedition of protests."

But *Nasser Zafzafi*, a leader of a protest movement, soon stopped the imam, according to a video that showed some details, and *Zafzafi* addressed the imam, saying: "Are the mosques for God or for the Makhzen...The real fitnah is that most of the young people do not find their strength and have been exiled." *Zafzafi*, who was surrounded by a number of worshipers chanting the slogan "God is great", added that the Friday sermon, which talks about fitnah, "was issued by the intelligence services." The activist was later arrested and sentenced to 20 years in prison, on charges of arresting worship and receiving foreign funds.

On the same day, the Ministry of Endowments and Islamic Affairs issued a communiqué saying that it rejects "a person deliberately violating the esteem and dignity due to the homes of God during Friday prayers in the city of Al Hoceima, which corrupts the prayer and offends the community." But "*Aziz bin Ibrahim*," a parliamentarian, called for the dismissal of *Ahmed Al-Tawfiq*, Minister of Endowments and Islamic Affairs, "after the sermon scandal" (the Friday sermon) with a political dimension that his ministry imposed on the imams of *Al Hoceima* alone, and which provoked the rage of activists and prompted the boycott of the city's mosques .

In addition to the lack of independence of the mosques, the various police forces every month of Ramadan storm mosques to expel often a group of people belonging to the Justice and Charity Group who wish to practice seclusion inside mosques in the last ten days

of Ramadan, and violence is often used inside the mosque as documented by a Religious Minorities Committee.

In fact, the problem of Moroccans not enjoying freedom of religion or belief in general goes back to before the "2011 constitution", and specifically when *Morocco* gained its independence in 1956, when it expelled foreign missionaries and restricted the *Moroccan* Christians, and incited them at the time.

However, after the terrorist attacks that targeted the city of *Casablanca* in May 2003, and the arrest and torture of thousands of Salafists, Morocco launched a process called the structuring of the religious field and the unification of religion and sect, and this is intended to standardize the Islamic religion and the royal Sunni sect.

The decision to unify religion and sect has already undermined Moroccan religious diversity, which threatens the continued existence and prosperity of those belonging to religious minorities.

Islam in *Morocco* has a symbolic capital and takes three forms: science (legal science), blessing (natural healing), and honor (the holiness of the Prophet's grace). These principles formed the power of religious political authority. The constitution recognizes that Morocco is based on an Islamic monarchy: the king and the Islamic religion are above everything, and above the constitution itself, as the two defend each other and this is determined by the article declaring that the king is the Commander of the Faithful and the official spokesman for all affairs of the state's religion.

On the one hand, Islam gives religious legitimacy to the king's political power and strengthens it, and on the other hand obliges him to justify his policies with regard to social systems, as it constitutes a symbolic capital (knowledge, grace and sanctity relative to the "honorable" origin of the Prophet Muhammad's lineage).

The king has a special religious status in front of those with knowledge or 'scholars', because before they recognize the Islamic character of the king's actions and the state's policies, the person of the king must first be recognized as the Commander of the

Faithful, in accordance with the conditions of the Imamate (the position of leading the believers).<sup>73</sup>

## 2. Political Islam in Morocco

The French resident "Lyautey"<sup>74</sup> contributed to the formation of modern Morocco, especially with regard to the establishment of structures of control over the use of Islam for political purposes.

In his statement clearly, Lyautey said the following: "We first tried to enhance the personal status of the Sultan by reviving ancient traditions and religious ceremonies to ensure the strict independence of the religious force, and to enhance its confidence and authority by linking it to our projects and then by seeking its ideas and opinions."<sup>75</sup> Lyautey's statement is in line with the provisions of the Protection Treaty (March 1912), which stipulates that the new system will preserve "the religious status, respect and traditional prestige of the Sultan and the practice of religion and Islamic institutions, and will include methods of organizing and reforming the Holy Makhzen."<sup>76</sup>

Since the independence of Morocco, religious symbols have been constantly present in the strategy of power of the successive kings to rule Morocco, whether with *Mohammed V* (1927-1961), or *Hassan II* (1961-1999) and then *Mohammed VI* since 1999.

When Muhammad V appointed his son, Hassan, as Crown Prince, he addressed him at the inauguration ceremony: "Never turn away from the straight path in Islam and do not turn away from the way of the believers ... Make the Qur'an the light that shines you, so that you be a model like the Messenger of God and his righteous successors ..."<sup>77</sup> During the reign of *Mohammed V*, the Moroccan Communist Party was dissolved on the basis that it

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<sup>73</sup> Dialmi (Abdessamad), « L'islamisme marocain: entre révolution et intégration », in « Archives de sciences sociales des religions » 110, avril-juin 2000, p 5-27 <https://doi.org/10.4000/assr.20198>

<sup>74</sup> Louis Hubert Gonzalve Leautey, the first Resident General of Morocco after its occupation

<sup>75</sup> General report on the situation of the French protectorate in Morocco, p.14

<sup>76</sup> Article 1 of the Protectorate Treaty

<sup>77</sup> Mohamed V speech, (09/07/1957)

"undermines the Islamic religion" and "Moroccan public order", because the Moroccan state is linked to Islam to the greatest degree.<sup>78</sup>

In the context of speeches and official statements, the importance of Islam in the Moroccan political sphere becomes clear. Several researchers have looked at this aspect of the religious concept as an important means or tool in achieving many desires, most notably stability. Emil Durkheim described the relationship between religion and politics, saying that both fields closely trace and overlap with each other, united under the concept of society.<sup>79</sup>

The power of the monarchy in Morocco stems from the concept of "divine right".<sup>80</sup> Until the year 2011, the person of the king was sacred in the constitution, thus it is an adjective that is found midway between God and man. The attribute of holiness was abandoned and replaced with the word "the person of the king is to be respected" in the new 2011 constitution.

The adjective of respect or holiness refers to the fact that the people always owe the king respect and influence, and it is an Arabic term aimed at sanctification and worship, and it was used as a historical indication to distinguish the prophetic lineage that the kings of Morocco claimed for centuries that they belong to.

Based on the new characteristic that replaced the sacred with the respectable, individuals still owe him the reverence accorded to the descendants of the Prophet Muhammad, and the appearance of holiness is evident in the annual renewal of allegiance events that take place in the midst of a majestic scene in which the holder of power wears white clothes, and a crowd of worshipers bows to him in rhythm and as he passes between them, the palace servants wear a red hood.<sup>81</sup>

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<sup>78</sup> Moroccan Communist Party, *An Inquisition Process*, Casablanca, 1960, p.167.

<sup>79</sup> Tyrell (Harmann), « Religion et politique, Max Weber et Emile Durkheim », titre originale « Religion und Politik-Max Weber und Emile Durkheim », in Bienfait, A. (éd.): *Religionenverstehen*, Wiesbaden, Verlag für Sozialwissenschaften, 2011, p.41-91.

<sup>80</sup> The divine right of kings is a religious political concept, from which kings who rule with absolute authority derive their legitimacy from religion, and consider any kind of disobedience to be a sin against God, the concept found in medieval Europe and in Islam, thus it is still present in many Islamic countries.

<sup>81</sup> Benchemsi Ahmed, « Mohammed 6, despote malgré lui », in *Pouvoirs* 2013/2, n145, pp 19-29

Moroccan thinker *Abdallah Laroui* described the king's person at loyalty parties as the only one sitting during the ceremony on the horse, and not touching the ground as an expression of the supremacy of his person and his absolute holiness.

Historically, the kings of Morocco have been considered as caliphs of God in his land, and the Moroccan monarchy has relied on the theoretical level of governance to a theocratic rationality, and divine foundations dedicated to the sanctity of the royal institution through two means, the first is the monopoly of ownership of religious symbols, and the second is embodied to turn into actual practices. The latter is represented in employing the Islamic religious heritage, which gives the person of the king the possibility of monopolizing many powers, and thus imposes him as the sole reference for issuing and defining political matters in all their manifestations, as the personality of the caliph in Islamic history refers to the guardian who takes the hand of the *Ummah* (the society).

On the historical and religious level, the caliphate is an Islamic system of government based on the attribute of the leader of Islam, the person who rules the Islamic state on the approach of Islamic law, and it is so called because the caliph is the leader, and he is the successor to the Prophet Muhammad for the purpose of implementing the provisions of Islam.

The Moroccan political authority is based on religious legitimacy first, then surrounds itself with political, economic and social institutions to ensure stability and survival, and is built on theocratic foundations according to the following pillars:

**The oath of allegiance:** Ibn al-Atheer defined it with the words of a contract and a treaty, as if a person sold what he had to his owner,<sup>82</sup> and gave him the sincerity of himself and his obedience and the extraneous of his command. Ibn Khaldun described it as a covenant of obedience, so the allegiance pledged to his prince to grant him consideration of himself and the affairs of Muslims, <sup>83</sup>and He does not dispute any of that, and obeys him in everything by pledging allegiance to the Emir, full legitimacy is assigned to him to rule on

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<sup>82</sup> Ibn al-Atheer, "Al-Nihaia", p: 174.1

<sup>83</sup> Ibn Khaldûn, "The Muqaddimah", p209

what God has revealed in accordance with Islamic law. The manifestations of the pledge of allegiance in Morocco are evident in the festive ritual that is held every year in ceremonies that give the ceremony a special aspect, and the wording of the pledge text has not changed since it has remained in its form for many centuries.

The Moroccan anthropologist, *Abdallah Hammoudi*, points out that the status of allegiance has become an essential element of the Moroccan political authority, and it represents an existing entity that falls under the name of the sacred and refers to the elevation of the royal family as it is descended from the Prophet *Muhammad's* lineage.

Allegiance in the context of Morocco is a contract of allegiance and submission, based on the absolute authority of the ruler and full submission to the ruled, and obligates the leader after pledging allegiance: preserving the Islamic religion, implementing rulings, protecting Muslim countries, establishing borders and all matters that concern the Islamic issue in society.

When the *Alaouite* Dynasty came to power in Morocco, the oath of allegiance became a special place that constitutes an important aspect of the state, as it symbolizes the organization of the political feature of the country, as for the text of the pledge of allegiance; its content confirms the following:

The first preamble emphasizes the religious origins of the pledge of allegiance in the Qur'an and Hadiths, stresses the importance of the position of the Imamate and considering it a divine gift for the one chosen for it, then emphasizes the importance of the Alaouit's lineage.

*Abdallah Laroui* indicated that allegiance is a characteristic of a treaty between the parish and the Sultan, and concluded that the Sultan is chosen by a special group that represents the palace from those with the royal family and the surrounding servants, chiefs, soldiers and others who represent real cells of power, and therefore emphasizing the role of money and power in obtaining the nation's support for the person who pledges allegiance to him.

Based on defining the concept of allegiance in the Moroccan context, it becomes clear that it has a central power that gives the ruler absolute legitimacy and power in the

ruling system, especially as it is a system stemming from the Maliki Islamic religious heritage in particular, and therefore. According to the logic of the ruler's religious authority, it becomes difficult to establish a true democratic system based on the principle of proper separation of power without reference to the opinion of the ruler, and the mixing of religious and political authority eliminates the existence of other religious minorities, whether on the intellectual or religious level, meaning that all components of Moroccan society must have a religious background based on respect and reverence for a person, which is the king, as a person holding a higher position than the constitution, in accordance with the religious legitimacy that conferred on him the privilege of arbitration in all matters of Muslims.

**The Holiness of the Honorable Descent:** The attribute of honorable lineage has added greater sanctity to the political power in Morocco, and its roots go back to centuries ago, as some official national sources indicate the affiliation of the ruling Alaouit family to *Ali bin Abi Talib*, or what has been described as a "golden chain of noble lineage."<sup>84</sup> That is, the succession of the Prophet Muhammad; and the authority in Morocco has always been characterized historically by the link between the political and spiritual authority represented in inheriting the rule according to the Islamic pattern.

The honest lineage has always been associated with the concept of blessing, which is associated in the social sciences with the extraordinary ability of persuasion and honor, in addition to social distinction.

The Arabic dictionary defines the dispersal of the "blessing" with goodness, growth and security, and it is said, may God bless you, that is, may God grant you blessing, and bless the thing, that is, seek His blessing and be blessed with something,<sup>85</sup> that is, be optimistic about it and seek its blessing. In the "*Lisan Al-Arab*", blessing means "increase and growth", and God blessed a thing or put the benediction in it.<sup>86</sup>

Therefore, the concept of blessing is a description of the characteristic of the spiritual flow or divine revelation, by which the person with the blessing is able to fill the

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<sup>84</sup> <http://www.habous.gov.ma/daouat-alhaq/item/7085>

<sup>85</sup> The Arabic Lexicon, Beirut 1991

<sup>86</sup> Ibn Manzur, "*Lisan al-Arab*", Volume One, Cairo 2003

world with benedictions and holiness, and that the blessing from the Islamic perspective is related to the person of the Prophet Muhammad and his lineage or the honorable offspring that emanated from him.

And from it, the blessing is a concept that derives its holiness from the Islamic religion, and Moroccan cultural history is characterized by the multiplicity of political, social and ideological practices associated with the angles and what they transmit in the souls of people with blessing and spiritual feelings.

According to "*Edvard Westermarck* ", the concept of blessing in Morocco was always linked to the personality of the Prophet *Muhammad*,<sup>87</sup> as he had a share of the blessing that no one else possessed. Consequently, this feature was transferred to the honorable descendants of Fatima, especially males. The blessing is also diminished among children of a father of honorable origin and a mother of that origin.

*Edmond Doutté* described the concept of blessing as "the magical character of kings and the survival of ancient beliefs in the form of male gods."

From this perspective, the attribute of sanctity amounts to a description of the way in which the person of the ruler is separated from his subjects and from the ordinary world in general, and this is done through different rituals and appearances, such as the separation between the communication methods between the ruler and the rest of society, and Doutté mentioned some Royal Protocol aspects regarding the sanctity of the Sultan: "Bend down, *O Ba Hammad* (Prime Minister), as he presented himself barefoot in front of Sultan *Abdul Aziz*."<sup>88</sup>

Holiness is not limited to the performance of certain rituals only, but for people who believe in it, this one manifests itself in aspects of daily life in positive or negative ways, and besides the blessing of the ruler there is (his curse), the king is a blessing for the whole country according to Doutté, and what people are looking for is not a good government. It is the blessing of the Sultan.

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<sup>87</sup> Westermarck Edward, « *Ritual and Belief in Morocco* », Vol1, Macmillan and Co, London, 1926

<sup>88</sup> Walter Harris, who attended Sultan Abdul-Aziz's court, was an eyewitness to the royal protocol: he left us with some brief descriptions. "Sometimes, a local official approaches the Sultan, barefoot, falls on his knees, and touches the ground with his head ..." (Harris, p. [1921], 1983, p. 55.

According to the mythical belief about the holiness of kings in Morocco, Doutté recounts that sultans do not travel by sea, and added that Sultan Abdul-Aziz wanted to travel to Paris in 1909, but he could not, since the era of the monotheistic rulers, no sultan has traveled by sea. This mythical representation of the power of kings is linked to the concept of blessing or country benediction, which Westermarck described as "royal holiness."<sup>89</sup>

Based on the aforementioned foundations, we apprehend that the general pattern of the Moroccan monarchy is based on religious basics that have been extracted especially from the Islamic religious heritage and the *Maliki* school in particular, and these pillars have always been essential in the Moroccan systems of government historically as they are according to the political vision of their owners, an essential to achieve social stability, and to highlight the principle of full respect for the personality of the ruler, which according to the Islamic heritage has a special charisma and belongs to the noble lineage of the Prophet *Muhammad's* ancestry, as it is according to the collective imagination a source of blessing and the unity of religion and traditions, and it guarantees social stability within society.

### **3. The domination over the religious field**

Morocco has based its political system on combining traditional culture, religion, and then modernity, as it mixes the religious and political sphere, and they can hardly be separated. The king is usually surrounded by a group of religious scholars, and possesses the title of greatest spiritual leader who rules in the name of God because of his affiliation to the lineage of the Prophet Muhammad.

In 1962, King *Hassan II* added the title "Commander of the Faithful" to the Moroccan constitution. The king is considered the custodian of the official and dominant Moroccan Islamic model, which is a system based on the following trios: *Maliki*, *Ash'ari* and *Sufism*, as described by *Mohammad Tozy*. This belief is the spirit of the *Maliki* utilitarian, different from the doctrines found in other Islamic countries, as Moroccans also encourage *Sufism* and *Zawiyas*, and it falls within the framework of moderate Islam.

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<sup>89</sup> Rachik Hassan « Légitimation et sacralité royale », in *L'esprit du terrain*, Etudes anthropologiques au Maroc, p 129.161

In the years 1970 and 1980, religious political forms gradually appeared in many reforms by the Ministry of Islamic Endowments, such as the establishment of regional councils of scholars, the Supreme Council of Scholars and the restructuring of the ministry in 1982, the 1984 regulation on building mosques, and the creation of senior positions that oversee religious affairs in the Ministry of Interior, these forms are built on the basis of control over the religious field.<sup>90</sup>

These measures reflected the authorities' desire to frame and preserve the religious identity of Moroccans, to control many political expressions in the name of religion and protect the unity of worship, in addition to reserving the sanctity and importance of religion.

This new strategy led to the restructuring of the administration of religious affairs in Morocco, as there was a strong impetus for a particular Moroccan Islam by organizing the religious field and pursuing the training of religious scholars inside and outside the country, aiming to deal with the issue of extremism, especially after the May 2003 terrorist events in *Casablanca*. *Morocco* clearly rejects extremist Salafism, including jihadism.<sup>91</sup>

When Hassan II came to reign in 1961, Morocco entered a period of turmoil known as the "*Years of Lead*", which lasted from the 1960s to the 1980s. Morocco also witnessed a conflict with Algeria and the Polisario Front in Western Sahara, and violent internal disturbances represented in multiple assassination attempts of the king.

Furthermore, in an effort to weaken the influence of the leftist anti-monarchical movements, Hassan II encouraged the growth of Salafism as he expected that they would remain loyal to the regime and abstain from politics, in fact, Salafi religious leaders were well trained and funded.

In 1974, the Justice and Charity Movement, was banned from political life due to a letter written by its founder *Sheikh Yassin*, "*Islam or the Deluge*" criticizing the king's religious legitimacy, arguing that it had betrayed Islam in exchange for money and Western support. Despite *Sheikh Yassin's* challenge to *King Hassan II*, the latter succeeded in asserting

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<sup>90</sup> Marshall Katherine, « Morocco, its complicated », the Washington Post, February 7, 2011.

<sup>91</sup> La reconstruction du champ religieux marocain, entretien avec Mohamed Tozy, Info Sezame, January 16, 2007

his religious authority greatly, as it saved his life during a violent military coup attempt. The king was said to have recited the Qur'an, which led to pushing the rebels to kneel and kiss the king's hand.<sup>92</sup> Hence, religious legitimacy and political authority are closely related to the Moroccan model of government, and thus the status of the king as Prince of the Faithful becomes equal in importance with the title of sovereignty.

Since the ascension of King *Mohammed VI* to the throne in 1999, the tendency of communism has disappeared from Morocco, and the monarchy has faced many challenges in its rule by adopting a religious approach in addition to politics, as the king developed a comprehensive strategy to combat violent extremism, which included strengthening the role of the police and adding special units in the aim to fight against terrorism, which patrols most urban areas, in addition to the establishment of a national investigation agency that pursues terrorists or suspected extremism....

Therefore, the government took control of all mosques in the country, and imams were placed on government payroll and asked to follow the ministry's rules and regulations in order to preserve their status. Religious leaders are also trained, their sermons must be approved by the government, and mosques may not be opened or used as gathering spaces outside prayer times.

Preaching in the streets or outside official places and not adhering to government rules can often lead to arrest, in addition to the political parties, which are prohibited from having a platform that focuses on religion.

As a consequence of the religious authority in the monarchy, the king tended to promote concepts such as tolerance between religions, especially for the African immigrants in Morocco. In this regard, the "ALMOUAFKA" institution was established, which is concerned with Christian religious education for foreigners in particular, unlike Moroccan Christians who are afraid of revealing their faith, and therefore practice it in secret or in hidden gatherings among their Christian friends, it is likely that religious freedom will remain prohibited in Morocco due to the authorities' strictness in this matter.

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<sup>92</sup> Gregory. R Joseph ,” Hassan 2 of Morocco Dies at 70”, New York, July24, 1999

As for religious education, it starts from an early stage in Morocco, especially in poor cities and rural areas, where most Moroccans begin their education in local mosques, such as pre-primary education, as they learn reading and writing skills through memorizing the Qur'an gradually through elementary, in private or public schools, thus, Islamic education is taught throughout the school years until the final year of high school.

Although religious teachers derive their educational curriculum from government programs, they are free to teach the classroom in any way they like, especially in rural areas, which gives greater opportunity to promote ideologies that may go beyond the concept of the official religion of the state.

The establishment of the Mohammed VI Institute in 2014 was a strategic move to encourage religious education and unify many of Morocco's interests by developing a unified Moroccan faith, which is more differentiated and opposed to violent extremism. It also aims to strengthen Morocco's international standing, and the institute educates about 3,000 students annually.

Among the most important initiatives of the institute is the formation of Muslim male and female leaders and training them in religious guidance and spiritual services to others, especially for fractured societies and informal places.

However, they are not allowed to perform certain duties such as Friday sermons, while they are authorized to teach, give religious advice to encourage religious values, including Moroccan Islamic standards within families and in other societies outside Morocco.

The data that we have mentioned in this section refer to the existence of a dominance of the religious field in Moroccan society, as it is through the strict conservatism of an Islamic religious trend and its owners in particular, which has created a model for us, where the Moroccan individual is supposed to submit to, and adhere to within the framework of the pursuit of religious authority, to justify its legitimacy in accordance with the historical belief that there is a certain charisma that characterizes the ruler, and based on the existence of a religious elite that releases rulings and falls on laws that abolish the existence of various other religious groups in society.

➤ **Summary of this section**

It is clear that there is a deep overlap between the religious and political authority in the Moroccan system, and it has historical roots that alternated with the various rulers who passed through the history of the Moroccan state. This mixing between religious and political results in the abolition of other religious entities, as there are no clear texts that protect minority groups from discrimination based on religion.

Eventually, the overlap between political thought deeply saturated with the theological model, which contributes to the emergence of a clear contradiction at the level of social practices and the production of discriminatory policies against the different individuals, which raises the issue of the importance of establishing the necessary relationship of religion and politics.

To establish an accurate democratic system, there are still many conditions that must be worked on and we assume a set of change factors that may mature unequally, which can be summarized in the following:

First, the ideological and cultural factor between intellectuals, artists, writers, journalists, and then political activists, as there must be a brave intellectual tendency.

Secondly, the economic factor, so that it exceeds the social role played by the individual, whether in terms of intellectual work and religious service, to occupy a productive position. If we compare the countries of the north and the countries of the South, there is no productive and active social force capable of providing democracy with a solid economic base.

And finally, the global factor related to capitalist policies that dominate the global market and must allow the creation of an internal dynamic that would bring social and political changes that give importance to the human being regardless of his orientation, and not just controlling him through religious mechanisms to guarantee staying in power permanently.

## VII. Results

The main results of this study show that religious groups, such as Christians and Shiites, are among the groups most vulnerable to legal and societal discrimination and do not receive any positive attention from the government, while Morocco has not achieved any gains in favor of marginalized religious communities and the demand for freedom of religion, and therefore there is a lot to be done. With regard to the minority and religious majority community, which is in need of more religious freedoms, although indigenous issues such as Amazighs and gender that have begun to be addressed in a positive way:

- One of the main developments in this regard is the ratification of Organic Law No. 16-26, Related to activating the official character of Berber Tamazight, and establishing the National Authority in charge of combating discrimination against women.
- In parallel, the constitution should guarantee freedom of belief in a way that is comparable to international legal standards, in addition to recognizing the religious communities mentioned in the section on the introduction of affected religious minorities above.
- The national legislative framework must guarantee an explicit prohibition of discrimination based on religion or belief, while taking all necessary measures to establish justice and equality with regard to victims of discriminatory laws, policies and practices identified in this study, and to ensure full access for this group to legal protection, and judicial remedies, including the establishment of a specialized and independent body of government, with the mission of broadcasting complaints.
- The establishment of a specialized national body to effectively investigate allegations of discrimination for religious reasons, or to provide protection for complainants from intimidation and harassment, is a development that must be undertaken, in addition to stopping harassment targeting religious minorities' associations, and registering them quickly and easily, in order to carry out the mission of assisting victims of discrimination, and persecution based on beliefs, besides working in

coordination with civil society for human rights, which is independent of the government and its authorities, to achieve the following goals:

- Respect the rights of persons belonging to religious minorities as stipulated in: the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), the International Covenant on Economic, Social and Cultural Rights (1976), and the International Covenant on Civil and Political Rights (1966).
- Securing support at the national level for the benefit of vulnerable groups that belong to minorities, gaining more influence to spread the contents of the concepts of equality, citizenship and common human values and enhancing their impact, while providing information on the rights of religious minorities, to provide tools for legislators, researchers, representatives of organizations and others.
- Contribute to creating spaces that enhance the exchange of experiences and information and link what is happening at the national level to the regional and international levels and vice versa, such as the internationalization of issues, and the development of publishing and media platforms.