

Morocco

Country:

Morocco

Year:

2016

Freedom Status:

Partly Free

Political Rights:

5

Civil Liberties:

4

Aggregate Score:

41

Freedom Rating:

4.5

Overview:

In September 2015, Morocco held regional and municipal elections for the first time under the constitutional framework established in 2011. The results were widely perceived as a victory for the moderate Islamist Justice and Development Party (PJD), the largest party in parliament, which won the most individual seats at the regional level and majorities on the municipal councils of all of Morocco's major urban areas.

The government continued its pattern of ostensibly pursuing a technocratic governance agenda palatable to Western allies while stifling personal freedoms and discussion of sensitive issues. This included crackdowns on journalists, stiff fines and jail sentences for reporters, and deportation of foreign correspondents for attempting to cover politically sensitive topics. Authorities also harassed several prominent civil society leaders and organizations. At least five men were sentenced to prison terms for violating the country's prohibition against same-sex sexual relations, and two women were tried for indecency after wearing short skirts in public.

Trend Arrow:

↓

Political Rights and Civil Liberties:

Political Rights: 15 / 40 [Key]

A. Electoral Process: 5 / 12

King Mohammed VI and his close advisers, often referred to as the *Makhzen*, hold political, social, and economic power in Morocco. While the palace has engineered a series of constitutional reforms since the first constitution in 1962, the 2011 constitutional referendum was significant as it required the monarch to appoint the prime minister from the party that wins the most seats in parliamentary elections and to consult the prime minister before dissolving parliament. The reform also gave official status to the Tamazight (Berber) language, called for gender equality, and emphasized respect for human rights, though it preserved existing powers for the king. The monarch can dissolve Parliament, rule by decree, and dismiss or appoint cabinet members. He sets national and foreign policy, commands the armed forces and intelligence services, and presides over the judicial system. One of the king's constitutional titles is "commander of the faithful," giving his authority a claim to religious legitimacy.

The lower house of Parliament, the Chamber of Representatives, has 395 directly elected members who serve for five-year terms. Of these, 60 seats are reserved for women and 30 for men under age 40. Members of the 120-seat upper house, the Chamber of Counselors, are chosen by an electoral college to serve six-year terms. Under a rule that took effect in 2009, women are guaranteed 12 percent of the seats in local elections.

Parliamentary elections held after the constitutional reform in 2011 resulted in a victory for the PJD of Prime Minister Abdelilah Benkirane. The PJD formed a coalition with Istiqlal, the Popular Movement, and was joined by the Party of Progress and Socialism (PPS) in early 2012. The government held office until July 2013, when Istiqlal withdrew in protest against the PJD's handling of the economy. A new government took office in October of that year, with the National Rally of Independents (RNI) joining the coalition.

In September 2015, Morocco held its first regional and municipal elections since the adoption of the new constitution. The PJD came in first at the regional level, winning 26 percent of all available seats; the pro-monarchy Party of Authenticity and Modernity (PAM) won 19 percent of available seats, while Istiqlal took 18 percent. Due to the geographic distribution of the seats won, the PAM won five out of the country's 12 regional councils, while the PJD won just two. At the municipal level, PAM came in first with 21 percent of all available seats, while the PJD and Istiqlal each took 16 percent. However, the PJD won majorities on the councils of Casablanca, Tangier, Fes, Rabat, and Marrakech.

B. Political Pluralism and Participation: 7 / 16

Morocco has a multiparty system, but the parties are fragmented and generally unable to assert themselves. The PJD was a vocal opposition Islamist party before 2011, even as it remained respectful of the monarchy. The Islamist Justice and Charity Movement is illegal, and therefore cannot participate in the electoral process, though other activities are tolerated by the authorities. Other Islamist groups face official harassment and are not permitted to participate in the political process. Parties emerge and disappear periodically depending on reformation and fractures as well as individual politicians' careerist maneuvers. In the 2015 local elections, over 30 political parties contested seats across the country.

For decades, Rif, Tamazight, and Chleuh peoples—grouped together under the term Berber—have had an uneasy relationship to the Makhzen. Prominent Berber elites enjoy access to the monarchy and also have their interests represented in Parliament by so-called Berber parties, but the bulk of the ethnically indigenous population are marginalized. A legacy of complicated ethnic and identity politics persists.

C. Functioning of Government: 3 / 12

While elected officials are duly installed in government, their power to shape policy is sharply constrained as the king and his advisers control most of the levers of power.

Corruption is rife throughout the economy. Morocco was ranked 88 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index. Despite the government's rhetoric on combating corruption, it has displayed a mixed record in this regard. In February 2015, cabinet officials defeated a parliamentary proposal to strengthen the powers of the main anticorruption body, the Central Authority for the Prevention of Corruption (ICPC). However, in May, the ICPC received the authority from parliament to force government bodies to cooperate with corruption investigations. In June, authorities established a specialized hotline for citizens to report corrupt activity. The ICPC adopted a comprehensive anticorruption strategy in December designed to be implemented across nearly a dozen sectors over the course of 10 years. According to the ICPC chief, the plan has the necessary backing and budget from the government.

For the past several years, the government has published the country's annual budget and other financial information online and has proactively discussed such matters with the press. However, transparency is limited as the Makhzen play an outsized role in the economy and the king is the majority stakeholder in a vast array of private and public sector firms.

Civil Liberties: 26 / 60 (-1)

D. Freedom of Expression and Belief: 8 / 16

The state dominates the broadcast media, but people have access to foreign satellite television channels. Although the independent press enjoys a significant degree of freedom when reporting on economic and social policies, the authorities use an array of financial and legal mechanisms to punish critical journalists, particularly those who focus on the king, his family, the status of Western Sahara, or Islam. The monarchy has instructed businesses not to buy ads in publications that have criticized the government. The authorities also occasionally disrupt websites and internet platforms, and bloggers and other internet users are sometimes arrested for posting content that offends the monarchy.

Numerous journalists were subject to legal harassment in 2015. In March, Hicham Mansouri, a project manager with the journalism nongovernmental organization (NGO) Moroccan Association of Investigative Journalism (AMJI), was arrested and charged with committing adultery. He received a prison sentence of 10 months and was fined about \$4,100. The AMJI, which is an advocate for investigative journalism, was harassed by authorities several times in the past year. Several journalists also faced civil and criminal defamation charges related to their reporting. In June, the private news website *Goud* was fined more than \$50,000 for publishing a story accusing the king's private secretary of corruption. The same month, another journalist was given a four-month suspended prison sentence and \$10,000 fine on criminal defamation charges over his reporting on a story about the death of a Moroccan activist in police custody and claims that he had endured custodial torture.

The government also censored critical and investigative reporting in 2015. In January, a news crew with the television station France 24 was disrupted by security forces while filming a segment in Rabat; they were forced to stop filming and their video footage was confiscated, though it was returned the next day. In February, two French journalists were deported and their footage was seized while they were investigating social and economic developments in the country following the 2011 reforms.

Nearly all Moroccans are Muslims. While the small Jewish community is permitted to practice its faith without government interference, Moroccan authorities are growing increasingly intolerant of social and religious diversity. Moreover, the government exercises strict controls over religious institutions in the name of countering extremism and radicalization. All imams preaching in mosques are required to obtain state certification, and mosques and sermons are regularly monitored by the authorities. The government also operates a large and well-financed training program for imams and female religious counselors tasked with promoting a state-sanctioned version of Islam, which some critics charge is also intended to promote political quiescence.

While university campuses generally provide a space for open discussion, professors practice self-censorship when dealing with sensitive topics like Western Sahara, the monarchy, and Islam.

E. Associational and Organizational Rights: 5 / 12 (-1)

Freedom of assembly is not always respected, though frequent demonstrations by unemployed graduates and unions are generally tolerated. Although such protests often occur without incident, activists say they are harassed outside of public events.

Civil society organizations are quite active, but the authorities monitor Islamist groups and arrest suspected extremists. In 2015, authorities increased pressure on civil society organizations critical of the government, banning a number of their activities, demonstrations, and other projects. By July, a coalition of rights groups had identified 150 violations of their right to peaceful assembly that had taken place since January 2014. In September 2015, the prominent Moroccan Association for Human Rights (AMDH) said that 37 of its 97 local branches were being prevented from renewing their registration, and that the government had stopped dozens of its projects and activities from moving forward over the previous year. Other NGO leaders reported legal harassment, travel restrictions, and additional impediments to their work. In contrast, the Sahrawi Association of Victims of Human Rights Abuses Committed by the Moroccan State was registered as an NGO in August, nearly a decade after a 2006 court ruling ordered the government to issue the Western Sahara advocacy group a license.

Workers are permitted to form and join independent trade unions, and the 2004 labor law prevents employers from punishing workers who do so. However, the authorities have forcibly broken up labor actions that involve criticism of the government. In late 2015, Morocco's largest trade unions called for a general strike of public sector workers to demand an increase in wages and the repeal of a penal code provision for the imprisonment of those convicted of using subversive tactics to organize labor actions.

F. Rule of Law: 6 / 16

The judiciary is not independent of the palace, and the courts are regularly used to punish government opponents. A draft law on judicial reform, under parliamentary review in 2015, was criticized by observers as seriously flawed. Arbitrary arrest and torture still occur. Investigations by rights advocates in 2015 revealed that torture remains widespread among Moroccan security forces, especially against advocates for the independence of Western Sahara, leftists, Islamists, and other government critics.

Efforts by migrants to reach the European Union (EU) by breaching the fences to Spanish enclaves Ceuta and Melilla continue apace. Human rights abuses against the migrant population are extensive, and the European Union turns a blind eye to Moroccan officials' abuses. In December,

two Cameroonian migrants were killed by asphyxiation near the border with Ceuta after Moroccan police lit a fire in the entrance to a cave in which they were hiding.

The Moroccan LGBT (lesbian, gay, bisexual, and transgender) community faces harsh discrimination. Same-sex sexual relations are illegal, though they are generally tolerated in tourist areas. In May 2015, three men were sentenced to three years in jail for allegedly engaging in same-sex sexual acts. In June, two other men were convicted for a photograph in which they were holding each other; they were sentenced to four months in jail. According to rights groups, the latter were subject to abuse while in custody, and protesters harassed their families after the Moroccan government revealed their identities publically.

Arab culture dominates in Morocco. The government has made some efforts to rectify past practice of Arabizing school curricula and society, though inequalities persist. The 2011 constitutional reforms made Berber an official language, and the Amazigh language and culture have been promoted in schools.

G. Personal Autonomy and Individual Rights: 7 / 16

Freedoms of movement, employment, and education are guaranteed by law in Morocco, but poor economic conditions and corruption limit these freedoms in practice. Widespread bribery, nepotism, and misconduct within the educational sector constrain merit-based advancement.

Morocco ranked 75 out of 189 countries in the World Bank's 2016 *Doing Business* report and 85 out of 178 countries on the 2016 *Index of Economic Freedom*, indicating a mixed legal environment for the smooth operation of enterprise. Although starting a business is a relatively quick and simple process, regulatory and market hurdles create difficulties.

The majority of residents are employed as laborers, almost half in the agricultural sector. Nearly 50 percent of Morocco's land is held collectively by tribes, which allocate its use based on the needs of the community, while smallholders and a few larger agricultural outfits hold almost one-third. Most agricultural land is administered according to religious and customary law, which generally respects the ownership and usage rights of its residents and laborers.

Women continue to face significant discrimination at the societal level. However, by Arab standards, Moroccan authorities have a relatively progressive view on gender equality, which is recognized in the 2011 constitution. The 2004 family code has been lauded for granting women increased rights in the areas of marriage, divorce, and child custody, and various other laws aim to protect women's interests. Nevertheless, official abuses persist. In June 2015, two women were arrested and charged with indecency for wearing short skirts in public; both were acquitted in July.

Child laborers, especially girls working as domestic helpers, are denied basic rights. In October, parliament debated legislation concerning rural girls trafficked to cities by middlemen. Local NGOs are urging the establishment of a minimum working age of 18.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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