

Answer

of the Federal Government

**to the Minor Interpellation tabled by the Members of the Bundestag Luise
Amtsberg, Volker Beck, Tom Koenigs, further Members and the Alliance 90/The
Greens parliamentary group
– Printed paper 18/8193 –**

Human rights situation in Morocco

Preliminary remarks of the questioners

On 3 February 2016, the Federal Government adopted the bill on the classification of the People's Republic of Algeria, the Kingdom of Morocco and the Tunisian Republic as safe countries of origin. The upshot of designating safe countries of origin is the limitation of procedural rights, legal protection possibilities and social and economic rights of those from these states seeking protection. The Alliance 90/The Greens parliamentary group continues to believe the instrument of "safe countries of origin" is wrong.

When designating safe countries of origin, the stipulations of the German Basic Law and Directive 2013/32/EU of the European Parliament and of the Council of 26 July 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive) must be adhered to. Under Article 16a (3) sentence 1 of the German Basic Law "states may be specified in which, on the basis of their laws, enforcement practices and general political conditions, it can be safely concluded that neither political persecution nor inhuman or degrading punishment or treatment exists". Under Annex 1 of the Directive, a state can only be designated as a safe country of origin, "where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict." Reports from numerous governmental and non-governmental institutions and organisations show that these conditions are not met in Morocco (see for instance Amnesty International, Opinion of 2 February 2016 on the Federal Government bill to classify Algeria, Morocco and Tunisia as safe countries of origin, p. 10).

Irrespective of this, Morocco's classification as a safe country of origin also raises questions due to the continued occupation of the territory of Western Sahara since 1957 in contravention of international law, which

the questioning parliamentary group addressed in a Minor Interpellation on the impacts of defining Morocco as a safe country of origin on the territory of Western Sahara and the Sahrawi people (Bundestag printed paper 18/7771).

Human rights situation of ethnic minorities

1. What is the Federal Government's assessment of the situation of people in Morocco who are perceived neither as Arabs nor Berbers, in particular Moriscos and black people, from a human rights perspective?
 - a) To what extent are racially motivated crimes being committed against these people and what protection are the authorities providing against such crimes?

The 2011 Moroccan Constitution prohibits discrimination. In isolated cases there have been racially motivated crimes committed against immigrants to Morocco from Sub-Saharan countries. The Moroccan media is critical of these in its coverage. The Moroccan authorities prosecute these crimes.

- b) To what extent are these people discriminated against in terms of their access to public services and benefits in law or in practice?

When it comes to access to public services and benefits there is a major discrepancy in Morocco for all sections of the population between the legal entitlement to public services and benefits and actual implementation in practice. For instance, access may be limited in practice for people with a low level of education or living in remote rural areas. Although victims report experiencing discrimination in every day life in Morocco, the Federal Government has no evidence that the authorities are deliberately discriminating persons perceived neither as Arabs nor Berbers in accessing public services or benefits.

- c) To what extent are these people discriminated against in terms of access to work, education and housing, and in other private-law relations in law or in practice, and what protection are the authorities providing against such discrimination?

Please refer to the answer to question 1b. The Moroccan Constitution of 2011 prohibits discrimination. On 10 May 2016, to transpose this constitutional provision into law the Moroccan parliament adopted the Act establishing an Anti-Discrimination Authority, where complaints can be lodged against unequal treatment. The act still has to be adopted by the second house of parliament (House of Councillors).

Human rights situation of religious minorities

2. What is the Federal Government's assessment of the situation of Christians in Morocco from a human rights perspective?

The Moroccan Constitution guarantees all citizens free practice of their religion. Article 220 of the Criminal Code sets forth penalties for preventing those with other beliefs through force or threats from conducting a religious service and from

participating in such. Here, the Moroccan state protects the Semitic revelational religions, so Sunni Islam (the Maliki school of law), Judaism and foreign Christian communities.

The state monitors the practice of religion of all registered religious communities. Foreign Christians can practice their faith freely in Morocco. In light of the increased immigration of Christians in recent years, there are currently discussions as to whether more churches should be built in Morocco. Voluntary conversion to the Christian faith by Moroccan nationals is not subject to criminal penalties, although it does regularly lead to social sanctions. Moroccan nationals who have converted to Christianity continue to be treated as Muslims by the state.

Only Muslims are permitted to engage in proselytism in Morocco (de facto only the Sunnis of the Maliki school of law). Article 220 of the Criminal Code sets forth penalties for shaking (“ébranler”) a Muslim’s faith or converting a Muslim to another religion. This article is open to extremely broad interpretation in practice, so also as a ban on publically affirming one’s allegiance to other religions or not having any religion.

- a) To what extent are hate crimes being committed against Christians on the grounds of their religion and what protection are the authorities providing against such crimes?

The Federal Government is not aware of any cases of hate crimes directed explicitly at Christians.

- b) To what extent are churches and other Christian establishments being destroyed, damaged and defaced and to what extent are the authorities taking preventive or punitive measures against such actions?

The Federal Government is not aware of any cases of destruction or damage to churches or other Christian establishments.

- c) To what extent are Christians discriminated against in terms of access to public services and benefits?

Christians are not systematically discriminated against in terms of access to public services and benefits or in private-law relations. Moroccan nationals who have converted to Christianity continue to be treated as Muslims by the state. They face heavy social penalties.

- d) To what extent are Christians discriminated against in terms of access to work, education and housing and in other private-law relations, and what protection are the authorities providing against such discrimination?

Please refer to the answer to question 2c.

- e) To what extent are proselytism and converting to Christianity subject to criminal or other penalties?

Please refer to the answer to question 2.

3. What is the Federal Government's assessment of the situation of Jews in Morocco from a human rights perspective?

Morocco has a broad and long Jewish tradition and history, which the 2011 Constitution recognises in its preamble. The state actively implements this constitutional stipulation, for instance through the existence of a separate Jewish body of family law or indeed in the scope of cultural programmes and public events. This has the backing of a broad societal majority. In 2013, it was the head of government Abdelilah Benkirane who reopened the synagogue in Fes following its restoration, for instance. At the reopening ceremony he issued an appeal in the name of the king for Jewish cultural sites to be preserved. In recent years, the Moroccan government has restored around 500 cemeteries across the country in tandem with the Jewish communities to preserve them from decay.

- a) To what extent are anti-Semitic crimes being committed against Jews and what protection are the authorities providing against such crimes?

In isolated cases there have been attacks on Jewish cemeteries in recent years. The media was critical of these in its coverage. The government authorities investigate such incidents.

- b) To what extent are Jewish establishments being destroyed, damaged and defaced and to what extent are the authorities taking preventive or punitive measures against such actions?

Please refer to the answer to question 3a. Moroccan authorities provide systematic and nationwide protection against the general threat of potential terrorist attacks to places and public buildings categorised as sensitive. This includes a host of Jewish establishments.

- c) To what extent are Jews discriminated against in terms of access to public services and benefits?

To the knowledge of the Federal Government, Jews are not discriminated against in terms of access to public services and benefits.

- d) To what extent are Jews discriminated against in terms of access to work, education and housing and in other private-law relations, and what protection are the authorities providing against such discrimination?

To the knowledge of the Federal Government, Jews are not discriminated against in terms of access to work, education and housing and in other private-law relations.

- e) To what extent is converting to Judaism subject to criminal or other penalties?

Please refer to the answer to question 2.

4. What is the Federal Government's assessment of the situation of members of other non-Islamic religious communities in Morocco from a human rights perspective?

The protection of the freedom to practice one's religion provided by the Constitution extends to Sunni Islam (the Maliki school of law), Judaism and foreign Christian communities, but not to other religious communities. The general prohibition of discrimination enshrined in the Constitution applies to foreign members of other religious communities.

- a) To what extent are hate crimes targeting members of other religious communities being committed and what protection are the authorities providing against such crimes?

The Federal Government is not aware of any cases of such crimes.

- b) To what extent are members of other religious communities discriminated against in terms of their access to public services and benefits?

The Federal Government has no information regarding specific cases of discrimination.

- c) To what extent are members of other religious communities discriminated against in terms of access to work, education and housing and in other private-law relations, and what protection are the authorities providing against such discrimination?
- d) To what extent is religious freedom ensured for members of other religious communities and to what extent are members of other religious communities subject to criminal or other prosecution on the grounds of their faith or the practice of their religion?

Questions 4c and 4d will be answered together. Please refer to the answers to questions 4 and 4b.

- e) To what extent are proselytism and converting to another faith subject to criminal or other penalties?

Please refer to the answer to question 2.

5. To what extent is inter-religious or inter-denominational marriage legally possible in Morocco to the knowledge of the Federal Government, in particular between Muslims and non-Muslims?

Please refer to the answer to question 2. It is not possible for a Muslim man and a non-Muslim woman to marry. A non-Muslim man must officially convert to Islam before marrying a Muslim woman.

6. To the knowledge of the Federal Government, to what extent is blasphemous speech or blasphemy subject to criminal prosecution in Morocco, which actions constitute a criminal offence and in how many cases have there been legally effective convictions since 2012?

Article 220 of the Moroccan Criminal Code sets forth penalties for shaking (“ébranler”) a Muslim’s faith or converting a Muslim to another religion. Penalties range from six months’ and three years’ imprisonment and fines ranging from 200 to 500 Moroccan Dirham (around EUR 20 to 50). The rule tends to be interpreted broadly by the government authorities. The Federal Government has no reliable information available to it as to whether and in how many cases legally effective convictions for blasphemous speech or blasphemy have been handed down on this basis in Morocco since 2012.

Human rights situation of women, young people and children

7. What is the Federal Government’s assessment of the situation of women and girls in Morocco from a human rights perspective?

The 2011 Moroccan Constitution guarantees (as did the previous constitution) equality before the law (Article 6) and the equality of men and women (Article 19). This provision is qualified by the explicit reference to Islam as the state religion and as the legal and political framework of reference of the kingdom. The 2011 Constitution prohibits discrimination; please refer to the answer to question 1c on this.

- a) To what extent are women and girls protected against sexual violence?

The Moroccan Criminal Code sets forth penalties for both bodily harm and rape. The penalties for bodily harm increase if this is directed at a person’s spouse. By contrast, marital rape is not liable to criminal prosecution to date. There are no specific laws protecting women against domestic violence yet, a bill in this vein has been discussed since 2013.

- b) To what extent are women discriminated against in terms of access to public office in law or in practice?

The Constitution guarantees women the same rights and freedoms of a civil, political, economic, social and cultural nature. Women are increasingly playing an important role in gainful employment. Compared to the percentage of the population they account for, women are underrepresented in public office and leadership roles, however.

- c) To what extent are women and girls discriminated against in terms of access to public services and benefits in law or in practice?

Girls and women often have a lower level of education, in particular in rural areas as a result of the local social structures in place and as such greater difficulty in accessing public services and benefits.

- d) To what extent are women and girls discriminated against in terms of access to work, education and housing, and in other private-law relations in law or in practice and what protection are the authorities providing against such discrimination?

There are no legal barriers to accessing work, education and housing and in other private-law relations for women and girls. Discrimination does occur, however, as a result of the traditional social values handed down. The state is actively endeavouring to tear down social barriers.

- e) To the knowledge of the Federal Government, what unequal treatment of women and girls on the one hand and men and boys on the other is set forth in Moroccan

- constitutional law,

Please refer to the answer to question 7.

- contractual law,

There is no unequal treatment of the sexes set forth in law to the knowledge of the Federal Government.

- family law,

In Morocco, Islamic personal status, family and inheritance law of the Maliki school applies to Muslims and Jewish religious law to Jews. When family law (“Moudawana”) was amended to the benefit of women on 6 February 2004, which saw *inter alia* the abolition of the wife’s duty of obedience, the raising of the general age at which women are eligible to marry to 18 years, the abolition of the requirement of a guardian’s approval for the marriage of women of age, polygamy now only being permitted in approved exceptional cases and the establishment of family courts, the legal status of women was significantly improved.

- inheritance law,

The statutory share of inheritance awarded to female heirs varies from case to case and also depending on whether there are any male heirs or not. In some cases it may be less than that of a male heir. In autumn 2015, the National Human Rights Council called for this provision to be changed, triggering a broad debate.

- criminal law,

Please refer to the answer to question 7a. Beyond this there is no unequal treatment in criminal law.

- administrative law,
- procedural
law?

The final two hyphens under question 7e will be answered together. There is no unequal treatment set forth in law.

8. To the knowledge of the Federal Government are children in Morocco adequately protected against violence and what is the Federal Government's assessment of this situation?

According to non-governmental organisations, violence against children is still widespread in Morocco. In May 2013, the National Human Rights Council presented recommendations for a comprehensive policy approach to improve the situation of children in Morocco. The government has incorporated these recommendations into its policies. In October 2014, the UN Committee on the Rights of the Child welcomed initiatives by the Moroccan state to combat violence against children, including plans to set up protection centres for children in large cities or advice centres in hospitals for children who have been the victim of violence.

9. How many cases of forced marriage is the Federal Government aware of since 2012 in Morocco and to what extent did these cases lead to criminal or other prosecution by the authorities?

Under Moroccan law, the consent of both spouses is required in order to marry. Economic pressure and social traditions handed down through the generations can lead to families pressuring women in particular to marry as early as possible. In practice it is very difficult to furnish the proof required for criminal prosecution that it is a forced marriage.

10. In how many cases have minors been married in Morocco since 2012 and in how many of these cases were both spouses minors?

Since the reform of family law in 2004, marriages of 15 to 18 year olds can only be permitted by the courts and only in cases where there are special grounds for such. The relevant courts generally approve petitions to allow a marriage involving minors (or just one minor) if the minor consents. According to figures from the Ministry of Justice, marriages involving minors accounted for 11.47 % of total marriages in 2013. The absolute figure for marriages involving minors in 2012 was 41 098, in 2013 it was 35 152. According to the results of the general census in autumn 2014, at the time of the census there were 123 956 married minors in Morocco, 82.4% of whom were women. The Federal Government has no statistics as to in how many of these cases both spouses were minors at the time of marriage.

11. To the knowledge of the Federal Government, in how many cases have Moroccan nationals fallen victim to human trafficking (please break down into gender and purpose of the human trafficking – sexual exploitation, labour exploitation, forced begging, forced crime, organ theft etc.), and to what extent did these cases lead to criminal or other prosecution by the Moroccan authorities?

The Moroccan government is taking emphatic action against human trafficking and as part of its migration policy strategy developed since 2013 is planning a law specifically to combat human trafficking. A bill has been presented on this subject and is currently being examined in the scope of the legislative process. The Federal Government does not have any exact figures on reports of Moroccan nationals who have fallen victim to exploitation in the form of forced labour or forced prostitution in Europe and in Gulf States as a result of human trafficking.

12. Since 2012, in how many cases have minors been forced to perform child labour in Morocco in contravention of international law, and in how many of these cases were the victims under 14 years old?

In Morocco, the statutory minimum age for starting work is 15. There are plans to expand legislation and government protection measures. According to the government statistical office, in 2015 there were around 59,000 working children between the ages of seven and 15 (2014: 68 870, 2013: 88 570).

Human rights situation of lesbian, gay, bisexual, transsexual, transgender and intersexual people (LGBTTI)

13. What is the Federal Government's assessment of the human rights situation of LGBTTI people in Morocco?

Under the Moroccan Criminal Code any sexual intercourse outside of marriage is a criminal offence. Article 489 sets forth penalties for homosexual acts both for women and men; the maximum penalty is three year's imprisonment. Homosexuality is generally tolerated provided it is not practiced openly.

The Moroccan state does not recognise LGBTTI orientation or identity, so there are no laws governing this area. The Criminal Code does not set forth explicit penalties for criminal acts for this group, nor is it protected by anti-discrimination laws. Being openly LGBTTI entails social stigma.

- a) To the knowledge of the Federal Government, how many people have been convicted since 2012 for consensual same-sex acts between adults?

In April 2016, in the provincial city of Beni Mellal two men were given suspended sentences under Article 489 of the Moroccan Criminal Code of three and four months in prison for homosexual acts.

The Federal Government is aware of the following individual cases: In May 2015 three men were each sentenced to three years in prison, the maximum penalty. Two of the three men were accused of engaging in homosexual acts, whilst the third was put on trial for prostitution as he

had established the contact between the two other men. In another case, in 2015 two men were sentenced to three months in prison and a fine of 500 Moroccan Dirham (around EUR 50). The men had been arrested because they were alleged to have kissed each other in public. In July 2014, six men were convicted in Beni Mellal for “homosexual acts”, two were given prison sentences, the four others suspended sentences. In May 2013, three men in Souk el-Arbaa were given prison sentences for homosexual acts. The Federal Government has no information on any further possible cases.

- b) How many attacks (intimidation, threats, violence) has the Federal Government become aware of since 2012 against LGBTTI people (please break down by year), and in how many cases did this result in criminal proceedings and convictions to the knowledge of the Federal Government (please break down by year)?

In the press there are often reports of attacks on unmarried heterosexual couples, and there are also convictions for non-marital sexual intercourse, for encouraging prostitution and adultery. Occasionally there are attacks on LGBTTI people. In March 2016 a group of four young men attacked two men in their flat (see also the answer to question 13). Two of the attackers were sentenced in April 2016 to four and six months in prison respectively for bodily harm, trespassing and carrying stabbing weapons, two others were cleared.

During the fasting month of Ramadan in June 2015, in Fes several people attacked a man they thought to be homosexual. Several of the men involved in the attack were arrested. The Moroccan Ministry of the Interior called in a press release on its citizens not to take the law into their own hands.

In September 2015 in Casablanca two men were arrested who had attacked another man they thought to be homosexual.

The Federal Government has no information on any possible other cases.

- c) To what extent are members of the LGBTTI community discriminated against in terms of access to public office in law or in practice?

The Federal Government has no information on this.

- d) To what extent are LGBTTI people discriminated against in terms of access to public services and benefits in law or in practice?

The Federal Government has no information on this.

- e) To what extent do LGBTTI people actually have access to health care for acute treatment needs on the one hand and chronic suffering on the other, to what extent is the health care provided to members of this group free of charge and to what extent is doctor-patient confidentiality upheld when providing healthcare to members of this group?

The Federal Government has no information on this.

- f) To what extent are members of the LGBTTI community discriminated against in terms of access to work, education and housing, and in other private-law relations in law or in practice, and what protection are the authorities providing against such discrimination?

Please refer to the answer to question 13.

- g) Which media publications addressing LGBTTI issues are publically available in Morocco and to what extent is the Federal Government aware of measures or laws suited to stopping or designed to stop such media being produced or sold?

In recent years, LGBTTI topics have featured more in the Moroccan media. The Federal Government is not aware of specific measures or laws restricting the production or selling of media addressing such issues.

14. To what extent is the Federal Government advocating the rights of LGBTTI people in Morocco in its dealings with the Moroccan government in line with the statements made by the Minister of State at the Federal Foreign Office, Michael Roth, at the German Bundestag (minutes of the plenary proceedings 18/156 of 19 February 2016, p. 15372)?

The Federal Government regularly addresses human rights issues, including the rights of LGBTTI people, in the scope of its dialogue with Moroccan public authorities. The human rights situation was also actively addressed during the last high-level visits to Morocco by Federal Ministers Dr Gerd Müller, Dr Thomas de Maizière and Sigmar Gabriel during their meetings with the Moroccan head of government and the Moroccan ministers. The German embassy is in direct contact with Moroccan and international human rights organisations, including on the situation of members of the LGBTTI community.

15. To what extent will the Federal Government also be addressing LGBTTI rights during the planned visit by King Mohammed VI of Morocco to Germany?

There are currently no concrete plans for King Mohammed VI of Morocco to visit Germany. Please also refer to the answer to question 14.

16. What measures is the Federal Government taking to protect LGBTTI people in Morocco, and what measures will it take in the future?

Please refer to the answer to question 14. At the invitation of the German Federal Foreign Office, two representatives of the Moroccan LGBTTI organisation ASWAT (Arabic for “voices”) took part in a visit from 1 to 7 November 2015 for LGBTTI human rights activists from the MENA region, which was conducted in cooperation with the Hirschfeld-Eddy Foundation and the Goethe Institute. The seven-day visit was designed to promote a reciprocal exchange of experience and enable ties to be forged with the local institutions and the actors. The subject of the weeklong trip was strategies for combatting homophobia and transphobia in the MENA region. Among the participants on the visit were two LGBTTI activists each from Morocco, Algeria and Tunisia.

Human rights situation of other social groups

17. What is the Federal Government's assessment of the situation of nomadic people in Morocco from a human rights perspective?
- To what extent are hate crimes targeting these people being committed and what protection are the authorities providing against such crimes?
 - To what extent are these people discriminated against in terms of access to public services and benefits in law or in practice?
 - To what extent are these people discriminated against in terms of access to work, education and housing and other private-law relations in law or in practice, and what protection are the authorities providing against such discrimination?

Questions 17 to 17c will be answered together.

The Federal Government has no further detailed information on the situation of nomadic people in Morocco.

18. What is the Federal Government's assessment of the situation of homeless people in Morocco and in particular of homeless minors from a human rights perspective?
- To what extent are hate crimes targeting this specific group being committed against the homeless and what protection are the authorities providing against such crimes?

The Federal Government has no reports of such crimes.

- To what extent are the homeless discriminated against in terms of access to public services and benefits in law or in practice?
- To what extent are the homeless discriminated against in terms of access to work, education and other private-law relations in law or in practice, and what protection are the authorities providing against such discrimination?

Questions 18b and 18c will be answered together. The Federal Government has no information on this.

19. What is the Federal Government's assessment of the situation of people with drug addictions in Morocco from a human rights perspective and to what extent do these people face criminal or regulatory penalties and measures on the grounds of or in connection with their illness?

In Morocco, the possession and use of drugs constitute a criminal offence. Since 2005, the country has pursued a national strategy to combat drugs, which also sets forth prevention and rehabilitation measures. There are, nevertheless, also regular debates about legalising the cultivation of hemp and the use of cannabis.

According to a 2014 report by the national drugs and addictions monitoring agency (Observatoire National des Drogues et Addictions), in 2011 around a quarter of prison inmates had been convicted of drug-related crimes (from use to dealing or smuggling).

Human rights situation of the politically active

20. What cases is the Federal Government aware of in which people in Morocco faced police or judicial measures as a result of their political work, and what is the Federal Government's assessment of this situation?

Political activity is generally possible in Morocco without government restrictions. Activities directed against the monarchy, against the status of Islam as the state religion or against the territorial integrity of Morocco do generally face restrictions and sanctions from the government authorities. The legal basis for this is contained in the Constitution and the relevant provisions in the Press Act and the Criminal Code.

21. To the knowledge of the Federal Government, to what extent is freedom of opinion, of the press and information ensured in Morocco, what measures is the Federal Government aware of which restrict the freedom of opinion, the press and information and what is its assessment of this situation?

The 2011 Moroccan Constitution protects the freedom of opinion and the press (Article 28 and 165). The Press Act allows curtailments and in Article 41 sets forth prison sentences of between three and five years for expressions of opinion which undermine Islam, the monarchy or the territorial integrity of the country or insult the king and members of the royal family. In 2014, a bill for a new press act was presented in parliament under which special prison sentences for journalists' activities would be abolished. The bill is still being debated in parliament. Journalists and international observers have criticised the fact that the relevant provisions of the Criminal Code would continue to apply to the cited offences and that in addition, the new press act also provides for high fines and being barred from exercising one's profession.

22. To the knowledge of the Federal Government, since 2012 in how many cases have statements and actions which in its estimation constituted the exercise of freedom of opinion, the press or information under international law resulted in criminal proceedings and convictions in Morocco (please break down by year)?
- In how many of these cases did this concern criticism of the king or the royal family?
 - In how many of these cases did this concern criticism of the prevailing interpretation of Islam?
 - In how many of these cases did this concern criticism of the Moroccan government's policy towards Western Sahara?
 - In how many of these cases did this concern criticism of the Moroccan government's policies in other areas?

Questions 22 to 22d will be answered together.

Freedom of opinion and freedom of the press are restricted under the current Press Act. The Federal Government has no statistics available to it on the number of convictions on the basis of this law.

23. To the knowledge of the Federal Government, what is the current status of the proceedings against the journalist Ali Anouzla for advocacy and support of terrorism (Amnesty Opinion, p. 4), and to what extent do these proceedings infringe the human rights of said journalist in the view of the Federal Government?

The legal proceedings against the journalist Ali Anouzla for advocacy and support of terrorism have been adjourned on several occasions and are still underway. The Federal Government does not comment on on-going court proceedings.

24. To the knowledge of the Federal Government, what is the current status of the proceedings against the journalist Hamid El Mahdaoui for defamation and public insult (Amnesty Opinion, p. 4), and to what extent do these proceedings infringe the human rights of said journalist in the view of the Federal Government?

Hamid El Mahdaoui heads the online news website www.badil.info. In connection with the unresolved death of a young member of the USFP party (Union Socialiste des Forces Populaires) at a police station, he made torture accusations, upon which he was charged with damaging the reputation of the security authorities and making accusations of torture. In June 2015 Hamid El Mahdaoui was sentenced to four months in prison and the payment of 100 000 Moroccan Dirham (around EUR 10 000).

In August 2015, Hamid El Mahdaoui was sentenced to pay 30,000 Dirham (around EUR 3,000) as a result of the further accusation that he spread false information about the explosion of a car and the website www.badil.info was blocked for three months.

25. To what extent does the conviction of the rapper Othman Atiq for undermining public moral and incitement to drug abuse (Amnesty Opinion, p. 4) infringe his human rights?

Othman Atiq was sentenced on 17 October 2014 to a three-month prison sentence and already released on 12 November 2014. The Federal Government has no further information on this case.

26. What conclusions does the Federal Government draw from the fact that as a consequence of its Raif-Badawi Award for courageous journalists, in November 2016 the Friedrich-Naumann Foundation was told by the Moroccan government to remove its office manager from Rabat and fell in line with this demand (www.tagesspiegel.de/politik/demokratie-foerderung-unter-druck-friedrich-naumann-stiftung-zieht-bueroleiterin-aus-Morocco-ab/12877340.html)?

In consultation with the Friedrich-Naumann Foundation, the Federal Foreign Office interceded on behalf of the office manager of the foundation in Rabat and took up the case both in Berlin and also with the Moroccan side through the embassy in Rabat. Here, the Federal Government made it clear that it attaches great importance to the free work of political foundations.

27. To what extent is freedom of association ensured in Morocco to the knowledge of the Federal Government?

Article 29 of the 2011 Constitution guarantees the freedom of assembly and the freedom of association. Non-governmental organisations are required to register with the Ministry of the Interior. Non-governmental organisations which in the estimation of the government attack the monarchy, the role of Islam as the state religion or the territorial integrity of Morocco, are denied registration. Many organisations may not be officially registered, but their work is tolerated nonetheless. A small handful of organisations prefers not to undergo the official registration process.

28. Is the Federal Government aware of the work of non-governmental organisations in Morocco being hampered through laws or government measures?

Non-governmental organisations have neither access to government funding nor the right to accept donations.

29. To the knowledge of the Federal Government, in how many cases were employees of non-governmental organisations or civil society initiatives in Morocco sanctioned for failing to register the organisation?

The Federal Government has no information on this.

30. To what extent does the conviction of human rights activists Oussama Housne and Wafae Charaf for false reporting (Amnesty Opinion, p. 4) infringe their human rights?

Wafae Charaf was sentenced to a year's imprisonment on 12 August 2013. On 29 September 2014 her appeal was heard, subsequent to which the prison term was increased to two years. Wafae Charaf was also sentenced to pay a considerable fine. The figures cited vary between 50 000 and 100 000 Dirham (around EUR 5 000 to 10 000).

Oussama Housne was sentenced on May 2014 to three years in prison and a fine of 100 000 Dirham (around EUR 10 000). The sentence was reaffirmed at the appeal in March 2015.

The Federal Government is not in a position to assess these individual cases based on the information available to it. Please refer to the answer to question 14.

31. Is the Federal Government aware of the fact that several human rights organisations were denied permission to stage public events in the second half of 2014 (Amnesty Opinion, p. 5), and, if so, which organisations were these and what is the Federal Government's assessment of this situation?

The Federal Government is aware of the incidents. Several non-governmental organisations were affected by the ban on staging events, including above all the human rights organisation AMDH (Association Marocaine des Droits Humains, one of the largest nationwide Moroccan human rights organisations) and Amnesty International. From the perspective of the Federal Government

the picture is mixed. In the administrative proceedings launched by the organisations affected against the bans, the courts ruled in favour of the non-governmental organisations. Please also refer to the answer to question 14.

32. Is the Federal Government aware of the fact that in September 2014, the authorities prevented Amnesty International from staging its annual youth camp (Amnesty Opinion, p. 5), and what is its assessment of this?

A youth camp planned by Amnesty International was not able to take place as planned in September 2014 at the Complexe Culturel Moulay Rachid in Bouznika as the management of the venue demanded an official permit. The denied permit for the event came around the same time as the cases cited in question 31. Please also refer to the answer to question 14.

33. Is the Federal Government aware of the work of independent trade unions in Morocco being hampered through laws or government measures?

The 2011 Constitution protects membership of a trade union and the right to strike. Certain groups of public servants, including soldiers, police officers and judicial staff, are not allowed to join a trade union. Most of the numerous trade unions have close links to a political party. The Federal Government has no knowledge of impediments.

34. How many attacks (intimidation, threats, violence) against journalists has the Federal Government become aware of in Morocco since 2012 (please break down by year), and in how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?
35. How many attacks (intimidation, threats, violence) against opposition politicians has the Federal Government become aware of in Morocco since 2012 (please break down by year), and in how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?
36. How many attacks (intimidation, threats, violence) against human rights activists has the Federal Government become aware of in Morocco since 2012 (please break down by year), and in how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?
37. How many attacks (intimidation, threats, violence) against lawyers has the Federal Government become aware of in Morocco since 2012 (please break down by year), and in how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?

38. How many attacks (intimidation, threats, violence) against trade unionists has the Federal Government become aware of in Morocco since 2012 (please break down by year), and in how many cases did they lead to criminal proceedings and convictions to the knowledge of the Federal Government (please list by year in each case)?

Questions 34 to 38 will be answered together.

Journalists and politicians, human rights activists, lawyers and trade unionists can generally work free from attacks in Morocco. In very rare cases there are attacks, which lead to convictions if charges are pressed accordingly. The Federal Government does not have any reliable figures on numbers of attacks.

Activities directed against the monarchy, the status of Islam as the state religion or against the territorial integrity of Morocco are generally curbed and sanctioned by the government authorities. Work may also be restricted on the basis of the counter-terrorism legislation adopted following the May 2003 attacks in Casablanca.

39. In the view of the Federal Government, to what extent is freedom of assembly ensured in Morocco and how many peaceful public demonstrations have not been authorised or been broken up since 2012 to the knowledge of the Federal Government?

The Federal Government does not have any statistics available to it on the approvals practice relating to gatherings and assemblies in Morocco. Article 29 of the 2011 Moroccan Constitution guarantees freedom of assembly and association. Before the start of a gathering, permission is required from the Ministry of the Interior. The Moroccan security agencies are authorised to break up gatherings taking place without permission or which constitute criminal offences. They are required when doing so to behave in a de-escalatory and wherever possible non-violent way. The National Human Rights Council has called on civil society to register planned gatherings and has been conducting human rights training courses with security agencies for several years now to raise awareness among staff about de-escalatory and non-violent behaviour when disbanding gatherings.

40. To the knowledge of the Federal Government, since 2012 in how many cases in Morocco have there been criminal proceedings and convictions as a result of participation in peaceful public gatherings (please list by year)?

The Federal Government has no information on the total number of criminal proceedings and convictions in such cases.

Further aspects of the human rights situation in Morocco

41. To the knowledge of the Federal Government, in how many cases has the death penalty been handed down in Morocco since 2012?

Morocco continues to hand down the death penalty, but no longer enforces it. Since 1993 a de-facto moratorium has been in place. There are currently 120 people in Moroccan prisons who have been sentenced to death. In 2015 the death penalty was given in nine instances.

42. What conclusions does the Federal Government draw from the fact that Amnesty International and the Deutsche Institut für Menschenrechte accuse the Moroccan authorities of torture or inhumane and degrading treatment, in particular in police custody and prisons (Amnesty Opinion, p. 6 and 7; Deutsches Institut für Menschenrechte, Written Opinion on the Federal Government's ministerial draft "Bill on the categorisation of Algeria, Morocco and Tunisia as safe countries of origin" of 2 February 2016)?

Morocco actively pursues a policy of combatting torture. Article 23 of the 2011 Constitution guarantees prisoners humane detention conditions. In November 2014 Morocco acceded to the Optional Protocol to the UN Convention against Torture and in doing so undertook to establish a national prevention mechanism under the National Human Rights Council. The assessment of national and international non-governmental players, the UN and the National Human Rights Council of Morocco is that there is no state-ordered abuse in police custody or torture. Accusations of abuse are said to be investigated systematically. Morocco issues regular invitations to the UN special rapporteurs on human rights and is working to transpose their recommendations into national laws and translate them into administrative practice. In concert with other European partners, in its dealings with the Moroccan government the Federal Government advocates and works towards combatting torture and inhumane and degrading treatment.

43. To the knowledge of the Federal Government, what is the current status of the legal proceedings against Omar Moujane, Ibrahim Hamdaoui and Abdessamad Madri (Amnesty Opinion, p. 7), and to what extent do these proceedings infringe their human rights in the opinion of the Federal Government?

On 7 July 2014, the Ouarzazate appellate court reaffirmed a conviction of the three said persons to a non-suspended prison term of three years and a fine totalling 180 000 Dirham altogether (around EUR 18 000), or 60 000 Dirham each (around EUR 6 000).

44. To the knowledge of the Federal Government, to what extent is unacceptable political influence being exerted on the work of the Moroccan courts and criminal prosecution authorities?

The Federal Government has no reliable information on the exertion of political influence on the work of Moroccan courts. Reports of corruption in the justice sector are widespread. The state is endeavouring to bolster independent institutions in order to ensure better compliance with constitutional standards and rules of procedure by the executing agencies and to combat corruption. Examples of some of the measures are strengthening the role of the anti-corruption agency, a planned extensive reform of the justice sector and better training of judges and judiciary staff.

45. To what extent are the rights of defendants ensured in criminal proceedings in Morocco?

The Moroccan Code of Criminal Procedure sets forth the protection of basic defendants' rights, such as the presumption of innocence, public trials and the right of the defendant to attend the proceedings and to

representation by a lawyer or the possibility for an appeals procedure and the non-admissibility of evidence gathered under unlawful conditions. Traditionally in criminal proceedings the aim is to secure a confession from the defendant. Human rights organisations have complained that this practice encourages abuse during police custody and pre-trial detention. In the scope of the plans to extensively reform criminal law, Morocco is endeavouring to better protect defendant's rights and to pursue other possibilities for proving crimes.

46. Is "illegally" leaving the country still liable to criminal prosecution in Morocco to the knowledge of the Federal Government, and to what extent is this reconcilable in the view of the Federal Republic of Germany with Article 13 (2) of the Universal Declaration on Human Rights and other international law regulations?

The criminal liability arises from Article 50 of the Act on the illegal entry and residence of foreigners and on illegal emigration and immigration. In particular the assumption of a different identity, the use of falsified identity documents or other methods of deception at the border checkpoints when leaving the country are subject to criminal prosecution and can lead to penalties of a fine of 3 000 to 10 000 Dirham and/or a prison term ranging from one to six months. The intention to deceive is the prerequisite for criminal liability here. Under Article 29 of the Universal Declaration of Human Rights, the right to leave a country can be made subject to restrictions, provided that these meet certain criteria and in particular are proportionate.

47. Does the Federal Government share the view of the non-governmental organisation Freedom House, that Morocco is merely a "partly free" state (<https://freedomhouse.org/country/morocco>), and what conclusions, including in terms of action to be taken, does it draw from this?

Morocco is a monarchy with a constitution, which since 2011 has set forth an extensive catalogue of human rights. Since King Mohammed VI took the throne, the kingdom has been pursuing an accelerated modernisation trajectory, for instance with the establishment of a reconciliation commission to deal with state-executed injustice in the 1970s and 1980s and an ambitious reform of family law. The 2011 Constitution provides for a clear strengthening of democratic and rule-of-law elements. Public debates are being conducted on various controversial topics, such as the role of religious matters in criminal law, matters of social justice, corruption and nepotism and curtailments of civil freedoms, which promote societal support for new solutions in these areas step by step. Seen from the perspective of the last decade, in the Arab world Morocco stands as a country which has demonstrated visible progress in the development of liberties and democracy against the backdrop of political, economic and social stability.

