



Committee on the Elimination of Racial Discrimination Review of MOROCCO – 19th-21st periodic reports – November 2023

Fact sheet on the situation of black Moroccans, migrants and Amazigh indigenous peoples in Morocco

1. INTRODUCTION

This factsheet summarises the [joint submission](#) of Minority Rights Group (MRG), La Voix de la Femme Amazighe and Tamaynut to the CERD committee in response to the Government of Morocco’s official report. It focuses on issues of anti-black racism concerning both black citizens and migrants, as well as rights affecting the indigenous Amazigh people including women.

I. Anti-Black Racism

Morocco lacks a specific anti-discrimination law, and particularly one criminalising racial discrimination. Despite various articles of the Constitution and Penal Code which together define and prohibit certain manifestations of racial discrimination, Black Moroccans as well as Black sub-Saharan African migrants and refugees continue to suffer from discriminatory treatment and abuse on the basis of their skin colour, national origin, nationality, or lack thereof, or immigration status, as a result of systemic and structural racism pervading Moroccan society and institutions.

Black Moroccans mostly live in the southern part of the country and represent an estimated 10% of the country’s total population. Black people in Morocco face discrimination in access to services, education, employment, housing, and are commonly targeted with physical violence. They also suffer social stigma and marginalisation from civic, political and economic life. These conditions are fuelled by a pervasive environment of hate speech and stereotyping that goes uncurbed by powerholders and officials. In addition to common stigmatisation in the media, Black Moroccans generally face barriers when it comes to occupying posts that involve public visibility (politicians, ambassadors, etc.).

Sub-Saharan migrants, including children and refugees, have often been subjected to arbitrary arrests as well as forced relocation to certain areas of the country. The interaction of gender with other forms of discrimination renders Black sub-Saharan migrant women and girls, especially undocumented migrants, highly vulnerable to discriminatory treatment,

stigmatisation, abuse and exploitation. Law No. 02-03 of 11 November 2003 (the Migration Act) remains the principal piece of legislation governing the entry and stay of foreign nationals, emigration, and undocumented migration despite concerns raised by several national and international actors about the limitations imposed by this law.

RECOMMENDATIONS

- ◊ Adopt a comprehensive anti-discrimination law prohibiting racial discrimination and including proactive measures to eradicate racial discrimination from all sectors of society, while taking into consideration the specific challenges faced by Black migrants.
- ◊ Disaggregate data by ethnicity and ensure that Black citizens are positively visible in Moroccan society, by promoting campaigns to fight stigmatisation and hate speech.

II. Amazigh peoples

1.1 Language-based discrimination

Adopted in 2019, organic law 26-16 provides for the integration of Tamazight (the Amazigh language) in the education system, in legislation, in parliamentary and local authorities’ work, media, culture and art, administration and public services, in the public space, and in the justice system. However, serious shortcomings in the law remain. Most notably, article 31 provides for delays of 5 to 15 years before the coming into force of the law’s provisions, from the date of its promulgation. Moreover, this law provided that each ministry should have issued a note to detail the practical implementation in every aspect of public life, but this has yet to happen.

While art.30 of law 26-16 foresees for the provision of Tamazight interpreters for legal proceedings, this does not reflect the status of the Amazigh language as an official language of the State as recognised in art.5 of the 2011 Constitution. This secondary status is confirmed by art.14 of law 38-15 where “The Arabic language remains the

language of judgments, pleadings and the writing of judgments before the courts”.

First introduced into the education system in 2003, Tamazight teaching continues to be largely marginalised, and still optional across primary schools in Morocco. In 2018, only 498 specialised teachers were providing Tamazight classes to more than 600,000 pupils, or just over 13% of the 4.5 million students enrolled in primary schools in Morocco. While estimates indicate that 100,000 teachers would be required to cover these needs, the Minister of Education announced in 2021 an increase of only 400 trained teachers per year. Published in 2023 by the Ministry of Education, Memorandum number 28-23 provides for the generalization of the teaching of the Amazigh language at the primary level by 2030, while it ignores the generalization of its teaching at the secondary level, foreseen by organic law 26-16.

RECOMMENDATIONS

- ◇ Intensify efforts to implement the provisions of organic law 26-16 without delays, notably by ensuring that necessary funding is allocated through the Yearly State Budget for the training and hiring of a sufficient number of Tamazight teachers to all primary school pupils, as well as to secondary and university students.
- ◇ Guarantee, through concrete measures, that Amazighs can use their language without obstacles in all administrations and sectors of public and private life. This includes training programs for state civil servants, such as judges, in the Amazigh language and culture.

1.2 Amazigh women

Amazigh women in the rural regions of Morocco are confronted with a significant surge in unemployment and poverty, a direct consequence of policies that isolate and exclude them from governmental processes. This exclusion extends to their limited representation in public forums and administrative bodies. Rural areas receive less budgetary investments from the state in terms of job sector, education and healthcare, despite the significant social, linguistic, cultural, and economic roles played by Amazigh women in these areas. Moreover, the state budget omits any mention of the need for a human rights approach, and positive measures, tailored to the specific circumstances of Amazigh women. Access to information in the Amazigh language regarding existing laws and avenues for Amazigh women to assert their rights is also insufficient.

Rural girls face significant challenges to access their right to education, with a high dropout rate, especially at the middle school level. In 2022 at the secondary school level, the net enrolment rate for rural girls (most of whom are Amazigh) was 47.6%, in stark contrast to 96.1% for their urban counterparts.

Over 90% of employed rural women in the agriculture, forestry, and fishing sector have no formal education and risks of precarity and informality. Moreover, Amazigh women still do not have equitable access to the various establishments in the health sector, which often fall short of meeting the necessary health and safety standards, contributing to elevated rates of child and female mortality.

RECOMMENDATIONS

- ◇ Implement the provisions of paragraphs 3 and 4 of article 5 of the 2011 constitution through a participatory approach by taking into consideration the intersectional discrimination from which Amazigh women suffer. This involves the revision of public policies developed by the State for the respect of the political, civil, economic, social and cultural rights of Amazigh women and girls, including their right to health, employment and education.

1.3 Land rights

The question of land rights is central to the rights of indigenous Amazigh, who were dispossessed of their lands during the French Protectorate period by virtue of colonial laws (Laws of 1916 and 1919) neither repealed nor substantively amended since independence. Of further concern are three laws adopted in 2019. They grant full power to the Ministry of Interior to demarcate collective lands (also known as Soulaliyate), without consultation or cooperation with the Amazigh peoples, and to sell, transfer or lease millions of hectares of Amazigh land to foreign or national investors, individuals as well as private and public extractive companies, provided signature of a so-called community representative ('Nouab') actually appointed by local authorities, at the expense of indigenous peoples' socio-economic rights and interests.

The sale of collective land to public or private real estate agencies since 2007, when a process of intense commodification and privatization of land in Morocco was launched, had severe repercussions on Amazigh women, and particularly Soulaliyate women who were unmarried, widowed, divorced, or married to men from outside the community. According to Moroccan law, the right to utilize land is restricted to men who serve as heads of households and have a patrilineal connection to the community. While women indirectly benefited from collective land through male relatives, their access was contingent on the benevolence of their male family members. As a result, Soulaliyate women were forcibly displaced and denied compensation, unlike the men from the villages who received either land or money, and were often compelled to relocate to urban slums, where they struggled to make ends meet under dire poverty.

RECOMMENDATIONS

- ◇ Repeal all legislation that permit expropriation and exploitation of Amazigh lands, territories and natural resources, and constitutionally recognise and protect the inalienable rights of the Amazigh to their ancestral lands, territories and natural resources, including the right to natural resources of the soil and subsoil.
- ◇ Take administrative and legislative measures to ensure the effective consultation and participation of the Amazigh peoples, through their own representative institutions, and include Soulaliyate women, at all levels of decision-making in all areas that affect them, including land, territories and natural resources, upholding the principle of free, prior and informed consent.