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RELIGIOUS FREEDOM IN MOROCCO

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RELIGIOUS FREEDOM IN MOROCCO

SECTION 1: LEGAL FRAMEWORK

Introduction

1. The Kingdom of Morocco was organized as a constitutional monarchy in 1957.¹ In February and March 2011, protestors demanded constitutional reform;² in July 2011, by referendum, Moroccans approved a new constitution.³ Although the new constitution was “touted as making . . . a ‘decisive historical turn’ in the road for building a state with democratic rights and institutions,”⁴ it officially designated the king as the “highest religious authority in the country.”⁵ Despite the preamble’s boast that Morocco is a “‘modern’ state of ‘democratic rights’ founded on the ‘principles of participation, pluralism and good governance,’” and despite claiming to provide “‘security, liberty, equality of opportunity, respect, dignity and social justice’” for the citizenry, Morocco remains an “‘Islamic sovereign state.’”⁶

ICCPR

2. Morocco ratified the International Covenant on Civil and Political Rights (ICCPR) in 1979 without reservation;⁷ however, it has not yet ratified the Optional Protocol, which would recognize the Human Rights Committee’s competence to hear complaints regarding violations of the ICCPR.⁸ Thus, Morocco has committed to uphold Articles 18⁹ and 27,¹⁰ which obligate Morocco to protect religious freedom. The Human Rights Committee has explained that, under Article 18 of the ICCPR, “the freedom to ‘have or to adopt’ a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another.”¹¹ This right does not exist in Morocco. (*See* Section 2, *infra*.)

3. Morocco’s anti-proselytism laws have prohibited public expression concerning non-

¹ U.S. CENTRAL INTELLIGENCE AGENCY, *The World Factbook – Morocco* (Introduction/Background), <https://www.cia.gov/library/publications/the-world-factbook/geos/mo.html> (last visited 27 Oct. 2011).

² *Id.*

³ *Id.*

⁴ *Morocco: New Constitution Drafted*, LAW LIBRARY OF CONGRESS, 29 June 2011, http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205402725_text.

⁵ *Morocco’s King Mohammed unveils constitutional reforms*, BBC NEWS AFRICA, 18 June 2011, <http://www.bbc.co.uk/news/world-africa-13816974>.

⁶ Paul Silverstein, *Weighing Morocco’s New Constitution*, MIDDLE EAST RESEARCH AND INFORMATION PROJECT, 5 July 2011, <http://www.merip.org/mero/mero070511>.

⁷ *Status of Treaties, Ch. IV Human Rights, 4. ICCPR Status*, United Nations Treaty Collection, (19 Oct. 2011 7:21 am), http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en.

⁸ Optional Protocol to the International Covenant on Civil and Political Rights art. 1, Dec. 16, 1966, 999 U.N.T.S. 171.

⁹ International Covenant on Civil and Political Rights art. 18, 16 Dec. 1966, 999 U.N.T.S. 171 [hereinafter ICCPR], available at <http://www2.ohchr.org/english/law/ccpr.htm>.

¹⁰ *Id.* art. 27.

¹¹ U.N. Human Rights Comm., *General Comment No. 22: The Right to Freedom of Thought, Conscience and Religion (Art. 18)*, CCPR/C/21/Rev.1/Add.4 (1993), available at <http://www.unhchr.ch/tbs/doc.nsf/MasterFrameView/9a30112c27d1167cc12563ed004d8f15?Opendocument>.

Islamic religions. As such, Moroccan law directly violates Articles 18 and 19 of the ICCPR by restricting Moroccans' ability to freely obtain religious information. In addition, Moroccan law does not appear to allow for "proselytism," even if a Moroccan citizen intentionally sought the information or first consented to hearing about another faith. Further, the Moroccan government has violated Article 27 of the ICCPR by creating a climate in which even legally permitted religious practice is deterred by virtue of government surveillance and arrests (*see* Section 2).

Population

4. Morocco's population has been estimated at 34.8 million people, 98.7 percent of whom are Muslim.¹² However, the ranks of Moroccan Christians are growing.¹³ There are now estimates of as many as 5,000–25,000 Christians in Morocco,¹⁴ which increases the chance for conflict in the country, as Islam is Morocco's state religion.¹⁵ While the new constitution, guarantees equal protection of law for all Moroccan citizens,¹⁶ as well as "freedom of worship,"¹⁷ it firmly established Islam as the state religion.¹⁸ The 2011 constitution also provides for a right to private life,¹⁹ freedom of assembly, peaceful protest, and association.²⁰ However, the freedoms of assembly and association have historically been conditioned on the Ministry of Interior's permission.²¹ Notably, many of the new provisions "invoke laws yet to be written," and thus, even "sympathetic" activists (as compared with those who find the reforms insufficient and undemocratic) "remain skeptical and have taken a wait-and-see approach."²² For example, protests since the referendum have continued; protestors "draw attention to the hundreds of political prisoners . . . still incarcerated, the dozens of human rights and union activists arrested in June[,] and the ongoing censorship of the press."²³ Thus, Morocco should be monitored to determine whether the new constitution will actually bring religious freedom.

Proselytism Laws

5. Moroccan civil law does not prohibit voluntary conversion.²⁴ However, Morocco actively

¹² U.S. DEP'T OF STATE, *July-December, 2010 International Religious Freedom Report—Morocco* § I, at 1 (13 Sept. 2011) [hereinafter *July-December, 2010 Int'l Religious Freedom Report*],

<http://paei.state.gov/documents/organization/171741.pdf>.

¹³ *See* Bobby Ross Jr., *Moroccan Crackdown—Expulsions of Christians surprises missiologists*, 54 CHRISTIANITY TODAY NO. 5, 11 May 2010, available at <http://www.christianitytoday.com/ct/2010/may/13.15.html>; *Morocco Continues to Purge Nation of Foreign Christians*, COMPASS DIRECT NEWS (1 July 2010), <http://www.compassdirect.org/english/country/morocco/22151>.

¹⁴ *July-December, 2010 Int'l Religious Freedom Report*, *supra* note 12, § I, at 2.

¹⁵ CONSTITUTION 30 July 2011, art. 3 (Morocco), available at http://www.sgg.gov.ma/BO/bulletin/AR/2011/BO_5964-Bis_Ar.pdf (Arabic).

¹⁶ *Id.* art. 6.

¹⁷ *Id.* art. 3.

¹⁸ *Id.* art. 3.

¹⁹ *Id.* art. 24.

²⁰ *Id.* art. 29.

²¹ U.S. DEP'T OF STATE, *2010 Human Rights Practices: Morocco* § 2(b), at 20 (8 Apr. 2011), <http://www.state.gov/documents/organization/160470.pdf>.

²² Silverstein, *supra* note 6.

²³ *Id.*

²⁴ *July-December, 2010 Int'l Religious Freedom Report*, *supra* note 12, § II, at 4.

prohibits attempts to proselytize Sunni Maliki Muslims.²⁵ Foreigners have been “arrested, detained and/or expelled for discussing or trying to engage Moroccans in debate about Christianity.”²⁶ Moreover, foreign Christian residents may be expelled from the country without due process if their religious activities could be considered a threat to public order.²⁷ Under Article 220 of the Moroccan Penal Code, “anyone who has impeded or prevented one or more persons from worship or from attending worship services of any religion may be punished by six-months’ to three-years’ imprisonment and a fine of 115 to 575 dirhams (\$14 to \$71).”²⁸ While Article 220 sounds favorable to religious freedom, it “applies the same penalty to ‘anyone who employs enticements to shake the faith of a Muslim or to convert him to another religion.’”²⁹ This significantly curtails any religious discussion and makes any attempt to present or discuss religious material in a Muslim’s presence illegal. Moreover, the Moroccan government has frequently cited the proselytism ban for support in many cases involving the expulsion of foreign missionaries.³⁰ There is a stark difference between openly discussing one’s faith with another (which is protected under international law) and coercing conversion by force (which is not protected).

Shariah

6. Morocco has codified many principles of Shariah. Any citizen is subject to prosecution for expressing any opinion that is adverse to Islam.³¹ In addition, any media expression critical of Islam has been strictly prohibited and punished by imprisonment.³² To our knowledge, no such law exists for criticizing any other faith. Moreover, educational institutions are only permitted to teach Sunni Maliki Islam; international schools must also teach Sunni Maliki Islam, but they may only opt out by choosing not to adhere to any religious creed.³³ Such discriminatory mandates restrict religious freedom and violate articles 18 and 19 of the ICCPR.

7. In accordance with Shariah, Morocco also requires non-Muslims to formally convert to Islam to adopt children, and a non-Muslim man must convert to Islam before marrying a Muslim woman.³⁴ This restriction prevents Christians from adopting Moroccan children; additionally, the government has arbitrarily severed Christian foster parents from the orphan children in their care.³⁵

²⁵ *Id.* at 3.

²⁶ U.S. DEP’T OF STATE, *Morocco: Country Specific Information* (25 May 2011), http://travel.state.gov/travel/cis_pa_tw/cis/cis_975.html.

²⁷ *July-December, 2010 Int’l Religious Freedom Report*, *supra* note 12, § II, at 9-10.

²⁸ *Id.* at 3.

²⁹ *Id.* (citing PENAL CODE OF MOROCCO, art. 220).

³⁰ *See infra* Section 2.

³¹ *July-December, 2010 Int’l Religious Freedom Report*, *supra* note 12, § II, at 2-3. Although the new 2011 constitution, under Article 10, provides protection of opinion, expression, and assembly, among other rights, for opposition parliamentary status, *see* CONSTITUTION, *supra* note 15, art. 10, as mentioned previously, many provisions require new legislation to implement the new constitution.

³² *Id.* at 4.

³³ *Id.* at 7.

³⁴ *Id.* at 4.

³⁵ *See, e.g., Morocco Begins Large-Scale Expulsion of Foreign Christians*, COMPASS DIRECT NEWS (12 Mar. 2010), <http://www.compassdirect.org/english/country/morocco/16115>.

SECTION 2: SPECIFIC CASES OF RELIGIOUS PERSECUTION OR DISCRIMINATION

8. The Open Doors World Watch List 2011 (covering Nov. 2009 through 31 Oct. 2010) ranked countries based on religious intolerance.³⁶ Morocco ranked 31 out of 50 countries, increasing from no. 37 in the 2010 reporting period.³⁷ Despite boasts of tolerance, Moroccan authorities began “closely monitor[ing], threat[ening], and obstruct[ing] Christian groups.”³⁸ Moreover, Christians were “interrogated, intimidated, arrested and abused by the police” to provide evidence to support expulsion of more Christians.³⁹ Moroccan officials also “often confiscated Bibles” allegedly used for proselytizing,⁴⁰ and some reported government pressure on Christian converts to renounce their faith by publicizing their conversion.⁴¹

9. **October 2011:** The American Center for Law & Justice, an affiliate of the ECLJ, assisted a Christian convert from Morocco, who was granted asylum in the United States in October 2011.⁴² The convert, who grew up in a strong Muslim family, was attacked by radical Muslims and stabbed multiple times. The attackers said the convert was an infidel and a dishonor to his family.⁴³ Although conversion is not legally prohibited, a Moroccan Muslim who converts to Christianity is treated as a criminal by the police.⁴⁴ Moreover, the Moroccan government’s policies discourage a Muslim’s conversion from Islam.⁴⁵

10. **13 August 2010:** The 10-year residency card of a U.S. citizen was confiscated by government officials as she departed the international airport. The American woman was suspected of engaging in Christian activities, but she was never charged or given a chance to appeal the decision. The Moroccan government did not adhere to its stated policy of informing diplomatic missions in writing of its intent to expel foreign residents or declare them *persona non grata*.⁴⁶

11. **June 2010:** The Tom Lantos Human Rights Commission’s report, “Human Rights and Religious Freedom in Morocco” recently included a first-hand account of religious persecution by “Rachid,” a Moroccan citizen.⁴⁷ The police constantly monitored and recorded Rachid’s activities after learning of a Christian Bible study he hosted in 2003. The police often seized him

³⁶ *Open Doors World Watch List, 2011*, OPEN DOORS, 1 (2011), <http://www.opendoorsuk.org/resources/documents/WorldWatchList.pdf>.

³⁷ *Id.* at 9.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *July-December, 2010 Int’l Religious Freedom Report*, *supra* note 12, § II, at 6.

⁴¹ *Id.* at 10.

⁴² *Victory for a Moroccan Christian Convert*, AM. CTR. FOR LAW & JUSTICE (7 Oct. 2011), <http://aclj.org/radical-islam/victory-moroccan-christian-convert>.

⁴³ *Id.*

⁴⁴ THE OPEN DOORS WORLD WATCH LIST, 2011, *supra* note 36, at 9.

⁴⁵ *July-December, 2010 Int’l Religious Freedom Report*, *supra* note 12, Introduction, at 1.

⁴⁶ *Id.* § II, at 8.

⁴⁷ *Human Rights and Religious Freedom in Morocco: Hearing Before the House of Representatives Tom Lantos Human Rights Comm’n*, 111th Cong. app. at 63-65 (2010) [hereinafter *Hearing*] (statement of Rachid, Moroccan citizen), available at http://tlhrc.house.gov/docs/transcripts/2010_06_17_Morocco/Transcript_of_Morocco_Hearing%20_6_17_2010.pdf.

for interrogation and pressured him to convert to Islam. After refusing to convert, the police confiscated his identification documents, which prevented him from working, driving, and traveling. The Governor refused to return Rachid's documents unless he converted. After managing to get his documents back, Rachid fled Morocco in 2005 and began producing a Christian television show. Rachid further testified about recent news reports that displayed his face, explaining that the Moroccan government is currently searching for him. For example, a sermon was issued in the "largest Mosque in Morocco, Hassan II, condemn[ing Rachid] as apostate, urg[ing] worshipers to curse [him], and [saying] that something needed to be done to silence [him]"; this sermon required the Ministry of Religious Affairs' approval, and thus, it was effectively a "hit," calling for Rachid's death.⁴⁸

12. **2010:** During the first half of 2010, approximately 150 Christian foreign residents were "deported, denied re-entry, or had deportation orders entered against them for allegedly proselytizing Moroccan Muslims."⁴⁹ No criminal charges were filed against the deported individuals, and many were not given an opportunity to appeal.⁵⁰ The government declared that the individuals were "a threat to the public order," which, under Article 22 of the 2003 Immigration Act, permits any resident alien to be deported *without due process*.⁵¹

13. **March 2010:** Morocco expelled 16 staff workers and 10 foster parents of a government-licensed Christian orphanage, the "Village of Hope," accusing them of proselytizing children. The orphanage workers refuted the charge⁵² emphasizing that they had not formally taught Christian principles.⁵³ Herman Boonstra, the orphanage founder, testified before the Tom Lantos Human Rights Commission, explaining that the orphanage had adhered to all laws, and that strict guidelines were given against proselytizing.⁵⁴ The Interior Minister Tayeb Cherkaoui accused the workers of "trying to undermine the faith of Muslims."⁵⁵ However, Moroccan authorities failed to provide any evidence "of who, when, where or how" the alleged proselytism occurred.⁵⁶ As a result, children were abruptly and indefinitely separated from the only family they knew.

14. **February 2010:** 60 security officers raided a Bible study in Amizmiz. The officials arrested eighteen Moroccans, including five children, and an American missionary. The American missionary was immediately deported. Authorities seized Bibles, books, and personal electronics; the Bible study participants were interrogated for fourteen hours.⁵⁷

⁴⁸ *Id.* at 63 (citing YouTube videos: <http://www.youtube.com/watch?v=DYYPqoab36I&feature=related>, <http://www.youtube.com/watch?v=ekQicQheQEo>).

⁴⁹ U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, *USCIRF Annual Report 2011, Additional Countries Closely Monitored—Morocco* 351 (May 2011) [hereinafter *USCIRF Annual Report 2011*], <http://www.uscirf.gov/images/book%20with%20cover%20for%20web.pdf>.

⁵⁰ *Id.*

⁵¹ *July-December, 2010 Int'l Religious Freedom Report*, *supra* note 12, § II, at 9.

⁵² *Morocco Begins Large-Scale Expulsion of Foreign Christians*, *supra* note 35.

⁵³ Lisa Abend, *In Morocco, a Crackdown on Christian Aid Workers*, TIME, 21 Mar. 2010, available at <http://www.time.com/time/world/article/0,8599,1973739,00.html>.

⁵⁴ *Hearing*, *supra* note 47, at 16-24 (statement of Herman Boonstra, Leader, Village of Hope).

⁵⁵ Abend, *supra* note 53.

⁵⁶ *Morocco Begins Large-Scale Expulsion of Foreign Christians*, *supra* note 35.

⁵⁷ *Moroccan Authorities Raid Bible Study, Arrest Christians*, COMPASS DIRECT NEWS (9 Feb. 2010), <http://www.compassdirect.org/english/country/morocco/15087>.

15. **28 March 2009:** Moroccan authorities expelled five women suspected of being missionaries. The women were among twenty-three people arrested in Casablanca. The government stated that the arrestees were proselytizing Moroccan citizens; however, other sources stated that the arrestees were merely participating in a Bible study among Christians, which falls under the constitutionally protected freedom to express one's religion. In addition to the arrests, police seized "propaganda" materials that had been officially approved by the government prior to the arrests.⁵⁸ The five women were never officially charged.⁵⁹

⁵⁸ *Officials Deport Five Foreign Christians*, COMPASS DIRECT NEWS (31 Mar. 2009), http://www.compassdirect.org/english/country/morocco/2009/newsarticle_5861.html.

⁵⁹ *Muslim Morocco expels 5 Christian missionaries*, USA TODAY (29 Mar. 2009), http://www.usatoday.com/news/world/2009-03-29-morocco-missionaries_N.htm.