

**Генеральная Ассамблея**

Distr.: General  
2 May 2012  
Russian  
Original: English

**Совет по правам человека**

Семнадцатая сессия

Пункт 3 повестки дня

**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие**

**Доклад Независимого эксперта в области культурных  
прав Фарида Шахид**

Добавление

**Миссия в Марокко\* (5–16 сентября 2011 года)\*\****Резюме*

В настоящем докладе содержатся основные выводы Независимого эксперта в области культурных прав по результатам ее официальной поездки в Марокко 5–16 сентября 2011 года.

В своем докладе Независимый эксперт рассматривает различные аспекты поощрения и защиты культурных прав в Марокко, уделяя особое внимание праву на участие в культурной жизни, праву на доступ к культурному наследию и пользование им, а также осуществлению культурных прав в области образования и СМИ. Она также рассматривает вопрос об осуществлении культурных прав различными группами населения, включая инвалидов и членов амазигской и еврейской общин. Во исполнение содержащейся в резолюции 10/23 Совета по правам человека просьбы об учреждении соответствующего мандата Независимый эксперт учитывала факторы гендера и инвалидности в рамках своей работы в ходе всей миссии.

Независимый эксперт рассматривает существующую в стране нормативную и институциональную базу по содействию культурным правам и культурному разнообразию, а также проблемы и достижения в ходе осуществления

\* Независимый эксперт также посетила Дахлу, Западная Сахара, 14 сентября 2011 года.

\*\* Резюме распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на языке представления и на арабском и французском языках.

этих прав. В заключительной части доклада она формулирует ряд рекомендаций, призванных активизировать деятельность по поощрению и защите культурных прав для всех в Марокко.

В докладе содержится отдельная глава, посвященная осуществлению культурных прав в Западной Сахаре.

## Annex

### Report of the Independent Expert in the field of cultural rights, Farida Shaheed, on her mission to Morocco

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–4	4
II. General context .....	5–7	4
III. Normative and institutional framework.....	8–28	5
A. International legal framework .....	8–10	5
B. National legal and policy framework.....	11–18	5
C. National institutional framework.....	19–25	7
D. Participation in international initiatives promoting cultural diversity...	26–28	8
IV. Cultural rights and issues .....	29–68	9
A. Use of the Amazigh language in education, the media and public life ..	30–33	9
B. Restrictions on use of languages other than Arabic .....	34–41	10
C. Right to have access to and enjoy cultural heritage .....	42–50	12
D. Support for cultural initiatives and respect for the right to freedom of association .....	51–59	13
E. Right to quality education and training.....	60–63	15
F. Participation in cultural life of women and persons with disabilities....	64–68	16
V. Cultural rights in Western Sahara.....	69–81	18
VI. Conclusions and recommendations .....	82–92	20

## I. Introduction

1. The Independent Expert in the field of cultural rights, Farida Shaheed, visited Morocco from 5 to 16 September 2011 at the invitation of the Government. The Independent Expert travelled to Rabat, Fès, Meknes, Khemisset, Casablanca, Agadir and Marrakech, where she met with different stakeholders and visited cultural projects and initiatives of various partnerships. The mission was organized in close cooperation with the inter-ministerial delegation on human rights and facilitated by the Office of the United Nations Resident Coordinator in Rabat.

2. During her mission, the Independent Expert met senior governmental officials working at the central and local levels on issues relating to human rights, culture, education, media, justice, gender, minorities, social and economic development, religious matters, interior and foreign affairs and national initiatives for human and social development. She also interacted with academics, grass-roots leaders from different communities, representatives of civil society organizations and of the Amazigh and Jewish communities.

3. The Independent Expert expresses her appreciation to the Government for providing her with this valuable opportunity to examine the realization of cultural rights in Morocco. She extends her gratitude to all stakeholders and interlocutors for their time, cooperation, information provided and insights into the promotion and protection of cultural rights during this mission.

4. In the present report, the Independent Expert reviews legislative and policy frameworks, as well as initiatives and practices relating to cultural rights, and makes recommendations aimed at strengthening the promotion, protection and fulfilment of cultural rights by the Government of Morocco.

## II. General context

5. Morocco is a multi-ethnic and multicultural society. Moroccans are predominantly Sunni Muslims of Arab, Amazigh, or mixed Arab-Amazigh ancestry. In addition, a small Jewish community of around 4,000 people, as well as people of African descent, live in Morocco.<sup>1</sup>

6. Morocco has two official languages. The Independent Expert appreciates the fact that, together with Arabic, the Amazigh language, which has three dialects (Tarifit, Tashelhit and Tamazight), has recently been granted the status of official language in the Constitution. French is widely taught and serves as the primary language of commerce and Government affairs.

7. One major challenge identified in effectively promoting cultural diversity and equal rights for all is the lack of reliable data on the composition of the country's population. Regrettably, the 2004 census did not provide detailed information on the ethnic composition of the population or on the use of languages by it. In preparation for the next census, to be conducted in 2014, it will be crucial to ensure that information is gathered on the use of Arabic, Amazigh and other languages, and other indicators of ethnic and cultural diversity in the country. The Independent Expert recalls the recommendation made by the Committee on the Elimination of Racial Discrimination in this regard.<sup>2</sup>

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<sup>1</sup> See also [www.minorityrights.org/4890/morocco/morocco-overview.html](http://www.minorityrights.org/4890/morocco/morocco-overview.html).

<sup>2</sup> CERD/C/MAR/CO/17-18, para. 7.

### III. Normative and institutional framework

#### A. International legal framework

8. Morocco has ratified the main international human rights treaties containing important provisions on cultural rights, namely the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities. Morocco has yet to ratify the optional protocols to the international covenants allowing complaints to be lodged by victims of violations and to the Convention on the Elimination of All Forms of Discrimination against Women.

9. Morocco is also a party to major international treaties of the United Nations Educational, Scientific and Cultural Organization (UNESCO) that are considered essential for the enjoyment of cultural rights.<sup>3</sup> Morocco has not yet ratified the UNESCO Convention on Protection and Promotion of the Diversity of Cultural Expressions.

10. According to the amended preamble of the Constitution, Morocco is committed to grant international conventions primacy over domestic law and to harmonize its national legislation consequently.

#### B. National legal and policy framework

11. Morocco has undergone a number of constitutional, institutional and legal reforms in the past decade, including major amendments to the Constitution in 2011, the adoption of the Family Code in 2004 and the establishment of a number of institutions for the promotion of cultural rights, such as the Royal Institute of Amazigh Culture (IRCAM) and the National Human Development Initiative (INDH). The education sector has also been reformed.

12. The Independent Expert welcomes the multistage consultative process undertaken for the adoption of the amended Constitution, with the participation of political parties, trade unions, youth and civil society organizations. She particularly appreciates the fact that amendments to the Constitution have introduced additional references to fundamental rights and freedoms, including cultural rights. The amended preamble of the Constitution, in particular, stresses that the country's unity, "built on the convergence of its Arabo-Islamic, Amazigh and Saharo-Hassani components, is nurtured and enriched by its African, Andalusian, Hebraic and Mediterranean constituents". Morocco is also notably committed to banning and combating all discrimination on the basis of sex, colour, beliefs, culture, social or regional origin, language, disability or other personal circumstances.

13. The Independent Expert commends the constitutional amendment conferring official status to the Amazigh language and its consolidation as a written language, as well as the efforts made to promote that language. The Constitution stipulates in its new article 5 that Amazigh is an official language of the State. The article also provides that the State will take measures to protect the Hassani language, as well as cultural expressions and dialects

<sup>3</sup> Including the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection of the Underwater Cultural Heritage (2001). Morocco has also accepted the Convention against Discrimination in Education (1960).

(*parlers*) thereof practiced in Morocco. It establishes a national council of languages and Moroccan culture, mandated to protect and develop the Arabic and Amazigh languages and the diverse Moroccan cultural expressions. The Independent Expert welcomes these important developments, which are in keeping with her recommendation that States should recognize and value the diversity of cultural heritages present in their territories and under their jurisdiction.<sup>4</sup> Legislation enforcing these provisions has not yet been enacted and it remains to be seen how they will be applied in practice. More generally, as stressed below in the present report, legislation and policies contrary to this new constitutional provision will have to be repealed.

14. Article 25 of the Constitution guarantees the freedoms of thought, opinion and expression, the freedoms of creation, publication and exhibition in literary and artistic matters, and of scientific and technical research. Article 26 of the Constitution stipulates that “public authorities lend, by appropriate measures, their support for the development of cultural and artistic creation and of scientific and technical research, as well as for the promotion of sports. They favour the development and the organization of these sectors in an independent manner and on a democratic and specific professional basis.”

15. Article 12 of the Constitution stipulates that “civil society associations and non-governmental organizations are constituted and exercise their activities in all freedom, in respect for the Constitution and the law.” Furthermore, “they may not be dissolved or suspended by the public powers, except by virtue of a decision of justice.”

16. With regard to the right to education, article 31 of the Constitution includes provisions on the equal access of all citizens to “quality education, education concerning the Moroccan identity and its permanent national traits, professional training and physical and artistic education.” Furthermore, article 1 of decree No. 04-2000 of 1 June 2000 envisages that all Moroccan children having reached the age of 6 years have the right to education and the duty to benefit from it.

17. In 2010, the Government elaborated a national plan of action on democracy and human rights for the period 2011-2016. A human rights-based approach is stipulated as a basis to address several economic, cultural and environment issues, including the promotion of national languages, particularly the Amazigh language and culture. A coordination mechanism, composed of representatives of the Government, national institutions, non-governmental human rights organizations and academics, was established to monitor, follow up and evaluate the implementation of the plan.

18. The Ministry of Culture has implemented a number of significant initiatives to help preserve cultural heritage, improve access to cultural life and extend support for creative activities. Morocco does not, however, have a national plan on cultural development with dedicated financial resources allocated to the Ministry of Culture for implementation. In 2005, the Government reported to the Committee on Economic, Social and Cultural Rights that a comprehensive strategy was being elaborated to establish modern cultural facilities to address national needs relating to its heritage, art and literature, the protection of national cultural heritage and the expansion of the sphere of cultural production.<sup>5</sup> The Independent Expert is concerned at the absence of such a strategy and, more generally, of a comprehensive national plan on participation in cultural life, including issues relating to cultural heritage and linguistic diversity, gender issues and the needs of persons with disabilities in the cultural sphere.

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<sup>4</sup> A/HRC/17/38, para. 80 (a).

<sup>5</sup> E/1994/104/Add.29, para. 367.

### C. National institutional framework

19. The Ministry of Culture was created in 2006 with a mandate to promote Moroccan culture, protect national cultural heritage and collaborate with cultural institutions in Morocco and abroad.<sup>6</sup> It oversees 376 of the 416 *Maisons de la Culture* in the country and its budget accounts for 0.28 per cent of the national budget.<sup>7</sup>

20. The Independent Expert commends the establishment of IRCAM in 2001 (see paragraph 11 above).<sup>8</sup> IRCAM has several objectives, including to combine and transcribe all the expressions of Amazigh culture and to protect and ensure its broadcasting; to carry out and to encourage other academics and experts to undertake research studies on Amazigh culture, and to make the results widely accessible; and to promote the artistic creation in Amazigh culture and contribute to its revival.<sup>9</sup> It organizes educational events and training courses, and publishes and translates books.<sup>10</sup> While appreciating the efforts made by the Institute, including some excellent educational manuals, which range from children's primers to scientific and philosophical literature, the Independent Expert notes that these publications were regrettably not widely available in the public sector institutions visited, such as libraries and youth centres. In this regard, the Independent Expert considers that concerted efforts should be made to ensure that these publications are widely disseminated and available in schools, libraries and cultural centres.

21. In 2005, INDH was launched by King Mohammed VI (see paragraph 11 above). The aim of INDH is to facilitate access to basic social services, promote activities that generate employment and income, and assist people with special needs. Its programme for the period 2006-2010 included human development projects focusing on poverty reduction and rural development by means of capacity-building, technical assistance and support for microcredit associations.<sup>11</sup> The Independent Expert visited a number of facilities supported by INDH and was impressed by the variety of activities, including assistance for women's shelters, the building of youth centres and projects supporting the crafts industry.

22. The Government agencies responsible for the promotion of economic and social development of the provinces of the North, South and East,<sup>12</sup> and the Agency for Economic and Social Development (ADS)<sup>13</sup> have a number of projects addressing specific regional needs that also take into account cultural rights. The Independent Expert was informed about a number of projects implemented by these agencies. The agency for the South, for instance, contributed to the establishment of a network of media centres to give people access to learning opportunities. It also assists the work of public academia and associations working on archaeology and the promotion of cultural festivals. The agency for the East has supported festivals of nomadic culture and theatre performances. ADS has helped communities to develop local plans to integrate cultural rights and include in its work the issue of cultural development.

<sup>6</sup> Law No. 2-94-222 of 24 May 1994 and Decree No. 2-06-28 of 10 November 2006 outline the responsibilities of the Ministry of Culture.

<sup>7</sup> See F. Bouquerel and B. El Husseiny, "Towards a strategy for culture in the Mediterranean region", EC preparatory document, November 2009. Available from [www.artsinafrica.com/uploads/2011/08/report\\_mediterranean\\_region1.pdf](http://www.artsinafrica.com/uploads/2011/08/report_mediterranean_region1.pdf).

<sup>8</sup> Dahir Sharif No. 299-01-1 of 17 October 2001.

<sup>9</sup> See "The rights of indigenous peoples: Morocco", International Labour Organization (ILO) and the African Commission on Human and Peoples' Rights, Geneva, 2009. Available from [http://www.chr.up.ac.za/chr\\_old/indigenous/country\\_reports/Country\\_reports\\_Morocco.pdf](http://www.chr.up.ac.za/chr_old/indigenous/country_reports/Country_reports_Morocco.pdf).

<sup>10</sup> E/C.12/MAR/Q/2/Add.1, para. 26.

<sup>11</sup> See [www.indh.gov.ma/fr/index.asp](http://www.indh.gov.ma/fr/index.asp).

<sup>12</sup> See [www.apdn.ma/index.php?option=com\\_content&view=article&id=147&Itemid=48](http://www.apdn.ma/index.php?option=com_content&view=article&id=147&Itemid=48).

<sup>13</sup> See [www.ads.ma/ads/lagence/lads-en-bref.html](http://www.ads.ma/ads/lagence/lads-en-bref.html).

23. The inter-ministerial delegation on human rights was set up in April 2011 to coordinate the actions of at least eight governmental bodies working on human rights, as well as the initiatives of national and civil society institutions in this field. The delegation was created to foster a human rights dimension in public policies and to consolidate the State's interactivity with international human rights mechanisms. Considering non-governmental organizations to be main stakeholders on matters relating to human rights, it is mandated to reinforce and build the capacity of non-governmental organizations addressing human rights issues.

24. Article 162 of the Constitution provides for the Ombudsman (Office of the Mediator) as an independent and specialized national institution that aims to protect human rights. In 2004, the Office launched a communication campaign to raise awareness of its work. It provides police officers with training in the field of mediation. The Office has a joint initiative with IRCAM to translate into the Amazigh language the information on its activities and publications, and to train Office staff members in the use of Amazigh in order that they may address the needs of the Amazigh-speaking population.

25. The National Council on Human Rights, established in March 2011, is the successor to the Advisory Council on Human Rights (Conseil consultatif des droits de l'homme). Its tasks include monitoring the situation of human rights at the national and regional levels, preparing reports, visiting places of detention, prisons and child protection centres, and examining and studying the harmonization of national laws with the provisions of international human rights conventions.<sup>14</sup>

#### **D. Participation in international initiatives promoting cultural diversity**

26. Morocco is part of the Millennium Development Goals Achievement Fund, an international cooperation mechanism aimed at accelerating progress on the Millennium Development Goals.<sup>15</sup> The Cultural Heritage and the Creative Industries as a Vehicle for Development in Morocco programme has as one of its objectives to strengthen the role of cultural heritage and the creative industries within the policies and strategies for human development and poverty reduction. The programme (2008-2011) takes into account gender and youth aspects in the context of cultural heritage and creative industries.

27. Under the auspices of the United Nations Alliance of Civilizations initiative, Morocco has developed a national plan of action focusing on different areas, including education, media, youth, gender, migration, tolerance and the culture of diversity. The Ministry of Culture is currently implementing a project (2010-2012) aimed at establishing a national database of initiatives undertaken by different stakeholders for the promotion of dialogue among civilizations. The project also envisages the development of a national programme that highlights shared cultural heritage, including the Moroccan-Jewish heritage, the Andalusian heritage and others.<sup>16</sup>

28. In 2006, Morocco hosted the first meeting of the Arab Research-Policy Network (ARADESC) organized by UNESCO, in collaboration with the Islamic Educational, Scientific and Cultural Organization. ARADESC aims to identify priorities for research on economic, social and cultural rights and to further link research to public policies. It includes among its 26 founding members representatives of national human rights institutions, non-governmental organizations and the academic community, including

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<sup>14</sup> See [www.ccdh.org.ma/?lang=en](http://www.ccdh.org.ma/?lang=en).

<sup>15</sup> See [www.mdgfund.org/country/morocco](http://www.mdgfund.org/country/morocco).

<sup>16</sup> See [www.unaoc.org/wp-content/uploads/National-Plan-of-Morocco.pdf](http://www.unaoc.org/wp-content/uploads/National-Plan-of-Morocco.pdf).



UNESCO chairpersons, universities and research centres in Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia.<sup>17</sup>

## IV. Cultural rights and issues

29. During her mission, the Independent Expert raised issues relating to the realization of, in particular, the right to have access to, contribute to and participate in cultural life, including the right to manifest and develop one's own culture, the right to have access to and enjoy cultural heritage, and linguistic rights.

### A. Use of the Amazigh language in education, the media and public life

30. According to information received, the Government offers Amazigh language classes as part of the curriculum in around 3,500 schools. In 2009-2010, the teaching of Amazigh language in primary school covered 17,630 classes and 15 per cent of students. The classes vary according to the main dialect spoken in each region; at present, such classes are limited to Amazigh-speaking areas.<sup>18</sup> The Independent Expert is concerned that a number of obstructions restrict the use of Amazigh in education: for example, Ministry of Education circular No. 204 of 29 December 2010, on the status of exam evaluation in primary schools indicates that the language is included in evaluation exams of primary grades students at the municipal level. Exams for the Amazigh language are, however, not available at the regional level, even in regions with a sizeable Amazigh population. According to information provided by the Government, specializations in Amazigh language were set up in universities in Agadir, Tétouan, Oujda, Fes and Rabat. Amazigh language lessons are not, however, available for higher education classes, and there are no Amazigh language textbooks for first and second grade students. In addition, the lack of Amazigh language textbooks for third grade students has resulted in the cancellation of Amazigh language classes in many schools.<sup>19</sup> Furthermore, for second grade students, three hours of Amazigh language classes should be allocated, but in practice, these classes are replaced by tutoring.<sup>20</sup> All school textbooks, except those for the Amazigh language, are officially included in the official Ministry of Education list of books. Moreover, the Amazigh language is not offered in centres for language teaching.

31. The Independent Expert encourages the Government to continue its efforts to introduce the Amazigh language to all levels of education, to widely circulate the primers produced by IRCAM and to address the restrictions that inhibit such an introduction. In this regard, she wishes to draw the attention of the Government to article 29 of the Convention on the Rights of the Child, on the objectives of education, which includes, among other, the development of the child's own cultural identity, language and values. She also stresses that, according to article 5 of the UNESCO Declaration on Cultural Diversity, all persons are entitled to quality education and training that fully respect their cultural identity. It is equally important that all children learn of the country's rich cultural diversity, in keeping with the new constitutional preamble. In this regard, the Independent Expert draws the attention of the Government to the fact that, according to several interlocutors, a review of history textbooks a priority.

<sup>17</sup> See <http://unesdoc.unesco.org/images/0018/001858/185861e.pdf>.

<sup>18</sup> As confirmed by interlocutors during the visit. See also "The rights of indigenous peoples: Morocco", ILO and the African Commission on Human and Peoples' Rights (see footnote 9), p. 18.

<sup>19</sup> See AFRAK letter to the Minister of Education, No. 055/2956 of 15 June 2006.

<sup>20</sup> See Siham Ali, "Activists call for qualified Amazigh language instruction", Magharebia, available from [www.magharebia.com/cocoon/awi/xhtml1/en\\_GB/features/awi/features/2010/03/12/feature-03](http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2010/03/12/feature-03).

32. The Independent Expert commends the efforts made to promote the Amazigh language in audio and visual media, such as the establishment of channel 8, which broadcasts mainly in Amazigh (70 per cent in Amazigh and 30 per cent in Arabic). The Independent Expert was informed that the law stipulates that all other television channels broadcasting in Arabic should also allocate 30 per cent of their time to Amazigh language programmes. In practice, however, the application of this provision is not enforced. Regarding radio broadcasting, several private radio stations in Amazigh language have been authorized; However, it is important that Amazigh radio be extended to rural areas, where women more frequently listen to the radio.

33. A number of impediments to the use of Amazigh in public life remain, including poor language proficiency of Government officials when providing Amazigh speakers with public services, little opportunity to use Amazigh language in the court system, and the lack of bilingual forms. The Independent Expert was informed that the lack of registered Amazigh-Arabic interpreters and the practice of not paying for professional Amazigh interpreters in court proceedings had led to judges calling for the assistance of unofficial and untrained interpreters, which can impede the right to a fair trial. The Independent Expert hopes that, following the recognition of Amazigh as an official language and the reinforcement of cultural rights in the new Constitution, measures will be taken to address these issues. She also draws the attention of the Government to the idea, proposed by some interlocutors, of multilingual information / welcoming centres in all administrative departments providing public services.

## **B. Restrictions on use of languages other than Arabic**

34. The attention of the Independent Expert was drawn to legislation, policies and/or practices forbidding the use of a language other than Arabic in a number of areas<sup>21</sup>, which are not in keeping with cultural rights, as set out in particular in article 15 of the International Covenant on Economic, Social and Cultural Rights. The Independent Expert, taking into consideration the encouraging official recognition in the amended Constitution of the country's cultural and linguistic diversity, strongly recommends that the Government review its legislation, policies and practices accordingly in a timely manner.

### **1. Names of children**

35. The Independent Expert notes with concern that parents are still sometimes denied the right to freely choose the name of their children and have it registered by the Government, in particular in the case of names of Amazigh origin. Article 21 of Civil Status Law No. 37-99 of 3 October 2002 stipulates that "the name chosen when the birth is declared must have a Moroccan trait". Moreover, the High Commission for Civil Status has compiled a list of exemplary authorized Arabic names, thus automatically excluding the right of parents to freely choose and register different names for their children.

36. Ministry of the Interior circular No. D-3220 of 9 April 2010 provided clarifications on article 21 of the Civil Status Law, stipulating that Moroccan names include Amazigh names, and Hebrew names for Moroccan Jews. The circular included information regarding the procedural aspects of registration. It also specified that the exemplary list is no longer applicable and is therefore to be considered void.

37. The Independent Expert regards the above-mentioned circular as a positive step, but regrets that it is not enforced. She received a number of testimonies that parents are still

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<sup>21</sup> See for example Circular of the Prime Minister No. 4/2008 on the usage of the Arabic language; Rabat, 22 April 2008.

denied the right to freely choose and register the names of their children. It would appear that the list of approved Arabic names is still in circulation and continues to be applied by Civil Status officers. Moreover, another list with prohibited names is also used to deny parents the freedom to register their preferred names for their offspring. In most cases, applicants do not receive any written official refusal to register their child's name. In addition, the Independent Expert learned that this practice exists not only inside Morocco but is also applied abroad in embassies. The Independent Expert is therefore concerned that insufficient efforts have been made to ensure that duty bearers at the local level are aware of the instructions contained in circular No. D-3220.

38. The Independent Expert is of the view that such practices infringe cultural rights, in particular the rights of all persons to freely identify with one or several communities and to enjoy and manifest their own culture, as well as linguistic rights. She recalls in this regard general comment No. 21 of the Committee on Economic, Social and Cultural Rights on the right to take part in cultural life, stressing that "participation covers in particular the right of everyone – alone, or in association with others or as a community – to act freely, to choose his or her own identity, to identify or not with one or several communities or to change that choice, (...) to engage in one's own cultural practices and to express oneself in the language of one's choice."<sup>22</sup> The rights of the child, as set out in articles 7 and 8 of the Convention on the Rights of the Child, are also jeopardized by this situation. The Independent Expert also draws the attention of the Government to the recommendation made by the Committee on the Elimination of Racial Discrimination in 2010 on that issue.<sup>23</sup>

## 2. Names of public places and institutions

39. During her mission, the Independent Expert was concerned to learn that non-Arabic names of public places had been replaced with Arabic names. For instance, Ministry of Education correspondence No. 01/2010<sup>24</sup> on new names for regional educational institutions specifically instructs the replacement of the Amazigh names of a number of schools with Arabic names. Such directives impinge upon the cultural rights of individuals and communities, in particular their right to participate in cultural life and to enjoy and have access to cultural heritage, as well as their linguistic rights.

40. In this regard, the Independent Expert recalls that the right of access to and enjoyment of cultural heritage includes the right of individuals and communities to, inter alia, know, understand, enter, visit, make use of, maintain, exchange and develop cultural heritage, as well as to benefit from the cultural heritage and the creation of others. States should therefore ensure access to the cultural heritage of one's own communities, as well as that of others.<sup>25</sup> Cultural heritage should be understood to also include the history of communities, their outstanding figures and their linguistic heritage.

## 3. Language used in school theatre

41. The Independent Expert is concerned about a by-law (regulating national festivals of school drama theatres in cooperation with other schools) that requires the script of school theatre to be in Arabic. In addition, Ministry of Education circular No. 140 of 11 October 2006, on the eighth annual festival of school drama, stipulates in paragraph 2 that performances should be in Arabic. Such provisions, which exclude the use of any other

<sup>22</sup> E/C.12/GC/21, para. 15 (a).

<sup>23</sup> CERD/C/MAR/CO/17-18, para. 12.

<sup>24</sup> Correspondence No. 01/2010 on new names of educational establishments, based on the names of major figures and symbols of the national movement of resistance and liberation, Ministry of National Education, Tiznit, 14 January 2010.

<sup>25</sup> A/HRC/17/38, paras. 79 and 80 (j).

language in school drama performances, seem contrary to artistic freedoms, the right to have access to and enjoy one's own cultural heritage and that of others, as well as linguistic rights.

### **C. Right to have access to and enjoy cultural heritage**

42. In Morocco, tangible heritage includes 40 medinas, 150 archaeological sites, 406 historic sites and a number of natural ones, eight of which are on the UNESCO World Heritage List. According to information received, some 20 per cent of the working population is employed in the cultural sector.<sup>26</sup> The Independent Expert appreciates the multifaceted efforts made to document and promote cultural heritage as a living tradition in Morocco by establishing museums and initiatives on local heritage in different regions, such as the one she visited in Agadir, the festivals that offer people important opportunities to participate in and have access to culture, and the support provided to people for continuing livelihoods based on cultural production.

43. The Independent Expert notes the importance of recognizing medina areas as a part of cultural heritage and of sharing good practices between cities. In this regard, she stresses the multicultural character of medinas. In referring the Government of Morocco to her second annual report on the right to enjoy and have access to cultural heritage (A/HRC/17/38), she wishes to highlight the need to ensure that the communities concerned and relevant individuals are consulted and invited to participate actively throughout the process of identification, selection, classification, interpretation, preservation/safeguard, stewardship and development of cultural heritage.

44. In Marrakech, the Government provides its support to the medina and around 4,000 craftsmen's associations working in approximately 98 *founduks* (quarters where craftsmen work and display their work), which historically were travellers' inns. This heritage is both architectural and historical value; most founduks, however, are owned by private individuals and require restoration. The Government has instituted an excellent practice in this regard. Funds allocated through INDH projects are used to renovate founduks, thus preserving architectural and historic heritage, while simultaneously contributing to continued cultural production of craftsmen associations. Another important INDH-supported initiative visited by the Independent Expert is the Ben Youssef cultural complex, involving the transformation of an old house in the medina of Fès into an art centre for children. Such initiatives not only contribute to the development of art skills among young people, but also assist in the revitalization of cultural life in medinas.

45. Every year, approximately 8 million tourists visit Morocco, attracted by, inter alia, its cultural heritage which includes a lively crafts tradition.<sup>24</sup> Morocco has identified innovative ways to protect tangible cultural heritage in a manner that also supports the cultural rights of people. For example, this includes the opening of new "tourist-oriented" local guest houses in traditional Moroccan homes, which not only provide income to the owners and neighbourhood but also help to protect the cultural tangible heritage of the medina. The Independent Expert encourages private-public sector partnerships in this area to contribute to the sustainable development and maintenance of tangible cultural heritage.

46. The Independent Expert was impressed by the work of the national mediatheque in Rabat and the Fès library to preserve cultural heritage. One main challenge is the preservation of ancient texts and manuscripts that have been coated in plastic. This coating is highly corrosive and threatens to completely destroy the manuscripts and documents. The mediatheque is in the process of removing the coating. However, the far older manuscripts

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<sup>26</sup> Bouquerel and El Hussein, "Towards a strategy for culture" (see footnote 7), p. 53.

in Fès, including the original works of Ibn-Khaldun, are in grave danger of being lost. The Independent Expert sees this as an instance where international cooperation and assistance would be highly beneficial and should be encouraged. In particular, support would ensure that archivists with the necessary skills and technological knowledge are able to assist smaller museums.

47. Also praiseworthy are the efforts of libraries in Rabat and Fès to encourage the participation and engagement with culture of young people by offering them areas for exhibitions, theatre and musical performances, as well as cinema screenings. It is important that these facilities be accessible to persons with disabilities. One outstanding example is the Rabat mediatheque, which is wheelchair-accessible, and has special cabins with Braille computers and printers installed for persons with visual impairment, and also caters for persons with hearing disabilities.

48. The Independent Expert commends the efforts made by a number of associations to participate in the identification, documentation and preservation of cultural heritage. Some have approached the Government to request that certain tangible objects be included in the list of national cultural heritage objects. The Independent Expert encourages authorities to consider such requests positively, especially given the new constitutional emphasis on preserving the diversity of the country's cultural heritage.

49. The Independent Expert learned of a proposal currently pending with the Ministry of Culture and UNESCO to provide legal, financial and institutional support to "living human treasures", denoting people with the requisite high degree of knowledge and skills to perform or recreate specific elements of intangible cultural heritage. The Independent Expert encourages such efforts as a way to safeguard the transmission of knowledge and skills relating to intangible cultural heritage to younger generations. In this regard, she stresses the need to also ensure appropriate documentation of the knowledge and skills employed by living human treasures using all available methods, including new information technologies.

50. The Independent Expert notes with interest the efforts made to convert the former detention centres of Ouarzazate, Zagora, Errachidia and Hay Mohammadi into projects of memory preservation museums, pursuant to the recommendations of the Equity and Reconciliation Commission.

#### **D. Support for cultural initiatives and respect for the right to freedom of association**

51. The Independent Expert appreciates the considerable efforts made to organize various cultural festivals in most of the locations she visited. Particularly remarkable was the World Sacred Music Festival and the Forum of Fès, which brought together various musicians and artists aiming to create a space for intercultural dialogue. She underlines the importance of ensuring that local communities and artists are the main beneficiaries of these events.

52. The Independent Expert visited a number of local community projects, and was in particular impressed by the initiative and enthusiasm of the *filles cavalières* group in Khemisset, an initiative that not only preserves the culture of Moroccan society as a living tradition, but also gives new impetus to women's participation in cultural life and their contribution to a cultural heritage traditionally embodied by men. The initiative underscores, however, the difficulties faced by local community initiatives in their access to governmental or INDH and ADS funds owing to the cumbersome project application process. The group has difficulties in having access to appropriate facilities for horse riding, and has therefore had to turn down the request of many young girls and boys to participate.

The *filles cavalières* face other challenges, because horse riding falls between the classifications of sport and culture, thus neither ministry considers it to be within the scope of their specific mandate. Lastly, local authorities have to prioritize the allocation of funds from the Government. Funds are inevitably used to address the community's basic necessities, and cannot support such initiatives. The project continues to function thanks to private initiatives and the contributions of the local community. The Independent Expert strongly encourages the Government to provide such initiatives with financial and logistical assistance and to disseminate information about these good practices in other regions.

53. The Independent Expert visited a number of INDH-supported projects and centres that have been newly established and are well maintained. Although one centre visited in Khemisset was built with the assistance of the Ministry of Youth and Sport, subsequently it has received very little assistance for its maintenance. In the Independent Expert's view, it is important that INDH projects channel support to maintain and develop existing infrastructure, provide financial assistance to young people, women or persons with disabilities and invest more in capacity-building to enable concerned people and institutions to prepare adequate project documentation and attract further and sustainable funding.

54. One of the most important needs of the country's cultural sector is national networking and coordination. There is a need for a national database accessible on the Internet with updated lists of national cultural bodies and associations, which could also serve to share and disseminate information on cultural activities throughout the country. In this regard, the Independent Expert was impressed by the work of the Royal Consultative Council on Saharan Affairs, which has developed a website ([www.corcas.com/eng/WesternSaharaPoliticalAffairs.aspx](http://www.corcas.com/eng/WesternSaharaPoliticalAffairs.aspx)) on Saharawi traditions and cultural life, in eight languages. Unfortunately, the website is not available in Amazigh.

55. The exemplary coexistence of different cultures, together with mutual respect and tolerance, are essential to the country's prosperity and should be encouraged, widely supported and promoted. In this respect, the unique and outstanding Museum of Moroccan Judaism in Casablanca is a good example of respect for cultural pluralism and religious tolerance. The Museum, operated by the Fondation du patrimoine culturel Judeo-Marocain, is mainly funded by private donations, but receives some Government support, including for its well-qualified curator. It is encouraging that a number of non-Jewish students have chosen to research the Judeo-Moroccan heritage. Unfortunately, much of the archival material, including musical cassettes and literature of the community, are in need of proper storage and documentation. Interlocutors from the community and academics stressed the need for the Government to assume responsibility for protecting this important part of Moroccan cultural heritage, especially given that Jewish neighbourhoods (*mellahs*) are scattered throughout the country, while the vastly diminished Jewish population is concentrated in only a few cities. The Independent Expert encourages the Government to consider similar projects for the mellahs as those for medinas.

56. With regard to freedom of association, which is intrinsically linked to cultural rights,<sup>27</sup> the Independent Expert was informed that some non-governmental organizations experience difficulties in becoming registered, for various reasons.

57. Freedom of association is governed by Royal Decree (*Dahir*) No. 1.58.376 of 1958, amended in 2002, according to which the regime opted for in Morocco is declaratory. New non-governmental organizations wishing to register must submit to the Ministry of Interior relevant documentation, which is required to issue a provisional receipt before a final receipt is issued within 60 days from the date on which the declaration of establishment was submitted. Even without a formal receipt, the association becomes legal and can carry out

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<sup>27</sup> A/HRC/14/36.

its activities. According to information received by the Independent Expert, however, in practice, should the organization not receive a receipt within 60 days, its work is seriously disrupted. In addition, there are cases when registration is denied without any reason given and despite court judgements confirming that the application for registration is in accordance with the law.<sup>28</sup>

58. For instance, the Independent Expert received confirmation during her mission that the Amazigh Network for Citizenship, which advocates for the cultural, linguistic, political and civil rights of Morocco's Amazigh population, is among the many Amazigh organizations that the authorities have refused to register. The National Bureau of the Association, based in Rabat, along with its branches in Tanalt, Tiznit, Casablanca and Ifrane, have all submitted founding documents to the relevant branch of the local administration in conformity with the law. However, the local administrations have consistently refused to provide a receipt to the local branches, while the Network's national bureau has only been sent such receipts after long delays.<sup>29</sup>

59. The Independent Expert would like to stress that such practices restrict the right to freely associate and to solicit, receive and utilize Government funds or any other contributions for the purpose of promoting and protecting human rights. Individuals and communities are thereby prevented from exercising fully their right to participate in cultural life and from contributing to the development of cultural expressions in Morocco.

## **E. Right to quality education and training**

60. The Independent Expert noted in her first report that all people are entitled to quality education and training that fully respect their cultural identity. She also emphasized that education allows access to knowledge, values and cultural heritage.<sup>30</sup> Morocco has made great efforts to ensure widespread access to education. Despite these developments, however, challenges remain, particularly in terms of drop-out rates, enrolment rates of rural girls and the quality of education. In particular, there is a significant gender gap in education. The female literacy rate in the age group of 10 years and above was less than half (49.2 per cent) in 2009; only 16.2 per cent of rural girls attended secondary education (2009).<sup>31</sup>

61. The Independent Expert is concerned by the high drop-out rates of children, particularly girls, from primary schools. She was pleased to learn during the mission that the Government was making a number of efforts to combat this phenomenon by, for instance, providing cash transfers to rural families as an incentive to send their children to schools, and arranging for their transportation to schools. Similarly, in 2009-2010, a national programme on non-formal education benefited 38,197 children and helped to reintegrate 7,770 children in formal or professional education. The Independent Expert considers the work of the Centre régional de documentation, d'animation et de production pédagogique in Marrakesh to be a remarkable Government achievement. By its work, the Centre has managed to halve school drop-out rates in a short period of time, supports the

<sup>28</sup> See in particular Human Rights Watch, *Freedom to Create Associations*, IV. Case studies, 7 October 2009; Euro-Mediterranean Human Rights Network, "Freedom of association in the Euro-Mediterranean network", Monitoring report 2009, Morocco, p. 53, and Monitoring report 2012, Morocco, p. 56; and FIDH/OMCT, Observatory for the protection of human rights defenders, annual report 2011, p. 551.

<sup>29</sup> Human Rights Watch, *Freedom to Create Associations* (see footnote 26).

<sup>30</sup> A/HRC/14/36.

<sup>31</sup> See the national report for 2009 on the Millennium Development Goals, March 2010. Available from [www.hcp.ma/file/111464/](http://www.hcp.ma/file/111464/).

self-expression of students through various media, engages children in the cultural life of their community and increases their participation in cultural life in an imaginative and effective manner. For instance, one project implemented in 2009, with the support of an international non-governmental organization, focused on reorienting traditional ways of teaching to use a human rights-based approach. The Centre also organized a short-film competition for children, and additional classes for children are given by teachers on a voluntary basis. Importantly, the work simultaneously engages in synergy with families, schools and the public sphere. One challenge is that such an initiative relies to a large extent on the goodwill and volunteer work of teachers who do not receive paid leave to participate in training exercises or to do extra-curricular activities. The Independent Expert encourages the Government to allocate the financial and institutional resources necessary to support and promote this initiative, and to extend it beyond Marrakesh. A good practice to be possibly implemented throughout the country also is the establishment of children's parliaments in Marrakech, which provides an avenue for children to discuss and participate in community development processes and raise awareness on, for instance, human rights and cultural heritage issues. For example, in 2010, 23 children parliamentarians had a discussion on the right to water and prepared a draft plan of action for their communities, which they shared with high-level national authorities.

62. The Independent Expert took note of other good practices that should be further supported, such as the production, by the Ministry of Social Development, Family and Solidarity, of excellent trilingual manuals (in Arabic, Amazigh and French) on the rights of the child, the new Family Code and the rights of persons with disabilities. It also includes the governmental initiative of teaching human rights to students at all stages of the school system and to members of the national legal service and public officials, including law enforcement officers.<sup>32</sup> In this regard, some interlocutors emphasized that cultural rights were not included in such teaching or training. The Independent Expert recommends the inclusion of cultural rights in all human rights education programmes. Another positive example is initiatives supported by INDH, such as the Ben Youssef cultural complex in the Fès medina, and the youth centre of Aourir in the vicinity of Agadir, which offer extracurricular art, music and drama education for children and young adults.

63. The Independent Expert commends the efforts of civil society to combat illiteracy. She was informed of a project of a non-governmental organization that runs a mobile library for the poor in the Fès medina, where the drop-out rate is reportedly very high. Stopping at various places, the library engages children in storytelling and games, and imparts sociocultural education. It mobilizes people from the locality to volunteer. Such initiatives are an important means of combating illiteracy and should be encouraged.

## **F. Participation in cultural life of women and persons with disabilities**

64. Morocco has a number of active civil society organizations working to advance women's rights. These organizations promote socio-economic, political and civil rights for women through various programmes aiming to, for example, provide shelters for women, promote literacy and improve family planning.

65. The Independent Expert would like to highlight the royal initiative to appoint female spiritual guides and preachers as a good practice. In 2005, the Moroccan Ministry of Habous and Islamic Affairs initiated the first phase of a programme to train women spiritual guides known as *mourchidate*. Spiritual guides are given the task of providing women, children and men with religious instruction and counselling in a variety of venues, including local mosques throughout Morocco. This initiative constitutes a first step towards

<sup>32</sup> E/C.12/MAR/CO/3, para. 9.



ensuring equal opportunities for women to guide and explain religious subjects to others. It also creates important sociocultural spaces for women to share their experiences and strengthen their participation in the cultural life of local communities. It would therefore be useful for women spiritual guides to receive training on women's rights and raise awareness of women's rights in the community.

66. Government measures to improve the portrayal of women in media include a national charter for this purpose, drawn up in 2005, the establishment of a national observatory for the improvement of the image of women in the media (in collaboration with civil society) in 2012, and the establishment of a working group on the issue by the Superior Council on Audiovisual Communication in 2009. Nonetheless, the Independent Expert notes that women need to be encouraged to take a more active role in media productions. In Morocco, women currently tend to be users. Media can be an important tool for raising awareness about, *inter alia*, amendments in the Family Code and the new Constitution, and should be easily accessible to women in rural areas. Unfortunately, according to the interlocutors met, the mainstream media do not reflect the public advancements achieved by women. Media seldom use gender-sensitive language, frequently portray women's roles as linked with the home and raising children, downplay their accomplishments in the public sphere and project a passive and negative image of women. This discourages any effective participation in social, political and cultural life. Although the media have attempted to address issues relating to sexual harassment, domestic violence and gender roles, these efforts are inadequate. Furthermore, owing to poverty and illiteracy, rural women are generally marginalized in the media.<sup>33</sup>

67. The Ministry of Social Development, Family and Solidarity is responsible for protecting the rights of persons with disabilities, who make up approximately 7 per cent of the population (5 million). The Government's multi-pronged approach is appreciated, and includes a 7 per cent quota introduced in public sector employment in 2001; establishing special learning centres in addition to integrating children with special needs in regular classes; the standardization of sign language; and setting up referral centres in various cities. Since 2003, the Secretariat for Social Development, the Family and Solidarity, together with the authorities responsible for festivals, have introduced opportunities for children with special needs, and some festivals (such as in Fès) now have wheelchair access. Other initiatives include providing families with financial and other support. With regard to the physical accessibility of persons with disabilities, the law provides regulations and building codes to this effect, although they do not seem to be effectively implemented. With the exception of the Rabat mediatheque, not a single building visited during the visit was designed or equipped to be accessible for wheelchairs or for persons with other forms of disabilities. It is therefore commendable that women with disabilities have established a handicraft centre and a shop in Marrakesh with the support of INDH.

68. There is no legislation mandating access to information and communications for persons with disabilities. The Independent Expert was informed about efforts to standardize sign language on television, and welcomes the recent introduction of a news bulletin with sign language on a national television channel. She encourages the Government to pursue its efforts, in partnership with civil society organizations.

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<sup>33</sup> Fatima Sadiqi, "Women's rights in the Middle East and North Africa", Freedom House report.

## V. Cultural rights in Western Sahara

69. Pursuant to Security Council resolution 1979 (2011)<sup>34</sup> and the report of the Secretary-General on the situation concerning Western Sahara (S/2011/249),<sup>35</sup> the Independent Expert visited Dakhla in Western Sahara. She appreciates the Government's role in facilitating access for the visit. The Independent Expert holds an independent position and this visit should not be interpreted as expressing any political view concerning the present or future status of the non-self-governed territory of Western Sahara.

70. The Independent Expert learned that a number of cultural festivals are organized to promote and preserve Saharo-Hassani art and culture. Four public libraries have been opened, including a library for children. To preserve tangible cultural heritage, information on the area with stones engraved with ancient runes was compiled and work undertaken to preserve manuscripts. A cultural club, a mediatheque, a museum, an institute of Hassani music and a centre for preserving Hassani culture have been established. Although the Hassani culture is primarily oral, the centre has collected 400 manuscripts of Hassani poetry.

71. The national educational delegation has set up units as part of the Club of Hassani Educational Research. The units rely on volunteers who, based on the traditional Hassani practice of education, deliver religious education in the desert. With regard to the existing education system, a concern was raised that Saharawis do not learn about their own culture and history, given that they are taught only the official history of Morocco. The Independent Expert recalls that this is not in keeping with article 29 of the Convention on the Rights of the Child and article 5 of the UNESCO Declaration on Cultural Diversity.

72. The Independent Expert is also concerned about important obstacles to the enjoyment of the right to participate in cultural life in Western Sahara. In particular, land mines jeopardize Saharawis' traditional desert-linked nomadic style of living and prevent local communities from organizing their leisure activities. In addition, victims of land mines find it difficult to obtain police reports for compensation. The Independent Expert was furthermore informed that international non-governmental organizations are not allowed to assist in demining efforts. She encourages the authorities to increase demining efforts and to accept the international offer for assistance and cooperation in this respect.

73. Saharawi families who have been divided face difficulties in transmitting cultural traditions and values to their offspring. The Independent Expert encourages the organization of family reunions on a regular and more frequent basis.

74. The Independent Expert was informed that, in the period 2009-2010, around 166 projects supported by INDH focused on capacity-building of local associations, and that 50 projects were dedicated to cultural development. She also learned that some associations experience difficulties in registering even though they submitted all necessary documentation.<sup>36</sup>

<sup>34</sup> In the resolution, the Security Council welcomed the commitment of Morocco to ensure unqualified and unimpeded access to all special procedures of the Human Rights Council.

<sup>35</sup> In the report, the Secretary-General referred to a letter from the Minister for Foreign Affairs of Morocco, in which the latter reported on new or strengthened human rights institutions that would be "more open" to dialogue and interaction with mechanisms of the Human Rights Council. The Minister also indicated that Morocco was "further open to the 33 mechanisms of the United Nations body" and that the new arrangements fully covered the human rights dimensions of the dispute over Western Sahara.

<sup>36</sup> See also <http://www.hrw.org/node/85875/section/5>.

75. A worrying tendency reported to the Independent Expert was that some Saharawis had stopped wearing their distinctive traditional dress or were hesitant to do so, as they felt threatened or harassed by others. The Independent Expert recalls that local authorities have an obligation to protect the realization of cultural rights against interference by third parties and that, as explained by the Committee on Economic, Social and Cultural Rights, the obligation to respect and protect the right of everyone to engage in their own cultural practices is to be considered a core obligation under article 15 (1) (a) of the International Covenant on Economic, Social and Cultural Rights.<sup>37</sup> She urges the local authorities to address this issue and to take measures to promote a culture of tolerance and cultural diversity.

76. The Independent Expert was concerned to hear reports on violence that erupted during the organization of the Sea and Desert festival in February 2011. The attacks targeted mainly Saharawi houses, more than 70 of which were burned. Local authorities offered some financial compensation and investigations were conducted. The Independent Expert would like to be informed of the result of those investigations and the follow-up measures taken by the authorities.

77. The Independent Expert was also concerned to learn that Saharawis do not always enjoy in practice the right to register their preferred name for their children, in particular, the Hassani practice of hyphenated names.

78. Excellent initiatives supporting persons with disabilities are carried out by the local authorities, focusing on raising awareness about and integrating persons with disabilities into the school system and in employment. The Independent Expert visited a rehabilitation centre for persons with disabilities, and commends its work. The centre has a good partnership arrangement with different ministries, including the Ministry of Health, and is supported by INDH. Although the centre is equipped with computers, these are not suited for use by persons with impaired vision. The Independent Expert notes some difficulties in integrating children with disabilities into the educational system owing, for instance, to the lack of suitable public transport for physically challenged children and the lack of books in Braille for those with impaired vision. Furthermore, no special arrangements are made for persons with disabilities to participate in the numerous art festivals and cultural public events.

79. With regard to the conservation of tangible cultural heritage, the Independent Expert was disappointed to learn of the demolition of a Spanish fortress dating back to 1886 and of the intention to demolish a church from the same period. Thanks to the efforts of civil society, the church was not entirely demolished and is now being renovated. The Spanish fortress was, however, completely demolished, and an open square has been built in its place. Unfortunately, no public consultations were conducted prior to the decision to demolish these historic buildings.

80. The Independent Expert welcomes the numerous cultural initiatives and festivals promoted by local authorities, as well as the funding offered to cultural associations as part of the National Initiative for Human Development. She was, however, informed that, for the organization of numerous festivals, a disproportionate amount of funds was spent on inviting international musicians, particularly from Mauritania. At the same time, local musicians and music groups were reportedly screened by a committee which can ask them to change, for instance, the lyrics of traditional songs and other proposed performances should they find them inappropriate. The Independent Expert was also informed that some cultural practitioners were not allowed to participate. Such practices, which limit the free

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<sup>37</sup> E/C.12/GC/21, para. 55 (c).

expression of cultural diversity that should be otherwise promoted and fulfilled, seem contrary to the right to freedom of expression and artistic freedom.

81. The Independent Expert recommends that all necessary measures be taken to ensure the enjoyment of the right to participate in cultural life of local communities. In particular, local artists should be able to participate freely in art festivals without any interference relating to the content of their performance, in accordance with the right to freedom of expression. Cultural diversity and traditional ways of life should be promoted and integrated into the education system, and the Saharawi population should be able to learn about their history and culture in schools. Families should be able to choose the names of their children, and family reunions should be promoted and allowed to take place on a regular basis. International cooperation and assistance to clear land mines in the desert should be encouraged.

## **VI. Conclusions and recommendations**

82. **The Independent Expert emphasizes the remarkable efforts made by Morocco in recent years to respect and promote human rights. The amendments to the Constitution have strengthened the protection of human rights, including those of the most vulnerable populations, put greater importance on cultural rights and cultural diversity and conferred an official status to the Amazigh language.**

83. **Some existing laws, policies and practices are still not in keeping with the State's international and constitutional commitment to recognize and respect cultural rights and cultural diversity. New constitutional provisions, especially those concerning cultural rights and diversity, should be effectively enforced through the adoption of laws, including all relevant by-laws, as stipulated in the Constitution. Such new laws and measures require the adoption of relevant policies and strategies and should be accompanied by appropriate training and orientation of duty-bearers who implement them. While understanding that the amended Constitution has only been recently adopted, the Independent Expert urges the Government to act in a timely manner on this issue by continuing and further strengthening the consultative process adopted for the constitutional amendments.**

84. **Ensuring the cultural rights of persons belonging to specific cultural communities (Amazigh, Jewish and other groups) requires providing them with the possibility of bringing their own individual and collective cultural viewpoints to the shaping of cultural and social developments in the country as a whole, while preserving in parallel the elements of their culture that they wish to maintain. It also implies promoting and protecting their right to maintain and develop their way of life, language, religion and system of traditions, customs and other artistic and cultural manifestations.**

85. **The Independent Expert encourages the Government of Morocco to approach cultural diversity as an invaluable resource for the inclusion of all, and to take measures to mainstream cultural diversity and the cultural heritage of the country's diverse populations by, inter alia, promoting these cultures through education, the media and cultural activities, raising intercultural competencies of all official institutions and encouraging bilingual skills in civil servants.**

86. **In the Independent Expert's view, a number of specific challenges need to be addressed. For this reason, she calls upon the Government:**

(a) **To strengthen support for the promotion and preservation of Amazigh culture by:**

- (i) Promptly promulgating laws implementing the constitutional provision granting an official status to the Amazigh language;
  - (ii) Allocating subsidies to Amazigh artists, theatres and cultural associations, including Amazigh artists in teams that travel abroad representing the culture of Morocco;
  - (iii) Reforming the education sector in order to ensure the use of the Amazigh language in all education spheres, and including Amazigh language textbooks in the official list of books prepared by the Ministry of Education to be distributed free of charge in all schools;
  - (iv) Providing adequate funding and assistance in capacity-building measures to promote the use of Amazigh language in education and public life; in particular, further financial assistance should be extended to IRCAM to ensure that relevant books and publications are widely distributed in rural areas;
  - (v) Ensuring that media channels broadcasting in Arabic language also broadcast at least 30 per cent of their programmes in the Amazigh language, as stipulated by law; further measures should also be taken to develop programmes at the national and regional levels to support efforts to promote the knowledge of cultural heritage and diversity in educational and youth programmes, and mobilizing the national media to advocate this approach;
  - (vi) Promoting language skills in Government and administrative officials providing public services to Amazigh speakers, and in judges and lawyers, and ensuring the training and availability of Amazigh interpreters before courts;
- (b) To ensure that civil registrars adhere fully to the provisions of the Ministry of Internal Affairs circular of April 9 2010 on the choice of given names. The Government should provide access to timely and effective remedies to individuals whose children have been denied registration of names. In this case, civil status officers should provide written responses to applicants, in a timely manner, stipulating clearly their reasons for such refusals and the possibilities of appeal. The Government should also envisage adopting a new law recognizing the right of every person to choose freely the name of their children in their own language;
- (c) To repeal Ministry of Education circular No. 122 of 7 January 2002 stipulating that non-Arabic names of a number of schools should be replaced with Arabic names, and repeal any other similar legislation. Morocco should respect the right to have access to and enjoy the cultural heritage of one's own community and that of others, including the history of communities, their outstanding figures and their linguistic heritage;
- (d) To revise history and other subjects in school textbooks to reflect the country's diversity, ensuring the adequate representation of cultural diversity among authors, as well as in the independent review committee approving textbooks. In addition, teacher-training programmes should include methodologies that reflect the richness of Moroccan cultural diversity in the most interactive and innovative fashion.
- (e) To review its practices relating to the registration of associations in order to ensure full respect of the right to freedom of association, without any discrimination;
- (f) To develop a national plan of action for cultural development that effectively ensures visibility of cultural diversity; in particular, to promote positive values of cultural diversity through education, media and special programmes for

persons with disabilities. To this end, adequate resources should be allocated to implement relevant strategies, policies and programmes at the central, regional and local levels. Notions of human rights, gender equality and social justice should contribute to the development of a national plan for cultural development.

87. The Independent Expert also recommends that, during the 2014 census, information be gathered on the composition of the population, the use of Arabic, Amazigh and other languages, and any other indicator of the ethnic and cultural diversity of the population. In this regard, the Government may wish to seek the assistance of UNESCO regarding its work on cultural indicators.

88. The INDH-funded projects visited by the Independent Expert are good practices in providing financial assistance to various projects relating to cultural rights, women and persons with disabilities. However, the application procedure for projects is rather cumbersome, particularly for associations in rural areas. The introduction of a more effective, simple and user-friendly application process for cultural projects under INDH and other development agencies is crucial to empowering the cultural civil sector and enabling more active participation at the regional and national levels. Furthermore, it is imperative that activities not be duplicated and that investments be made in maintaining infrastructure and further developing existing cultural and youth centres; most importantly, more investment should be made in capacity-building and making these centres more user-friendly for persons with disabilities. The Independent Expert encourages the Government to create opportunities and conditions for young people, women and persons with disabilities to contribute to the cultural life of society. Concerted measures are needed to ensure access to funds for youth-related projects, such as the *filles cavalières* in Khemisset.

89. To ensure effective gender equality for women providing religious guidance, women should be able to join – as full members – religious councils at all levels, including fatwa institutions, and be allowed to practice religious supervision within mosques, whether through lessons or preaching.

90. Morocco is to be commended for its projects and programmes aimed at retrieving, revitalizing, documenting and promoting cultural manifestations, and facilitating access to libraries, theatres, cultural centres and museums. The Independent Expert nonetheless encourages the Government to set up mechanisms that will allow people's effective and meaningful decision-making and participation in the identification, interpretation, promotion and protection of cultural heritage. In this regard, she recommends that legal, financial and institutional support be provided to the "living human treasures" proposal. Morocco should also advance its efforts in implementing the Convention for the Safeguarding of the Intangible Cultural Heritage.

91. The Independent Expert recommends that Morocco ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

92. The Independent Expert encourages members of the United Nations country team to include the promotion and protection of human rights, especially cultural rights, in the next United Nations Development Assistance Framework. She also encourages the country team to continue to support efforts to promote and protect cultural rights in Morocco in all their activities, including, but not limited to, ensuring equal access to culture for all, cultural heritage, manifestations and the means of cultural expression.