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Réseau Amazigh pour la Citoyenneté –Azêtta
 الشبكة الأمازيغية من أجل المواطنة
Amazigh Network for Citizenship

**Annual Declaration of the
 Amazigh Network for Citizenship
 on the situation of the Amazigh Language and
 Cultural Rights in Morocco during 2008, on the
 occasion of the 60th Anniversary of the Universal
 Declaration of Human Rights**

Celebrating the 60th Anniversary of the Universal Declaration of Human Rights, the Executive Board of the Amazigh Network for Citizenship would like to congratulate on this occasion all the rational human rights movements that have tirelessly defended human rights and the rights of peoples for another Morocco and for another possible world, where human rights will prevail in their universality. On this occasion, the Board also calls on all players and stakeholders involved in the field of economic, social, cultural, civil and political rights to show solidarity with the claims of the Amazigh associations.

Evoking at this juncture the profound meaning denoted by this universal celebration which is considered a landmark in the history of humankind, striving for achieving liberty and enjoying all language, cultural, social, economic and environmental rights, without discrimination of any kind as to language, sex, religion, colour, race, or political opinion, the Amazigh Network for Citizenship considers this stage an opportunity to review the situation and developments of the language and cultural rights of the Imazighen during 2008.

Having monitored the general situation and the various conditions related to the Amazigh cause in Morocco, within the prospect of preparing a detailed report on the various aspects that hinder the development of the Amazigh issue in Morocco which will serve as a shadow report to the government report intended for the UN Committee on the Elimination of Racial Discrimination by the beginning of the upcoming year (2009), the Executive Board of the Amazigh Network for Citizenship declares the following:

FIRST – REGARDING FUNDAMENTAL RIGHTS AND FREEDOMS, AND SOCIAL AND ECONOMIC RIGHTS

We note the following:

1- The Moroccan government is still delaying the enforcement of the provisions of Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, and this hampers the full enforcement of the Convention and deprives many of its provisions of their legal and institutional substance.

2- Despite the amendments that have been made to the civil liberties legislation, and the separation between the political parties law and the legislation on associations and gatherings, and even though it was stipulated that it was forbidden to set up an association or a political party on the basis of discrimination or calling to discrimination, it appeared that the Moroccan government did not adopt practical supportive policies in this respect. For instance, there are political parties that have a religious and racial background which called last year for “struggle to prevent the Amazigh from becoming an official language of Morocco”. In contrast, some five Amazigh associations, in addition to the Executive Board of the Amazigh Network and some branches in Tanalt, Tiznit, Casablanca, and Ifrane of the Anti-Atlas are still deprived of their legitimate right to the legal deposit receipt, although they have fulfilled all legal requirements. Besides, the Moroccan Amazigh Democratic Party has been subject to a court decision, requested by the Ministry of the Interior, ruling the cancellation of the said Party’s constitution, which reflects an overt breach of Article 7 of the

International Convention on the Elimination of All Forms of Racial Discrimination and a clear reluctance to fight chauvinisms that lead to discrimination.

Regarding public gatherings and the right to demonstrate, many protest movements were subject to coercion, arrests and unfair trials in Sefrou, Boumaln of Dades, Sidi Ifni, Nador and Al-Hoceima. On top of that, several Amazigh events, organized by associations on the occasion of celebrating the Amazigh New Year to raise public awareness to the components of the Amazigh civilization, were banned in the cities of Rabat, Agadir and Tiznit. The same treatment is still reserved to some associations working for the promotion of the Amazigh language and cultural rights in the North and South areas of Morocco.

3- Contrary to the observations made by the UN Committee on the Elimination of Racial Discrimination during its latest session, the Moroccan penal code has not been harmonized yet with the provisions of this Convention, as the Imazighen are still subject to the worst forms of linguistic discrimination at the level of the civil and penal legislation, in addition to court procedures in force.

The fact that the State still entrenches Arabic as the only official language in the preamble of the Constitution and refuses to recognize Amazigh, the language of the native Amazigh people and the majority of the Moroccan people, as an official language stands out as a form of the internationally-banned discrimination. In many instances, this discrimination takes on the form of domination by a linguistic and cultural class over another social class and a monopoly of power by the former, as well as its refusal to recognize the other. Therefore, this situation had negative impacts on the situation of the Moroccan civil service, due mainly to the formalism of the Constitution which highlighted the equality of citizens before law and generated, however, legislative texts that are contradictory with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

As the State continues to organize itself on the basis of a unique language, a unique culture and a unique religion and since it has not taken any legislative, administrative, economic and social measures aimed to combat integrative policies and the practice of discrimination against individuals and peoples, it therefore declares its official will to overtly give in discrimination against the Amazigh people and other peoples.

The Moroccan legislation in the aforementioned fields bans judges from conducting trials in a language other than Arabic, exclusively. Hence, Imazighen are treated as if they were refugees or foreigners. Besides, no national laws have been enacted yet in this respect to restore dignity to the Amazigh citizens, by establishing Amazigh as the language of administration and courts.

Accordingly, the Moroccan legislator has not paid as yet due attention to the Amazigh people, as when Imazighen are party to a dispute, they are compelled to draft their motion and to conduct all trial procedures in Arabic. The ordeal becomes worse and discrimination culminates to its heights when the Amazigh citizen (as party to the litigation) does not speak Arabic and has to resort to the services of a public letter writer who may probably distort the

meaning of what he/she says before the court. It is even worse when appearing before judiciary police officers, the general prosecutor and judges who have to seek the assistance of court guards as an Amazigh economically downtrodden social class to ensure Arabic interpreting, thus undermining the basic conditions for a fair trial. This requires a revision of the relevant Moroccan laws to harmonize them with Articles 2 to 6 of the International Convention on the Elimination of All Forms of Racial Discrimination.

4- Despite some responsiveness with some claims regarding the issue of Amazigh first names, there are still some services of the civil status administration that refuse to register Amazigh names, stating that a prohibited list previously prepared by the so-called High Commission of Civil Status at the Ministry of the Interior already existed. A response to registration of those names only occurred after the Amazigh Network for Citizenship protested and addressed complaints to the Ministries of justice and the interior. Such cases concern the names of *Anir* at the District of Ryad in Rabat, *Sifaw* at Beni Tidgit in the region of Figuig, Ely at both the first instance and appeal courts of Larache, bearing in mind that there are still some Amazigh names which are rejected at the Public Civil Status Service of Meknes (Sifaw), as well as at the relevant services of the Moroccan Consulate of Rotterdam in the Netherlands.

5- There were plenty of political arrests and trials which affected students of the Amazigh cultural movement in Errachidia and Meknes. Many of these students were unfairly tried and sent to prison.

6- Regarding the issue of the economic rights and the ownership right of lands, forests and minerals, especially with respect to the native Amazigh people, it is worthy of note here that the Amazigh customary law had governed, prior to occupation, the issue of property ownership and considered land and what it is beneath, including water and minerals, and what is above such as forests and plants, as a common property of one or several tribes. In some instances, there were individual properties within the same shared domain.

Actually, the colonial administration, and subsequently the Moroccan State, prepared and enacted many laws providing for the full or partial cancellation of the land and forest ownership system, depriving thus tribes and communities of their rights to lands, forests and minerals.

It is also worth mentioning the law which cancelled the power of communities and tribes over their lands by introducing the State's trusteeship over such lands which were originally referred to as community lands.

SECOND – THE RIGHT TO INFORMATION, EDUCATION AND THE USE OF THE NATIVE LANGUAGE IN PUBLIC ADMINISTRATIONS AND INSTITUTIONS

The lack of constitutional protection of the Amazigh language as an official language contributed to prompting the government authorities to adopt action plans that marginalize the Amazigh language in the sectors of information, education, justice and public

administrations, leading the Imazighen to face various breaches, simply because they are compelled to use a language other than their native one.

Despite the many government promises since 2007, regarding the setting up of an Amazigh TV station, the Moroccan government has not taken any practical, logistic or financial measures to materialize that project, as the status of this station is still dim and unclear in the 2009 finance bill.

As to education, the teaching of the Amazigh language at primary schools which reached its 6th year has not achieved the expected results. It was noted in this respect that only local and regional dialects were taught, instead of unified standard Amazigh. Besides, the current teaching process, as mentioned in the government report, was limited in scope and only covered about 5% of Morocco's primary schools in some regions. Thus, the claim of teaching the Amazigh language to all Moroccans has not yet been implemented, by way of observing the principle of equality between languages.

During this new academic year (2008-2009), the Ministry of National Education hindered this process as it continued to deprive pupils and teachers from having school manuals and teaching aids, in addition to the lack of appropriate and adequate training of teachers, the lack of Amazigh language and culture departments at training centres and universities, which denotes the absence of any willingness to restore to the Amazigh language the place it deserves.

On the other hand, although more than half of what was called the decade of education and training elapsed through the implementation of the "Education and Training Charter", the adopted curricula still contain texts and data which enshrine discrimination, marginalization and inferiority towards the Amazigh language, history and culture. This is materialized in the fact that the Ministry of Education continues to apply the ministerial memorandum which was adopted by the former Minister and sent to the Directors of the academies regarding the names of educational institutions, excluding in its directives the Amazigh historical and civilization symbols and figures. Also, the decision of the National Education Ministry to open the doors of primary schools to the so-called caravan for the celebration of 1200 years of the founding of the Moroccan State constitutes a blatant and serious distortion of Morocco's history. It is further a racial call to utter destruction of the Imazighen's history in North Africa prior to that period, which had witnessed many significant experiences in the institutional aspects of the State, such as the eras of King Massinissa, Yugurta, Dehya, etc.

Therefore, the Executive Board of Azetta reiterates its claim of teaching the standard Amazigh language, civilization and culture compulsorily at all levels of education.

THIRD – REGARDING THE INSTITUTIONALIZATION OF MECHANISMS FOR PROTECTING AND PROMOTING THE AMAZIGH LANGUAGE, CULTURE AND CIVILIZATION

Indeed, it is the first time in the post-independence history of Morocco that a public academic institution is set up to deal with the Amazigh culture, called the Royal Institute for the Amazigh Culture. However, the Moroccan government has not yet met its commitment to withdraw the reservations concerning Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, especially paragraph 2, with the view to pave the way for the setting up within the Kingdom's legal system of a body that has the competence to receive and consider communications from individuals or groups of individuals who claim to be victims of discrimination.

It must be stressed, however, that the Royal Institute which was incepted on 17 October 2001 as a semi-governmental consultative organization appurtenant to the King does not meet the internationally recognized standards in the area of national institutions in charge of the protection and promotion of rights, such as the Amazigh language and cultural rights.

FOURTH – FOR THE AFOREMENTIONED REASONS, THE AMAZIGH NETWORK FOR CITIZENSHIP STRESSES AGAIN ITS CLAIMS OF THE FOLLOWING:

1- The implementation by the State of the provisions of Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. The State is called to enforce and take measures regarding the recommendations made by the UN Committee on the Elimination of Racial Discrimination during its latest session, in addition to the recommendations of the Committee on the Economic, Social and Cultural Rights which highlighted the need for an official recognition by the Moroccan State of the Amazigh language and cultural rights, by establishing Tamazight as an official language for the Moroccan State and society. The State must further enable Moroccans to use their mother tongue Tamazight in education and in adult literacy programs, in addition to enacting a democratic constitution that separates power and religion from politics and the State, and enshrines equality between languages and cultures, men and women, as well as eliminating all forms of discrimination that are consecrated in national legislation. This legislation must also be harmonized with international human rights instruments which Morocco signed and ratified.

2- To respect the civil liberties, the freedom of opinion and expression, the right to set up associations and to use public premises, the liberties to gather, demonstrate and move freely, and the right to the Moroccan citizenship, by amending the relevant laws in force and harmonizing them with the internationally recognized laws, and enabling associations victims of administrative misuse of authority to have their legal deposit receipts. The State is also called to relinquish the security approaches and premonitions in dealing with the various public affairs.

3- To establish the right of the Imazighen and the Amazigh language with all its components to a comprehensive, free and independent public audiovisual information that takes into account **firstly** the principles of plurality, diversity and equality between languages and cultures; **secondly** the native language of the Imazighen as one unified standard language for all Moroccans, without any distinction, and **thirdly** programs that aim to promote the Amazigh language and education for human rights and the rights of peoples, in addition to providing the budgets and logistic means necessary to achieve such purposes.

4- To institutionalize Tamazight by establishing financially and administratively-independent public institutions with broad competences to standardize and unify the Amazigh language, as well as to archive the national Amazigh cultural, legal and artistic heritage as a preliminary step towards the full integration of Tamazight in all areas of daily life.

5- To amend the Dahir (Royal Decree) of 25 January 1965 with the view to make Tamazight a language of administration and courts in Morocco, and to cancel all amendments introduced to the special penal procedure which bans the use of the Amazigh language before courts. Tamazight must also be integrated in training institutes, including the High Judiciary Institute.

6- To dismantle the High Civil Status Committee which lacks any legal legitimacy and to require civil servants in charge of enforcing the civil status laws to abide by the right of the Imazighen to the legal personality. Besides, all other forms of bans imposed on the Amazigh names of persons and places must be eliminated, in addition to restoring to places their original Amazigh names and to try those involved in breaching such rights.

7- To eliminate all forms of discrimination against Amazigh women and to enact a positive discrimination policy towards their cultural, linguistic, economic and social life.

8- To devise an economic policy that aims to achieving social justice, income security, and the employment of graduate people, and to relinquish the privatization policies which affect all public institutions. The State must further cancel the public hospital fees and enable the original owners to restore their lands, in addition to abandoning the policy of forced relocation or compensating the victims according to the laws in force which take into account the moral and spiritual aspects related to lands, as well as material aspects, in both the present and the future.

9- To act urgently and eliminate the discrimination and injustice which affect the Amazigh-speaking artists in many fields.

10- To integrate Tamazight, restore the place it deserves and make it a language of communication in all areas of public life.

11- The Amazigh Network for Citizenship reiterates its support to the initiatives of the Office of the United Nations High Commissioner for Human Rights which aim to eliminate all forms of discrimination which affect the Amazigh language, by prompting the Moroccan government to implement the provisions of the International Convention on the Elimination of

All Forms of Racial Discrimination, and to declare Tamazight an official language of the State and society by enshrining this recognition in the preamble and contents of the Constitution.

**The Executive Board
Amazigh Network for Citizenship
Rabat on December 9, 2008**