

## The Annual Declaration of Amazigh Network for Citizenship – AZETTA Amazigh

### On the status of linguistic and cultural rights of the Amazigh in Morocco during 2014

### On the occasion of 66th anniversary of the Universal Declaration of Human Rights

When Resolution 423 was issued on December 4 1950, all mankind started commemorating the adoption of the "Universal Declaration of Human Rights" by the United Nations General Assembly on 10 December 1948. In the second paragraph of the resolution, the United Nations called upon States to take the opportunity of the anniversary to assess the level of respect of rights in the world.

The Executive Office of the Amazigh Network for Citizenship "AZETTA Amazigh" would like to congratulate all human rights bodies and organizations and defenders of rights and freedoms on the International Day of Human Rights. It also looks forward to a world where modernity and secular values prevail, and a world respectful of diversity and difference, where everyone enjoys rights and freedoms without discrimination or exclusion. We would like to grab this opportunity to go over the status of the linguistic and cultural rights of the Amazigh in Morocco.

As the international reference of Human Rights, its standards and values are the basis of our work, we will also use them as grounds for assessing the performance of the State with regard to in the Amazigh file according to the following themes:

- I. A look at practice of the Moroccan State.
- II. Assessing the status of the Amazigh in Morocco between legislation and reality.
- III. Recommendations and claims of AZETTA Amazigh.

We seek through this report to consecrate monitoring and evaluation traditions of the policy of the State and its institutions with regard to human rights issues, especially our area of interest the linguistic and cultural rights of the Amazigh.

## First: Practice of the Moroccan State:

Morocco confirms regularly that it hangs on to the Reference of human rights and mechanisms of functioning, and confirms its willingness to cooperate with the international system of human rights and international humanitarian law. The Moroccan Constitution, in this regard, States in its preamble that "the Kingdom of Morocco, active member in international organizations, undertakes to comply with the principles, rights and duties, and confirms its commitment to human rights as they are universally recognized. It also confirms its intention to continue to work to maintain peace and security in the world. "

To what extent does the State fulfill its promises and international obligations in the area of linguistic and cultural rights of the Amazigh?

### 1. The ratification of international conventions:

The Moroccan Constitution provided for the need for the ratification and publication of international conventions so they can be implemented. Therefore, we will address in this paragraph some relevant international human rights conventions, and see to what extent they meet the two aforementioned conditions:

• **Convention on the Protection and Promotion of the Diversity of Cultural Expressions:** the legal landscape in Moroccan has been reinforced with the publication of Convention on the Protection and Promotion of the Diversity of Cultural Expressions, as ratified by Morocco in the Official Gazette number 6247 on April 14, 2014. This convention was adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization UNESCO , in Paris on October 20, 2005, and Morocco as a member of the UNESCO ratified the Convention on June 4, 2013 and published it in the Official Gazette. We hope that the contents of this convention are reproduced in public policies in the field of culture and human rights in general. Unfortunately, we note that the document published in the Official Gazette did not include details of its instrument of ratification, the point of contact of the Moroccan State enshrined in the Convention, nor the position of the State regarding dispute settlement. This results in incomplete knowledge about the work of the Convention; but it remains a major legal entry point to monitor the management of cultural diversity in the private public policies especially at this point in time where implementation of the provisions of the Constitution has been launched.

• **Optional Protocol to the Convention against Torture:** Morocco has ratified the Optional Protocol to the Convention against Torture on 24 November 2014 and published it on the same day in the Official Gazette, and will enter into force as of 24 December 2014. Morocco is also supposed to set up a national mechanism to visit centers of detention and prevent torture no later than December 24, 2015. We believe that this mechanism in its international or national aspect will play a role in ensuring the linguistic and cultural rights of people in places of detention.

• **International Convention on the Elimination of all Forms of Racial Discrimination:** Although Morocco Stated in October 2006 that the Committee was entitled to receive and consider the letters from individuals or from groups under the jurisdiction of the State and claim to be victims of violation of their rights prescribed in this Convention by virtue of the first paragraph of Article 14 of the Convention. However, this Statement has not yet been published in the Official Gazette and the State did not establish or designate an apparatus in its legal system entrusted with such tasks as stipulated in the second paragraph of Article 14 of the Convention. Upon presenting its report to the Parliament on June 15, 2014, the President of the National Council for Human Rights called on the government to explicitly assign this prerogative to the Council.

## 2. Implementation of the recommendations and observations:

Morocco gets recommendations and observations from the UN agencies for human rights. Many recommendations pertaining to Amazigh arise. As we cannot mention all of the recommendations, we will just refer to the recommendations that have remained unimplemented:

• **Lifting the ban on Amazigh names:** The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, and the Committee on the Rights of the Child noticed the legal ban on Amazigh names for newborns and demanded the lifting of the ban so that they can enjoy their right to have names corresponding to their identity and the cultural choices of their families, but all of these recommendations have not yet been implemented, as the civil status law is still not amended in this regard. In practice, we will provide in the following paragraphs evidence of persistence of the same approach.

• **Lack of government literacy programs for Amazigh:** The Committee on Economic, Social and Cultural rights noticed in its 31 observations the lack of government

literacy programs in Tamazight. We regret to confirm the continuation of that lack, as all the official literacy programs are restricted to Arabic language. The creation of the national agency for literacy did not contribute in alleviating this situation. Paradoxically enough, we think that the absence of any definition of illiteracy and the target languages exacerbates the situation even further.

- **The cultural life of the child:** The Committee on Economic, Social and Cultural Rights recommends the State to design programs to preserve the cultural identity of the child and allow him/her to fully enjoy cultural rights. The independent expert on cultural rights also noticed the absence of Tamazight language in the school cultural activities (school theater for instance).

- **The dissemination of the outcomes of the actions of human rights mechanisms:** The Committee on the Rights of the Child called upon the Moroccan State to publish its human rights –related reports and conclusions and recommendations of the proceedings of the committee in Tamazight, so they can reach the broadest possible audience.

- **supporting Amazigh arts:** The independent expert on cultural rights recommended in the allocation of subsidies to Amazigh artists, creators, theaters and Amazigh art associations, including the Amazigh artists that travel abroad to represent the Moroccan culture.

- **Presence of Tamazight language in public life:** The independent expert on cultural rights recommended the provision of necessary funding and assistance for capacity building in order to promote the use of the Tamazight language in education and public life and the improvement of language skills among government and administrative staff, judges and lawyers who provide services to Tamazight-speaking citizens.

- **Teaching the Tamazight:** the independent expert on cultural rights called for the reform of educational sector in order to ensure the use of the Amazigh language in all educational fields, and the inclusion of Amazigh school textbooks in the official list of textbooks designed by the Ministry of National Education to be distributed for free in schools.

### 3. Attending the activities of the regulatory bodies of human rights:

- **The Committee on Rights of Migrant Workers:** This Committee reviewed Morocco's obligations under the Protection of Migrant Workers and Members of their Families, without laying down the measures taken by the State to ensure the Amazigh cultural and linguistic rights of the Moroccans in the diaspora, or any other measures reinforcing the protection of human rights.
- **Committee on the Rights of the Child:** As a party to the Convention on the Rights of the Child, Morocco has undertaken to attend the work of the Committee on the Rights of the Child, held in Geneva in September 2014, so as to audit the third and fourth reports of Morocco. Unfortunately, the report did not include any clear measures taken by Morocco to the benefit of Moroccan children so they can enjoy their Amazigh linguistic and cultural rights. Nonetheless, the conclusions and the recommendations in the final report of the proceedings of the committee on October 14, 2014 remain important and their implementation is incumbent upon Morocco.

## **Topic II: evaluation of the status of the Amazigh in Morocco between legislation and reality.**

The Moroccan legal system in force is full of forms of discrimination and exclusion against Amazigh. This year (2014) there has been no abolition of any provisions of these laws; quite the opposite, some governmental sectors came up with regulations and laws that increased the impact of discrimination and exclusion. The State has ignored some areas that require legislation to the benefit of Amazigh.

### **1. The Amazigh linguistic and cultural rights in legislation:**

- **The Moroccan Constitution:** The constitutional developments related to Tamazight remain not fair enough, and ambiguous.

**Preamble:** The Moroccan identity was presented as a heterogeneous and inaccurate mix. Languages religions, and ethnic cultures have been intermingled. The preamble States that the components of the national identity of the Kingdom are as follows: the Arab - Islamic component, the Amazigh component, and the Sahraoui- Hassani component. Its effluents comprise: the African and Andalusian Hebrew and Mediterranean. The Moroccan identity stands out as the Islamic religion comes to the forefront.

**Chapter V:** for the first time ever has bilingualism been recognized in Morocco in Chapter V of the Constitution, but in a form that underlies some discrimination between the two official languages and obliges the State to protect and develop the Arabic language. "Arabic remains the official language of the State. The State should protect it, develop it, and promote its use "The Constitution has disregarded this aspect for Amazigh.

**Fourth paragraph of Chapter 5:** This paragraph links the implementation of the official character of Amazigh to the issuance of a fundamental law. So no party has submitted any initiative to that effect or to initiate any debate and thinking about it. The government and the Parliament disregarded the civil proposal of "AZETTA Amazigh" in this regard. Both the majority and the opposition saw in this some kind of laxism.

**Sixth paragraph, chapter 5:** provides for the creation of a fundamental law of the National Council of languages and Moroccan culture, which is well outside the scope of interest of political and institutional players, despite its importance in giving impetus to institutions operating in the area of languages and culture. "AZETTA Amazigh" has supported this council in a memorandum submitted to the stakeholders and to the general public.

• **Laws and regulatory acts:**

Morocco is still using laws that are already perceived as discriminatory. We can again go over them quickly here:

- **Criminal law:** Although the Constitution in its preamble States that the State is working on the' Prohibition and the fight against all forms of discrimination, because of language ... etc', Chapter 431 of the Moroccan Penal Code does not criminalize discrimination on the basis of language.

- **The Law for unification of Moroccan courts:** Law No. 3.64 dated January 26, 1965 relating to the consolidation of the courts, stipulates in its fifth chapter that: "Arabic is the only language for deliberations and proceedings and judgments in the Moroccan courts."

- **Civil Status Law:** Law 37.99 on the civil status, especially in Article 21, States that: "the surname chosen for registration on civil status register should carry a Moroccan

character ". Its application decree dated October 9, 2002 in particular article 23, States that "the declarant chooses a surname in accordance with the conditions set forth in Article 21 of law No. 37.99. If the declarant insists on choosing a surname, and the civil status officer refuses it as contrary to the provisions of the first paragraph of Article 21 of the said Act. Then the name shall be submitted to the committee stipulated in Article 20 of this Decree to consider whether or not it meets the requirements prescribed in Article 21 of the above, and to convey afterwards its decision to the authorized officer of civil status to either accept or refuse the surname chosen. The decision shall be the binding on all civil status offices. "

- **Law 28.08 regulating the legal profession:** paragraph 2 of Article 18, States that: " lawyers belonging to these countries should, if they do not hold a certificate of eligibility to practice law as stipulated in Article 5 above, take an exam to assess their knowledge of the Arabic language and the Moroccan law before deciding on their applications. "

- **62.06 law on Moroccan nationality:** the fifth clause of the terms of naturalization contained in Chapter 11 of Section II "sufficient knowledge of the Arabic language," and the second paragraph of Chapter IX, Section I, States that: "Every person born in Morocco of foreign parents with his/her habitual and regular residence in Morocco, and a father also born in Morocco can acquire Moroccan nationality upon a Statement where he/she expresses that choice, in case the father belongs to a country with a majority group adopting Arabic or religion of Islam. The Minister of Justice can still object by virtue of the provisions of Chapters 26 and 27. "

- **Film Support Fund:** Article 18 of the terms of reference States that: "If the language of the scenario is Amazigh, it must be translated into Arabic or French."

- **Law 38.09 about the creation of the National Agency for the fight against illiteracy:** does not define illiteracy and does not provide for any service performed by this agency for Amazigh.

- **Decree on the bulletins issued by the Official Gazette on 05 December 1997,** it stipulates in the first Article that " the Official Gazette comes in four bulletins issued in Arabic."

- **Decision of the Minister of National Education, number 87.68.9 issued in August 1987,** about requirements to enroll in Fahd School of Translation, which does not

State a BA in Amazigh as one of the conditions for joining the school; it does not also provide for a degree in translation Amazigh.

- **Dahir for the setting up of "Maghreb Arab Press" on 19 September 1977**, especially in Chapter 1, which includes the name of the agency, it does not provide for the publication of releases and bulletins in Tamazight, although it publishes in more than five foreign languages in addition to Arabic.

- **Law for the creation of Akhawayn University issued on 20 September 1993**, and particularly the third and the seventh paragraphs of the preamble, which stipulate respectively that: "... aware of the historical and cultural position of the Kingdom of Morocco as an Arab-African land, with a strategic location and belonging to the Arab-Islamic civilization. ..and willing to see the Arabic language and the Arab-Islamic culture enjoy a privileged status at all levels and all departments "

- **Dahir for the establishment of Hassan II Academy of Science and Technology dated October 6, 1993**: particularly paragraph 9 of its preamble, which States "aware that our Arab-Islamic culture raises the prestige of scientific aspiration."

- **Decision of the Minister of State in charge of Foreign Affairs and Cooperation No. 1898.93 dated 16 July 1993** on contest to join in the Ministry of Foreign Affairs, and in particular the second chapter of the first article, which makes Arabic, French, English and Spanish the only languages for written and oral exams.

- **Decision of the Minister of Cultural Affairs No. 1910.93 dated October 1 1993** setting out the procedures about entering the National Institute of Fine Arts, especially the last paragraph of the second article, which stipulates that Arabic, French and Spanish are the only languages to participate in the exam.

- **Dahir on the creation of the Academy of the Kingdom of Morocco dated October 8, 1977**, in particular the eighth paragraph of the second chapter, which States that one of the missions of the Academy is to "... ensure cooperation with the competent authorities in the field of the good use of Arabic in Morocco and master translation from and into Arabic "

- **Dahir on the organization and functioning of the penitentiary institutions**, especially Article 26, which States that the prisoners need to be informed , in writing or orally, of their rights and obligations when they enter the penitentiary institutions



without specifying the language used for that matter. Tamazight language should necessarily be used equally with Arabic in the publications used for that purpose. The second paragraph of Article 92 also States that "messages can be translated in order to exercise control stipulated in Article 92 after", and it did not specify anything about letters written in Tamazight. Are they going to be translated like the letters written in a foreign language? If they are going to be kept in their original language, what are the qualifications of the staff in charge of this process?

- **Law No. 35.06 for the electronic ID**, especially Article 3, which States: "The model of the electronic national card should feature the following data signals on both sides: personal and family names in Arabic and Latin letters ... place of birth in Arabic and Latin letters. "

- **Rules of Procedure of the National Association of court clerks and regional councils**, approved in June 2010 and Article 40 State the following: "Reports shall be necessarily drafted in the official language." The two official languages should be provided for as in the constitution. The requirements of the above-mentioned article should be amended to comply with the Constitution

- Law No. 00-49 concerning the regulation of the profession of "Alnsakha" dated 22.06.2001 and in particular Article VI of Chapter III, setting out the conditions for the profession requiring a BA in Arabic Language for entry into the profession in clear exclusion of Amazigh or any other languages used in Morocco. There are also other laws for some judicial and non-judicial professions that do not take into account the multilingual dimensions in Morocco.

- **The joint decision of the Minister of Communication and the Minister of Economy and Finance** issued on 19 September 2012 to determine the conditions and criteria for subsidizing the film industry. Article 3 explicitly States: " A copy in Arabic should be attached to the scenario in case it comes in another language, "which makes the Arabic language the only language acceptable to the Commission to support films. Amazigh was then excluded from the film sector, which is a vital lever for the dissemination of the language and its development.

- A decree of the Minister of Communication issued on October 12, 2012 on the publication of the terms of reference the National Company of radio and television, Soread 2M and Medi 1 Sat specifying broadcasting quotas per language and topic. Amazigh share does not exceed 07% in more than 27 public media institutions.

In addition to the aforementioned laws, some fundamental laws were issued this year along the same discriminatory and exclusionary lines, including:

- Finance Law 2014/2015: did not include any financial accounts directly geared to support the Amazigh culture and language, and provide the right environment conducive to the implementation of the official character of Amazigh.
- Decision of the Minister of Commerce and Industry and Digital Economy, dated 12 May 2014 regarding the modalities of implementation of the commitments associated with products and services, which exclude the Amazigh language in providing data and information to customers. This decision requires that information be provided in Arabic and foreign languages without mentioning Amazigh.
- Decision of the Minister of Handicraft dated June 2014, regarding training in calligraphy, ignoring Tiffinagh as Amazigh script, despite the fact that this character has been used for centuries in the industry of cosmetics, textiles and carpets, pottery and others.
- Contest for entry into the Centers for Regional Education and Training for 2014/2015, which allocated 120 seats to Amazigh, but imposed insurmountable conditions on BA holders in Berber studies such as a certificate testifying to the registration in the university cycles that do not accept in the first place ant degrees in Amazigh Studies. This is then merely a disguised refusal!
- **Results of the Commission for the support of music in the Ministry of Culture**, issued in July 2014, which did not give any subsidies to the production of musical Amazigh, and which distributed more than 2 million dirhams in the production of 17 musical works in other languages.
- **Decision of the Minister of Endowment and Islamic Affairs** to organize literacy programs for only Muslims in mosques, and has chosen one subject called "reading and writing" in Arabic. With this discrimination between the two official languages, Amazigh and Arab, he joins the list of the ministers who issued discriminatory decisions in their respective sectors.
- **Results of the Commission for the support of cinema production**: In addition to the legal barrier that prevents Amazigh filmmakers from applying for these subsidies,

a simple look into the list of the beneficiaries confirms the exclusionary intent of AMAZIGH in this area.

- **Land ownership laws:** These laws take away land from people under various labels, sometimes under the pretext of delimiting forest property and sometimes under the pretext of codifying the collectively-owned land and sometimes under the pretext of local development, without taking into account the culture and regulations of the population and the users, and the adverse effects of such policies on their stability and their lives.

## 2. The reality of discrimination against Amazigh

Whether in the areas covered by the legislation or areas that have been overlooked, practice remains the fundamental criterion to gauge the extent to which the State and its institutions respect the enjoyment of individuals and groups of their Amazigh linguistic and cultural rights. In 2014, there were many violations of human rights, either directly or indirectly, affecting the Amazigh linguistic and cultural rights in Morocco:

· **The right to assembly:** The violation of the right to get organized is the headline for the year 2014, the Ministry of Interior has launched an attack on civil society organizations to question their financial integrity, to directly undermine their right to organize citizens. The bulk of restriction went to the Moroccan Association for Human Rights, but " AZETTA Amazigh" also got its share from this campaign, as it was prevented from organizing a training session in Oujda on April 12, 2014, although all the regulations and procedures have been respected. AZETTA Amazigh has also been prevented from putting up banners for its 4<sup>th</sup> conference in Rabat. This was a flagrant violation of the right to expression and organization and a blow to the roles of the civil society. Paradoxically, the campaign of the minister of Interior started immediately after the national dialogue ended about the civil society.

· **Denigration in the media:** The public, private, classic and modern media could not accept the approach based on fairness and appreciation to be adopted towards Amazigh. The media still uses pejorative and exclusionary terms such as (the Maghreb, and the Berbers ... etc). Unfortunately, the State did not intervene to prevent the circulation of this type of phrases and ideas, and the most prominent example of this is to allow the circulation of a video clip of a partisan leaders (El

Moqri Abu Zaid) containing direct contempt of the Amazigh and Tamazight. The State did not take any measure to justice to those affected and put an end to humiliation.

- **Artistic and cultural occupations:** While the Amazigh movement is calling for strong support of Amazigh arts and culture, and paying tribute to workers in this field, we find that festivals and cultural activities do not give Amazigh its due place. The presence of Tamazight in the national and regional arts and cultural stations is very poor, with no more than 14 percent at best (Case of Agadir's Timitar Festival). Not to mention the obvious disparity between the fees and indemnities for creators in Amazigh compared with others.

- **Census:** Amazigh Network for Citizenship " AZETTA Amazigh" took the initiative to write to the High Commissioner for Planning in order to influence the methodology of the census of population in 2014 and in its approach to ensure a realistic and fair outcome about the use of Tamazight in Morocco. Although the census contained some positive developments in the questionnaire, the facts confirm that the operation did not run properly, which would make the results, like its predecessors, far from reality and not useful for the design of public policies that are fair to Tamazight.

- **Banning Amazigh names:** as usual, our organization received many complaints about preventing parents from giving Amazigh names to their newborns, both within Morocco or at the consulates and diplomatic representations abroad, for example, the case of Abdul Ilah al-Saidi, who was denied by the Department of Civil Status in the Moroccan Consulate in Anvers the possibility to register an Amazigh name to his baby.

- **Incitement in religious discourse:** some of religious people take advantage of the holiness that the religious affairs enjoy socially and officially, to disseminate hatred against those who disagree with their opinion, including the Amazigh movement activists., Some religious leaders have waged a war against Mr. Ahmed Assid, which affected his freedom and rights. The mosque Laqbebat in Rabat and Taliouine in Taroudant were platforms for verbal aggressions against the Amazigh movement and its affiliates, in full absence and silence of the State and those in charge of religious affairs.

· **Education:** In September 2014, the Minister of National Education, presented his vision for education by 2030. We regret the fact that this vision did not include anything about the future of Amazigh in the system of education and training. The minister's comments raised some suspicion and mistrust about the intentions of the ministry regarding the presence of Tamazight in the educational space. The delegation of the Ministry of National Education refrained from distributing Amazigh textbooks at the beginning of the school year 2014/2015.

· **Law enforcement officials:** Early July 2014, there was protest movement led by the drivers of taxis in Inezgane city, because of what "a police officer uttered some racist words against one of them." He described the Amazigh using dirty words.

In AZETTA Amazigh, we are aware of the difficult path to justice for Amazigh, and convinced of the enormous tasks shouldered by the defenders of the rights and freedoms. We also believe that the assessment of the status of Amazigh language in Morocco is an essential part of these tasks. That's why we have chosen for our last convention the topic of "**Constant struggle for Amazigh institutionalization in a democratic, secular and diversified Morocco.**" Our struggle is ongoing for institutionalization because we believe in the need to build strong institutions to ensure the rights and protect the freedoms. The institutions should work on doing research on Amazigh and developing the language, the culture and the history. The institutions should also track and prevent any violations of the linguistic and cultural rights.

Our struggle for democracy will also carry on as a tool and values providing everybody with the right to expression, thinking and judgment, and fighting tyranny. At its core lies the principle of secularism to lift holiness on all secular matters, and the basis for respect of freedom of belief and faith.

Our struggle will also go on for the dissemination and spread of the values of pluralism, diversity and respecting difference, as a starting point and end at the same time. We hope this will be adopted by all the stakeholders in different areas so that can open up to the wide universal dimension

For that matter, the Executive Bureau of the Amazigh Network for Citizenship "AZETTA Amazigh":

1. Calls upon the State by making reference to international human rights legal framework as the basis for all public policies, and the streamlining of the national legal system with the requirements of international obligations while benefiting from the local accumulation of experience in terms of human rights.
2. Calls for the lifting of the constitutional injustice perpetrated against the Amazigh language and identity, and providing for this in form and content in a democratic Constitution, establishing strong institutions capable of rehabilitating and protecting Amazigh.
3. Calls for the need to review the legal apparatus of all the laws that perpetuate discrimination against Amazigh, and to refrain from issuing them, and reinforce them with provisions criminalizing the linguistic and ethnic discrimination and protect the victims and design public policies based equality and equity.
4. Calls for the re-examining of all policies and actions regarding the expropriation of land and natural resources from groups and tribal ownership, and the need to take into account the culture and the local regulations and to involve them in all matters in that regard.
5. Calls upon all independent democratic players to unite visions and efforts to combat all forms of discrimination, face cultural and linguistic tyranny, and put forward civil alternatives in thought and practice.

The Executive Bureau

December 10 2014