

Linguistic and cultural rights of the Amazigh in Morocco, in the light of the Convention on the Rights of the Child

This report, prepared by the Amazigh Network for Citizenship "Azetta Amazigh", aims at analyzing the status of linguistic and cultural rights of children in the light of the International Convention on the Rights of the Child, and reflecting the extent to which the Moroccan government is committed to respect the Convention's provisions. This report seeks as well to clarify the factors which affect the fulfillment of obligations. It highlights also areas where linguistic and cultural discrimination against Amazigh constitute an impediment for the enjoyment of rights guaranteed by the Convention.

General context

The United Nations General Assembly adopted on November 20th, 1989 the Convention on the Rights of the Child which was ratified by Morocco on June 21st, 1993, under reservation of Article 14. In November 10th, 2006 Morocco presented its interpretative declaration as follows: "The Government of the Kingdom of Morocco explains the provisions of paragraph 1, Article 14 of the Convention on the Rights of the Child in the light of the Constitution of October 7th, 1996 and the appropriate rules of the local law, especially Article 6 of the Constitution which states that Islam is the State's religion, which guarantees the freedom of worship for all, and Article 54 of law 03.70 of the Family Code which authorized in paragraph 6 that parents have the right to religiously guide their children and raising them on good conduct."

The Convention stipulates in article 44 the necessity for the States to draw reports describing the factors and difficulties affecting the degree of fulfillment of obligations, and to provide sufficient information for a comprehensive understanding of the Convention's implementation.

In its 55th session held on October, 2010, the Committee emanating from the Convention adopted the general guidelines regarding the form and content of periodic reports.

Based on the above mentioned legal sources, and with a belief on the importance of working with the UN mechanisms for the protection of human rights especially treaties and entities, "Azetta Amazigh" hereby submits a report parallel to the one submitted by Morocco and which would be discussed by the committee in its 67th session in September, 2014, and that according to the methodology adopted in the guidelines:

- I. A follow-up of the status of the child's rights since the last session during which the Moroccan report was discussed.
- II. The extent to which the state is committed to the provisions of the convention as a text of law and practice
- III. Azetta Amazigh's Recommendations in terms of cultural and linguistic rights of Moroccan children.

Follow-up of the status of child's rights since the last session when the Moroccan report was discussed

The Committee discussed the second periodic report submitted by Morocco on June 2nd, 2003. The final report including observations was adopted on June 6th, 2003. At the end of the session works the committee received worthy observations, and with the absence of a serious and positive interaction with some of them by Morocco, we think it useful for them to be tackled again:

Paragraph 22: First recommendation: The Committee recommends that the convention is disseminated and made widely available by the State party with the use of national languages especially the Amazigh language. Unfortunately, up today, the State party did not make any effort accordingly. No human rights convention is translated in writing or orally in Amazigh.

Paragraph 69: The Committee is concerned at the discrimination experienced by Amazigh children because of their use of their mother tongue, and the inability of their parents to give Amazigh names to them. We would, hereinafter, confirm that this recommendation was not implemented.

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This paragraph intends to shed light on areas where linguistic and cultural discrimination is considered as impediment to the enjoyment of the child's rights provided for by the Convention on the Rights of the Child:

- **Article 1: definition of a child:** Although Morocco at its ratification of the Convention on the Rights of the Child, acknowledges that the child means "every human being below the age of eighteen years " however, Article 20 of the Moroccan Family Code gives the possibility, even under an "exception", of considering human beings under 18 years as adults and can enter into marriage.
- **Article 3 and the relationship of the child with welfare institutions:**

Paragraph 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, **the best interests of the child shall be a primary consideration.**

We believe that the best interest of the child is addressing him/her in a language that he/she understands, and respect his/her cultural affiliation. This fact is not respected in all the actions taken by the Moroccan state as there exist absolutely no legal provision which obliges the staff and workers in the field of childhood to be fluent in Amazigh language or one of its regional branches. This was actually witnessed, for example, in a shelter for delinquent children in Agadir, where 14 staff work, including one female employee who speaks only Amazigh language, in addition to several children who speak only their Amazigh language.

Paragraph 2: States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other

individuals legally responsible for him or her, and, to this end, shall take all **appropriate legislative and administrative measures**.

We should mention, here, that all administrative procedures taken by the state are not up to the level of the human rights radical solution to the problem of preventing the registration of Amazigh names for newborns. It should be noted that these names continue to be prevented from being registered inside Morocco or in the consular and administrative services abroad. Our organization received more than 21 cases of prevention in the first eight months of 2013 which included different regions of Morocco and consular services abroad. We are concerned that the frequent cases of prevention, the absence of Amazigh names in the Moroccan names manual prepared by the Ministry of Interior and the fact of not giving Amazigh names to newborns with unknown parents and to the awards of nation makes of this breach systematic, and could be defined as gross violations of human rights.

Paragraph 3: States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Employment and recruitment laws in Morocco are full of manifestations of linguistic discrimination. To avoid redundancy, there exist no vocational training institution is using the Amazigh language in its programs, and no profession whose statutes requested the knowledge of the Amazigh language as a condition of employment. There are professions which explicitly require the knowledge of Arabic alone. We consider all this as a discrimination against a national and official language as well as a form of preventing citizens from enjoying the right to receive services in the language that they like. This affects the best interests of the child.

- **Article 7: The right to a name and legal personality:** all administrative procedures carried out by Morocco, including the recent statement of the Higher Committee for Civil Status about lifting the ban on the registration of Amazigh names was not up to the level of a human right radical solution. We shall register the continuing prevention of the registration of Amazigh names for newborns. Our organization received more than 21 cases of prevention in the first eight months of 2013 which included different regions of Morocco and consular services abroad. We are concerned that the frequent cases of prevention, the absence of Amazigh names in the Moroccan names manual prepared by the Ministry of Interior and the fact of not giving Amazigh names to newborns with unknown parents and to the awards of nation makes of this breach systematic, and could be defined as gross violations of human rights.

- **Article 8: Preservation of the child's identity and compensation in case of violations:** All official socialization institutions (schools, media, camping and religious programs ... etc) are deliberately ignoring the Moroccan Amazigh children's identity and seek to establish an identity based on Arabism and Islam. In addition to that, they link the history of Morocco with the arrival of the Arabs and Muslim invaders, 12 centuries ago. As a better proof of this, the multiplicity of offensive definitions and discriminatory expressions such as Maghreb Arab, Berber Dahir ... etc in the curricula.

Despite the fact that the constitution provides for the Amazigh dimension of the Moroccan identity and the Amazigh as an official language, the public policies have not yet changed towards the compensation of violations done on the Amazigh identity, culture and language.

- **Article 12, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her:** the law No. 3.64, of January 26th, 1965, relating to

the uniformity of courts, the fifth chapter of which stipulates that: "Arabic is the only deliberations, pleadings and judgments language in Moroccan courts". This text does not leave room for the use of any language in the courts, including the Amazigh, not to mention the absence of the Amazigh language in the interpreters training section, which means the total absence of the Amazigh language in the justice sector and before the Moroccan courts.

- **Article 13, the right to reception and dissemination of information:** all cultural, artistic or media policy in Morocco are full of discrimination against Amazigh, whether in favor of the second official language or global languages and tastes. The specifications of the Moroccan Cinema Centre and the decision of the Minister of Communication regarding the benefit from the cinema support, explicitly stipulate the need to translate any artistic work into Arabic to be accepted by the Commission. This deprives, then, the creators in Amazigh language to benefit from this support.

The second public channel directly discriminate Amazigh from competition in its music programs for the benefit of oriental and international songs. This is, of course, very little compared to the amount of discrimination of Amazigh included in public channels specifications. Only 7% (Seven per cent) of the total broadcast of 27 public informational televisions and radios are dedicated to Amazigh.

Ministry of Culture organizes a festival of Arab theater and national festivals of theater and various arts. It also established centers of cultural studies concerned with some of the Moroccan cultural expressions. It is clear enough that the Amazigh speaking Moroccan culture does not benefit from the same attention; however, conservatories of the Ministry of Culture, the number of which exceeds 52 institutes, do not provide any educational material about Amazigh music which threatened the survival of this creative heritage, and deprived it from development and scientific research.

- **Article 17, encouraging the international cooperation:** since UNESCO is considered as the most important interface for cultural cooperation between the countries, it is a flagrant example of the absence of Morocco's interest on cultural components of Morocco. Achievements of this organization did not register any positive action for the Amazigh language, as Morocco is still marketing itself externally as a monolingual culture and identity. All Moroccan teaching missions do not include Amazigh in its programs. Amazigh is absent as well in diplomacy policies and services.

- **Article 28, the right to education:** we hereby note the complete absence of the Amazigh language in educational programs in the secondary and high schools. We also note the dramatic stagnation of Amazigh in primary education at the national level and its total absence in the programs of Moroccan teaching missions abroad.

Recommendations of Azetta Amazigh

The Amazigh Network for Citizenship hereby recommends:

- 1- That the Committee continues its cooperation with Moroccan's official and civil institutions for the interest of human rights.
- 2- The adoption of a democratic constitution in form and content, which clearly recognizes the Amazigh identity and ensures the exercise of the rights and freedoms and the rule of democracy.



- 3- The removal all aspects of linguistic discrimination against Amazigh in the Moroccan internal and external public policies, and the development of policies that reflect, protect and develop multilingualism and cultural diversity.
- 4- Manage the legislative workshops regarding chapter V of the Constitution with the awareness and responsibility required by its content, and invoking the method of dialogue and consultation.
- 5- Support and strengthen the associative fabric and civil actors working in the field of human rights generally and Amazigh linguistic and cultural rights particularly, to play the roles assigned to them in the protection of the rights and their advancement.
- 6- The generalization and circulation of the results of this session works and the activation of their recommendations.

Amazigh Network for Citizenship "**Azetta Amazigh**"

Executive Office

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