



## Religious Freedom in Morocco

Update - March 2021

### **Section 1 : Legal Framework**

The Kingdom of Morocco has been a constitutional monarchy since 1957. Despite clearly expressed commitments in the Constitution of July 29<sup>th</sup>, 2011 to universal human rights and international law, Morocco remains an “Islamic sovereign State” and upholds principles and rules from Sharia in his domestic law.

The State religion is Sunni Islam of the Maliki school of jurisprudence. Religion is the source of legitimacy of the State and may in no way be attacked or criticised. The king is both a temporal and religious leader, “Commander of the Faithful” (article 41 of the Constitution of 2011) and head of the Supreme Council of Ulemas (article 41) as well as of the Supreme Council of the Judicial (article 56).<sup>1</sup> He is the protector of Islam and the guarantor of the freedom to practice one's religion in the country. The Constitution prohibits political parties founded on religion (article 7) as well as political parties, parliamentarians, and constitutional amendments that denigrate or infringe Islam.

The ministry of Religious Endowment and Islamic Affairs monitors all religious activities in the country. Unlicensed mosques are closed. Sermons in mosque (*khutbah*) and preaching (*daawa*) are controlled. Versions of Islam that do not follow the official theological line are banned.

Criminal law considers all Moroccan citizens, except a tiny minority of Moroccan Jews, to be Muslims under the spiritual leadership and jurisdiction of the “Commander of the Faithful”. Article 222 of the Penal Code punishes “whoever is notoriously known for his membership to the Islamic religion” and “ostensibly breaks the fast in a public place during the time of Ramadan, without grounds permitted by

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<sup>1</sup> Moroccan Constitution of 29<sup>th</sup> July 2011, online access to text:  
[https://www.constituteproject.org/constitution/Morocco\\_2011.pdf](https://www.constituteproject.org/constitution/Morocco_2011.pdf)

this religion” with “imprisonment of one to six months and a fine of [Moroccan dirhams] (MAD) 200 to 500.”<sup>2</sup>

On the one hand, the country wants to remain strict on religious matters in accordance with the Maliki school of Islamic jurisprudence, to avoid displeasing especially the more conservative part of society. On the other hand, it wants to project a certain image of openness towards Western countries.<sup>3</sup>

## ICCPR

Morocco ratified the International Covenant on Civil and Political Rights (ICCPR) in 1979 without reservation, but it has not yet ratified the Optional Protocol, which would recognize the Human Rights Committee’s competence to hear complaints regarding violations of the ICCPR. Thus, Morocco has committed to uphold Articles 18 and 27, which compel Morocco to protect religious freedom. The Human Rights Committee explained that, under Article 18 of the ICCPR, “the freedom to ‘have or to adopt’ a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another.” This right does not exist in Morocco. Instruments to render domestic law consistent with international law are missing. The Penal Code still contains provisions that are inconsistent with ratified international conventions and treaties on human rights.

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Morocco is now a member of the International Alliance for Religious Freedom, which is led by Washington to support religious minorities. The Declaration of Principles of the Coalition states that “Members are obligated to uphold their obligations under international law in general, and the International Covenant on Civil and Political Rights in particular, freedom of thought, opinion, religion or belief, including the right to hold any belief or not to believe in anything at all.”<sup>4</sup> Morocco also sponsors and actively participates in the United Nations Alliance of Civilizations initiative.

## Population

Morocco’s total population is estimated at 34.6 million in 2019.<sup>5</sup> More than 99 percent of the population identify as Sunni Muslims, the others being Shia Muslims, Bahai’s, Jews and Christians. The Jewish community is very old and enjoys official protection. Although most Moroccan Jews migrated to Israel, there are still Jewish

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<sup>2</sup> Moroccan Penal Code: <https://www.refworld.org/docid/54294d164.html>

<sup>3</sup> Marion Joseph, ‘Morocco’s Christian converts pray in hiding’, La Croix International, 5th January 2017, <https://international.la-croix.com/news/moroccos-christian-converts-pray-in-hiding/4445>

<sup>4</sup> Declaration of Principles for the International Religious Freedom Alliance, United States Department of State, February 5, 2020, article 1: <https://www.state.gov/declaration-of-principles-for-the-international-religious-freedom-alliance/>

<sup>5</sup> Morocco 2019 International Religious Freedom Report, United States Department of State, Bureau of Democracy, Human Rights, and Labor: <https://www.state.gov/reports/2019-report-on-international-religious-freedom/morocco/>

schools, hospitals, and Hebrew chambers in courts to adjudicate Jewish civil litigations according to Jewish law. Community leaders estimated the number of Jews in 2015 to be, at most, only 4,000, with the majority living in Casablanca.<sup>6</sup>

Estimates of Morocco's unofficial Christian citizens vary widely, from 5,000 to 50,000. Foreign-resident Christians are estimated at about 30,000 Catholics and 10,000 Protestants, who all enjoy religious freedom in legally registered churches provided they do not proselytize Muslims and never criticise Islam.<sup>7</sup>

### **Laws on proselytism and denial of civil rights**

The Penal code prohibits proselytizing Muslims, making it punishable by fines of MAD200 to 500 and 6 months to 3 years of prison.<sup>8</sup> Foreigners may instead be expelled from the country. Voluntary conversion is not legally repressed provided the convert remains discreet, abstains from evangelisation, and renounces one's right to practice one's faith in established churches alongside foreigners.

Moroccan Christians are denied the right to publicly express their faith and evangelise. They are also denied the right to have churches, to marry according to their faith and to give biblical names to their children. They are additionally denied the right to have Christian funerals and to be buried in Christian cemeteries according to Christian rituals.

Christian citizens are still not allowed to establish churches. Legally established churches built under European protectorates may be used by foreign Christians only.<sup>9</sup>

### **Shariah**

Morocco has codified numerous principles of Shariah. Criticism of Islam, one of the three “red limits” to freedom of speech (alongside the person of the king and territorial integrity), is a criminal offense.<sup>10</sup> The 2015 reform of the Penal Code has strengthened the penalty of “blasphemy” against Islam.<sup>11</sup> The press is denied freedom of expression and criticism in matters of religion.<sup>12</sup>

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<sup>6</sup> “In Morocco, Muslims and Jews study side-by-side but for how long?”, PBS, 29th July 2015, <https://www.pbs.org/newshour/world/morocco-muslims-jews-study-side-side>

<sup>7</sup> <https://www.christianitytoday.com/news/2021/january/morocco-christians-israel-trump-peace-abraham-accords.html>, Jayson Casper, January 8, 2021.

<sup>8</sup> Moroccan Penal Code: <https://www.refworld.org/docid/54294d164.html>

<sup>9</sup> <https://aleteia.org/2020/07/15/moroccan-christians-have-to-practice-their-faith-in-secret/> July 15, 2020.

<sup>10</sup> <https://www.morocoworldnews.com/2020/06/305667/religious-freedom-in-morocco-a-regional-paragon-in-the-making/>

<sup>11</sup> Human Rights Watch, The Red lines stay red, Morocco's reform of its speech laws, 2017: <https://www.refworld.org/pdfid/590c3b2c4.pdf>

<sup>12</sup> Morocco: Scrap Prison Terms for Nonviolent Speech. Human Rights Watch. 2017-05-04. Retrieved 2019-06-22.

Educational institutions are only permitted to teach Sunni Maliki Islam; international schools must also teach Sunni Maliki Islam, but they may only opt out by choosing not to adhere to any religious creed. Such discriminatory mandates restrict religious freedom and violate articles 18 and 19 of the ICCPR.

Civil secular marriage does not exist. Non-Jewish Moroccan citizens can only marry according to the Sunni Islamic tradition and are forced to pronounce the *Chahadah* (Islamic profession of faith) to legalise their marriage and escape prosecution for cohabitation.

In accordance with Shariah, the unchanged article 39(4) of the 2004 Personal Status Law requires a non-Muslim man to convert to Islam before marrying a Muslim woman.<sup>13</sup> A Muslim man, however, may marry a Jewish or Christian woman, but she may not inherit from him unless she converts to Islam. Only Muslims may adopt Moroccan children. This restriction prevents Christians from adopting Moroccan children. Strict kafala-adoption rules leave many orphans without hope.<sup>14</sup>

## **Section 2. Specific cases of Religious Persecution or Discrimination**

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The *Open Doors* Watch List ranks countries based on religious intolerance. In 2021, Morocco ranked 27 out of 50 countries (orange colour indicating a very high level of persecution), while it was ranked 31 in the 2011 reporting period.<sup>15</sup>

Direct persecution of religious minorities by authorities seems to have decreased within the last decade. Moroccan Christians generally agree that arrests have almost stopped. A Christian convert who is now a Protestant cleric noted that “police harassment has decreased.”<sup>16</sup> Other representatives of minority religious groups nevertheless declared the fear of societal harassment, including ostracism by families, social ridiculing, employment discrimination, and potential violence against them by “extremists,” were the main reasons leading them to remain discreet about their faith or anonymous.<sup>17</sup> Some Christian citizens have reported that the authorities pressured Christian converts to renounce their faith by informing the converts’ friends, relatives, and employers of the individuals’ conversions.<sup>18</sup>

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<sup>13</sup> Official Gazette General Provisions Sherifyan Dahir (Royal Edict) n° 1.04.22 issued on 12 Dou Al Hijja 1424 (February 3, 2004) To Implement Law n° 70.03 as the Family Code.

<sup>14</sup><https://www.pbs.org/newshour/show/strict-adoption-rules-morocco-leaves-orphans-without-hope>, May 27, 2015.

<sup>15</sup> The Open Doors Watch List 2021, Open Doors, 1, (2021), <https://www.opendoorsuk.org/persecution/world-watch-list/>

<sup>16</sup> Hamza Mekouar, ‘Morocco’s Christian converts emerge from the shadows’, Yahoo News, 30 April 2017, <https://sg.news.yahoo.com/moroccos-christian-converts-emerge-shadows-040700450.html>

<sup>17</sup> Morocco 2019 International Religious Freedom Report, United States Department of State, Bureau of Democracy, Human Rights, and Labor: <https://www.state.gov/reports/2019-report-on-international-religious-freedom/morocco/>

<sup>18</sup> *Id.*

Christian citizens stated police officials made phone or house calls several times a year to demonstrate they had lists of members of Christian networks and monitored Christian activities.<sup>19</sup>

**April 2017:** A group of Moroccan Christians under the name the National Coalition of Moroccan Christians approached the National Council of Human Rights (CNDH) to claim their rights. They called upon the government to stop all persecution and discrimination against them. Their spokesman, M. Mustafa Susi, declared: “the group has also requested the right to decide whether children must attend classes of Islamic instruction in schools.”<sup>20</sup>

**October 2017:** Media reported authorities prevented the Baha'i community from publicly celebrating the 200<sup>th</sup> anniversary of the birth of the founder of the faith.<sup>21</sup>

**November 2017:** A meeting between representatives of Morocco's religious minorities including the Moroccan Commission of Religious Minorities and civil society actors, seen as an important step forward, sparked societal tensions. One of the organisers deplored that there had to be a change of venue and that “some speakers also withdrew after ‘pressure’” was exerted. Media sources described participants as “atheists” and “homosexuals.”<sup>22</sup>

**December 2018:** The Moroccan Association for Religious Freedom is the largest group committed in defending religious freedom as understood by international law. Established in Rabat, the association opened a bureau in Germany and works with foreign partners and governments to induce change in Moroccan legislation. However, alongside the Moroccan Christian, Shiite and Ahmadis associations, the Ministry of the Interior refused to register the “Moroccan Association for Religious Freedom”, claiming that it “prejudices” Islam, and a Moroccan court in Casablanca dissolved the association “Racines” gathering activists of the Moroccan Association For Religious Freedom, because of “insults to the Islamic religion” in a filmed episode of the “*Un diner, deux cons*” show published on YouTube. The appeal court upheld the verdict.

**March 2019:** The Committee of Moroccan Christians of the unregistered Moroccan Association for Religious Freedom released a widely publicised letter to Pope Francis asking him to pressure the government to open investigations into what it described as systemic harassment of Christian citizens by security forces, allegations

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<sup>19</sup> *Id.*

<sup>20</sup> <https://english.alarabiya.net/en/features/2017/05/22/Are-Christians-in-Morocco-emerging-from-shadows-of-the-past.html> . Sonia Farid, *El Arabiyah English*, May 22, 2017.

<sup>21</sup> Morocco 2017 International Religious Freedom Report, United States Department of State, Bureau of Democracy, Human Rights, and Labor, <https://www.state.gov/reports/2017-report-on-international-religious-freedom/morocco/>

<sup>22</sup> “Morocco minorities call for religious freedom”, Daily Mail, 18th November 2017, <http://www.dailymail.co.uk/wires/afp/article-5096439/Morocco-minorities-call-religious-freedom.html>.

disputed by a number of local and foreign Christian leaders.<sup>23</sup> Foreign clergy, for fear of being criminally charged with proselytism, said they discouraged Christian citizens from attending their churches. Although the law allows the registration of religious groups as associations, some minority religious groups reported the government rejected their registration requests.<sup>24</sup>

**March 30<sup>th</sup>, 2019:** King Mohammed VI received Pope Francis to the Hassan Tower in Rabat. During his speech, the king promoted interfaith dialogue and religious tolerance and said he interpreted his title “Commander of the Faithful” as “the Commander of all believers... [including] Moroccan Jews and Christians from other countries, who are living in Morocco.”<sup>25</sup> He thus excluded Moroccan Christians from his protection and made no mention of religious freedom as defined in article 18 of the ICCPR ratified by the kingdom without reservations.

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<sup>23</sup> Morocco 2019 International Religious Freedom Report, United States Department of State, Bureau of Democracy, Human Rights, and Labor: <https://www.state.gov/reports/2019-report-on-international-religious-freedom/morocco/>

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*