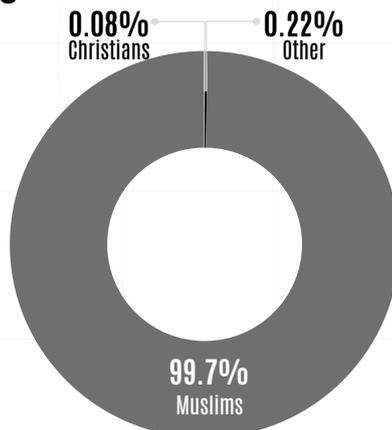




MOROCCO

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Morocco is a hereditary monarchy ruled by a Sunni dynasty which has reigned for centuries. The incumbent monarch, King Mohammed VI, is considered to be a descendant of the Prophet Muhammad. More than 99 percent of the country's population are Sunni Muslims of the Maliki-Ashari school. Other religious groups constitute less than 1 percent of the population. The country's Jewish community is very old and the majority left after the establishment of the State of Israel. According to the Jewish Population Data Bank (2018), the estimate the number of Jews is only 2,150, with the majority living in Casablanca.

Christian leaders in the country estimate the number of Christians of all denominations to be as high as 33,639 (24,000 Roman Catholics and 4,750 Protestants)¹. The vast majority of Christians are foreigners. They use the churches built during the French protectorate era (1912-1956). It is not clear how many Muslim citizens have converted to Christianity; some put the figure as high as 8,000.² There are

also small unrecognised Shi'a and Baha'i groups in the country.

According to the Moroccan constitution, the country is a sovereign Muslim state. Article 3 reads: "Islam is the religion of the State, which guarantees to all the free exercise of beliefs".³ The constitution prohibits political parties, parliamentarians or constitutional amendments to infringe upon Islam.⁴ The European Parliament acknowledges that religious freedom is constitutionally enshrined in Morocco but adds that "Muslims who converted to Christianity face 'numerous forms of discrimination' and 'are not allowed to set foot in a church.'"⁵

Article 41 states that the King, as the "Commander of the Faithful [...] sees to the respect for Islam." He is the "Guarantor of the free exercise of beliefs," and presides over the Superior Council of the Ulemas. This council alone is empowered to comment and agree on religious consultations (fatwas) that are officially in keeping with the "precepts and designs of Islam." The article adds that this council is established by Dahir [royal decree].⁶

Under the Moroccan Penal Code, proselytising by non-Muslims, that is "shaking the faith" of the Mus-

lim population, is illegal. The distribution of non-Islamic religious materials is also restricted by the government.⁷

Article 220 of the Penal Code⁸ prescribes imprisonment of six months to three years, plus a fine of 200 to 500 dirham (about US\$11-55) for any person employing “means of seduction in order to convert” a Muslim to another religion, exploiting his weaknesses or his needs, or making use of “educational establishments, health facilities, asylums and orphanages” to convert.

Voluntary conversion is not a crime under the penal or civil codes,⁹ and Morocco does not impose the death penalty against apostates from Islam under the provisions of its Penal Code. However, Moroccans converts to Christianity do not enjoy the same rights as others.¹⁰ In order to achieve greater recognition and the right to a public religious life, a group of Moroccan converts to Christianity have formed the National Coalition of Moroccan Christians (NMC)¹¹ calling for an end to persecution against them. Some Christians in Morocco have reportedly demanded their rights and have spoken out against the discrimination to which they are subjected.¹²

Article 219 of the new Penal Code draft law “provides for ‘imprisonment from one year to five years’ against anyone guilty of ‘undermining’, ‘offending’, or ‘insulting’ God and the prophets by any means.”¹³ Under Article 223, anyone convicted of vandalism in connection with places of worship or sacred texts can be sentenced to jail for six months to two years.¹⁴

The personal status of Muslim citizens is regulated by the country’s interpretation of Shari’a (Islamic law). Male Muslim citizens can marry Christian or Jewish women. But female Muslim citizens cannot marry non-Muslim men. Jews have rabbinical courts that oversee their personal status affairs such as marriage or inheritance. Moroccan Christians do not have a legal status that guarantees their rights as a minority.¹⁵ Furthermore, no Church is allowed to admit Moroccans who have converted to Christianity and they are therefore forced to practise their faith in private.

The breaking of the Ramadan fast in public is a crime punished under the Penal Code with six months in

prison and a fine of up to 500 dirhams.¹⁶

Friday sermons are now monitored by the government. Thus, all imams are screened and required to pass a certification course before conducting Friday prayers; all mosques now have to meet specific security standards and are vetted as public buildings; government-enforced standards now apply to religious education and women are entitled to become “morchidas” or secondary leaders within Muslim communities.¹⁷

INCIDENTS AND DEVELOPMENTS

Moroccan Christians generally agree that arrests have almost stopped. A Christian convert who is now a Protestant cleric noted that “harassment has become scarce”.¹⁸ But social and sometimes security pressures still exist. Very few converts speak out because they fear being harassed in the streets, verbally abused and – on rare occasions – physically assaulted.¹⁹

Pope Francis made an official visit to Morocco in March 2019. It was the first visit by a Pontiff since 1985, and was described as an opportunity for him to continue building bridges between Christians and Muslims.²⁰ During his visit, Pope Francis asked Catholics not to proselytise their faith arguing that trying to convert people to one’s own belief “always leads to an impasse”.²¹

Asked about King Mohammed VI’s public declaration during his visit that he would “protect Moroccan Jews as well as Christians from other countries, who live in Morocco”, the Pope replied: “I can say that in Morocco there is freedom of worship, there is freedom of religion, there is freedom of religious affiliation. Then again, freedom always develops, grows... [...] Other countries like Morocco do not create problems, they are more open, more respectful and seek a certain way to proceed with discretion.”²²

On the other hand, Jawad El Hamidy, chairman of the Moroccan Association for Religious Rights and Freedoms declared that Christians want “official recognition²³ of the existence of the various faiths and [they] want laws that enshrine their existence in society.”²⁴

During the Pope’s visit, the King requested a special

performance. This was held at the Mohammed VI Institute for the Training of Imams, Morchidines and Morchidates (religious preachers), and consisted of a Muslim call for prayer (Addhan), a Jewish call for prayer (Adonai), and Caccini's motet Ave Maria.²⁵ The International Union of Muslim Scholars (IUMS) criticised the performance stating "(the) principle of tolerance, coexistence, and dialogue is a fixed and broad principle in Islam, but it does not mean giving up the constants and merging the great Islamic rites and the church chants, which contradict our creed and rituals."²⁶ It added that the Qur'an strongly warns of divine punishment upon "violators of the constants of this religion."²⁷

In April 2019, Mustapha Ramid, Morocco's Minister of Human Rights, declared in a TV program, that Morocco does not criminalise apostasy. He added that the penal code criminalises persons who try to "shake" other people's faiths or convert them into religions other than Islam, but not the victim who has converted.²⁸

In January 2020, former Tunisian President Moncef Marzouki said that countries like Saudi Arabia, the United Arab Emirates and Egypt were behind a "counter-revolution in North Africa" that targeted Algeria, Tunisia and Morocco. He stressed the case of Morocco, where King Mohammed VI's decision to include Islamists in the decision-making process has been interpreted by "countries leading the counter-revolution as blatant blasphemy that necessitates retaliation against the perpetrators".²⁹

In May 2020, Moroccan actor Rafik Boubker was arrested after allegedly insulting Islam. He had appeared in a video clip mocking mosques and Friday sermons. He later on apologised to Moroccans, regretting his video and adding that he was a Muslim.³⁰

In July 2020, a Court of First Instance and Appeals confirmed the six-month prison sentence given to Mohammad Awatif Kachchach for having posted a caricature on Facebook considered to have insulted Islam under Article 267(5) of the Criminal Code.³¹

According to Morocco Jewish Times, Morocco has decided to include Jewish history and the Hebrew component into the school curriculum from the early years of education.³²

Regarding the Covid-19 pandemic, Morocco adopted restrictions due to the pandemic, and decided to close places of worship in mid-March and banned non-essential movements.

Salafist preacher Abou Naim appeared on a video accusing the Moroccan state of "apostasy". He was arrested on terrorism charges.³³ His statements in the video included clear incitement to violence and hatred as well as a serious violation of public order.³⁴

These restrictions – among them curfew time from 7 PM to 5 AM³⁵ – also affected charity during Ramadan, and different NGOs had to adapt in order to be able to help the poor.³⁶ At the end of May, the Supreme Scientific Council issued a press release urging Moroccans to perform Eid Al Fitr prayers at home.³⁷

PROSPECTS FOR RELIGIOUS FREEDOM

The general trend is one of progress towards religious freedom, but one that is slow and fraught with setbacks. Although efforts have been made to better accept Christianity as practised by foreigners, pressure on Moroccans religious minorities is still important.³⁸ Christians' main demands are the right to pray in churches, to marry according to their religion, to give their children Christian names, to decide if they want their children to take Islamic religion class in school³⁹ and to be buried in Christian cemeteries.⁴⁰ Unrecognised religious minorities are forced to hide in order to pray and still face administrative obstacles affecting their legal rights, security and social status.

Since 2016, the King called for education reform in order to fight extremist ideas.⁴¹ He urged the commission he appointed to revise schoolbooks and remove problematic content.⁴²

Regarding the question of converts, and of freedom of religion and belief in general, Morocco is facing a dilemma. On the one hand, the country wants to remain strict on religious matters in accordance with the Maliki school of Islamic jurisprudence, to especially avoid displeasing the more conservative part of society. On the other hand, it wants to project a certain image of openness towards Western coun-

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