

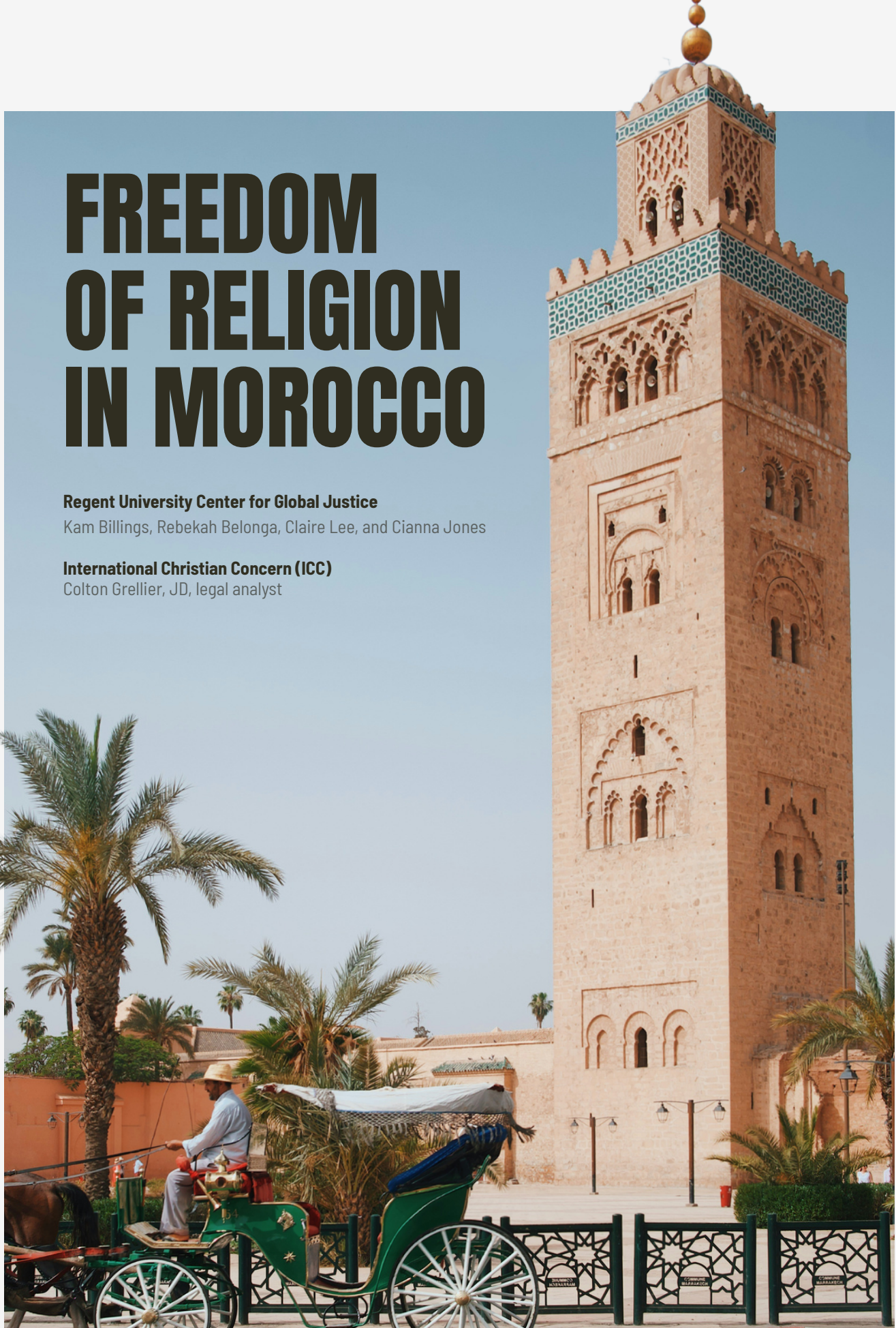
FREEDOM OF RELIGION IN MOROCCO

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Introduction

Morocco presents itself, both constitutionally and diplomatically, as a state committed to religious tolerance. Yet, a closer examination of its legal framework and administrative practices reveals a persistent and deliberate gap between formal guarantees and lived realities. This disparity is especially evident in its statutory enforcement of Ramadan, anti-conversion, and mandate for state-managed burials in accordance with the customs of Islam. Together, they demonstrate not only structural limitations on religious freedom but also a sustained unwillingness by the Moroccan government to reconcile domestic laws and practices with its international human rights obligations.

At the constitutional level, Morocco appears to embrace religious liberty while simultaneously constraining it. Article 3 of the 2011 Constitution declares that Islam is the religion of the state but “guarantees to all the free exercise of beliefs.”¹ This language suggests pluralism; however, it is immediately undermined by other provisions and implementing laws. Article 64 further restricts speech by prohibiting members of Parliament from expressing opinions that challenge Islam, effectively elevating the religion beyond critique in political

¹ Const. of Morocco, Art. 3.

discourse. These provisions create a hierarchy in which Islam is not merely protected but privileged, where any dissent is prohibited. As a result, the constitutional promise of “free exercise” becomes conditional rather than absolute, and conversion becomes a myth as opposed to a reality.

The United Nations Human Rights Committee reported observations following Morocco’s Sixth Periodic Review in 2016, highlighting its concern that Morocco was violating the guarantee of religious freedom by restricting religious practices other than Islam and criminalizing actions contrary to Islam.² These remarks advise Morocco to eliminate any legislation or discriminatory practice that violates the right to the freedom of thought, conscience, or religion in accordance with Article 18.³ This criminalization of religious nonconformity is incompatible with Morocco’s treaty commitments to religious freedom and nondiscrimination.

Moroccan Law

Enforcement of Ramadan

Observance of the fast during the month of Ramadan is a religious obligation under the Quran which states that “whoever among the believers witnesses the month should fast.”⁴ During this period, from sunrise to sunset, all adult Muslims must abstain from eating, drinking, smoking, and having sexual activities.⁵ Observance of the fast is also one of the five pillars of Islam, and thus a practice integral to the religion.

² United Nations Human Rights Committee, CCPR/C/MAR/CO/6, para. 39, (2016).

³ *Id.* at para. 40.

⁴ Quran 2:185.

⁵ Félix-Antoine Pelletier, *Moroccan Penal Code: To Fast or Not to Fast?*, 8 McGill Hum. Rts. Int’l Legal Clinic Working Paper Series 1 (2020).

Under § 222 of the Moroccan Penal Code, it is illegal for any person “notoriously known to belong to the Muslim religion” to publicly break the Ramadan fast.⁶ The statute imposes a penalty of one to six months’ imprisonment and a fine, making Morocco one of the few states in the region to explicitly criminalize non-observance of Ramadan through penal legislation.⁷ As a point of comparison, Algeria does not explicitly provide for the punishment of such an act, but Algerian authorities have still punished breaking the fast under Section 144 bis 2 of the Algerian Penal Code, which reads that whoever offends the Prophet and the messengers of God, or disparages the dogma or the precepts of Islam by any means shall be fined or imprisoned.⁸

As to the Moroccan statute, however, the wording of § 222 can lead to issues of statutory construction and interpretation. First, the statute states that anyone who breaks the fast in a manner that is “ostensiblement,” meaning openly — or ostensibly — commits the offense.⁹ The requirement that a person break the fast “ostensibly” suggests an intent to be seen or to provoke, yet in practice police and courts may apply the provision more broadly, effectively treating mere public eating, drinking, or smoking as sufficient for arrest. Such practice moves the offense away from the suggestion of intent and treats breaking the fast as a matter of strict liability based on location rather than intent. Likewise, the phrase “notoriously known to belong to the Muslim religion” shifts the determination of religious identity from the individual to the surrounding community, allowing authorities to punish persons who are merely perceived as Muslim, including converts, non-believers, or others who privately reject Islamic observance. In a state that contends to be entirely Muslim, there would be no person to whom the statute would not apply.

⁶ Moroccan Penal Code § 222 (1962).

⁷ *Id.*

⁸ Algerian Penal Code § 144 bis(2); Pelletier, p. 16-17.

⁹ *Id.* at 20

Anti-Conversion Laws

The tension is clear in Section 220 of the Moroccan Penal Code, which criminalizes efforts to “shake the faith of a Muslim” or convert them to another religion through “means of seduction.”¹⁰ The provision is marked by striking vagueness. Terms such as “seduction” and “shaking faith” remain undefined, granting authorities broad discretion to suppress religious expression. In practice, this ambiguity enables the criminalization of Christian citizens or non-citizens for sharing even the simplest of details about their faith.

The 2019 case of Abdelmouttalib Ghaffar illustrates that conversion is only the first obstacle: after converting to Christianity, he reportedly had his identification documents confiscated and was unable to obtain replacements.¹¹

Morocco’s actions stand in tension with international norms, particularly those articulated in the International Covenant on Civil and Political Rights, which protects the freedom to adopt a religion of one’s choice. Morocco’s position during its Universal Periodic Review (UPR) further underscores its awareness of this inconsistency. When Kenya recommended that Morocco remove restrictive practices against Christians and other minorities, the Moroccan government partially rejected the recommendation, reiterating its commitment to “openness, tolerance and respect for all divine creeds.” Notably, however, the state did not engage substantively with the critique of Article 220 or similar restrictions. This response reflects a broader pattern: Morocco acknowledges international scrutiny but resists meaningful reform. In the Human Rights Council’s Report of the Working Group on the Universal Periodic Review, special attention and

¹⁰ Moroccan Penal Code § 220 (1962).

¹¹ El Attaq, A. (2019, February 18). Persecuted or left alone: The 2 versions of being a Moroccan Christian. Morocco World News. Retrieved from <https://www.moroccoworldnews.com/2019/02/82816/moroccan-christian-islam-law/>.

recommendations were made to the Kingdom of Morocco, including paragraph 144.111 stating it should “[r]emove restrictive practices against Christians and other minorities, including limitations on religious activities, freedom of thought and conscience, in accordance with international law.”¹² In Morocco’s response to the report, it stated that recommendation is partially rejected, maintaining that it is known for its “openness, tolerance and respect for all divine creeds and religions.”¹³

Burial Laws

The consequences of this framework extend beyond life into death, where burial laws and practices impose additional burdens on non-Muslims and migrants. Moroccan family law governs major life events (marriage, birth, death, etc.) through religious principles, leaving little room for secular or pluralistic alternatives. As a result, there are no faith-neutral cemeteries in Morocco.¹⁴ The overwhelming majority of burial sites, more than 1,200 as of 2010, are designated for Muslims and have no formal accommodation for Christians, adherents of other religions, or the non-religious, aside from Jewish cemeteries.¹⁵ For Moroccan Christians, this often means that upon death, they are buried according to Islamic rites regardless of their personal beliefs. For non-citizen residents, including migrants and foreign nationals, the situation is equally restrictive but compounded by economic barriers.

¹² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Morocco*, A/HRC/36/6 (2017). Retrieved from https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/6.

¹³ The Kingdom of Morocco’s position on the Recommendations issued after review of its National Report under the third cycle of the Universal Periodic Review (UPR) (2017). Retrieved from https://upr-info.org/sites/default/files/documents/2017-09/a_hrc_36_6_add.1_e.pdf

¹⁴ Sonneveld & Alami Merrouni, Citizenship and grievability in migration: policies and practices surrounding death and burial of Sub-Saharan African migrants in Morocco, *The Journal of North African Studies*, 30(5), 990–1018. Retrieved from <https://doi.org/10.1080/13629387.2025.2470399>.

¹⁵ *Id.*

Christian/European cemeteries (referred to interchangeably) are often maintained by entities such as the French Consulate General.¹⁶ There is approximately one in each major city, and they are available on an exclusive basis. A Muslim burial in the Rabat-Salé-Kénitra region typically costs between 2,000 and 3,000 dirhams, whereas a Christian burial can cost roughly 27,000 dirhams.¹⁷ The rate, approximately 13 times higher, is particularly stark when viewed against Morocco's broader socioeconomic context, where many migrants, especially from Sub-Saharan Africa, face high levels of unemployment and poverty.¹⁸

For most migrants and some foreign nationals, repatriation of remains to their country of origin remains the preferred but financially inaccessible option.¹⁹ The costs associated with transporting a body across borders are substantial, and institutional support is limited. Throughout his career, the migrant association leader, Hassane Ammari, has personally encountered only one out of 51 documented cases of migrant deaths that resulted in successful repatriation.²⁰

Even the process of transporting the deceased reflects a lack of religious neutrality. More accurately, it demeans and strips the final moments of one's life, requiring that one be transported in a vehicle glorifying the Islamic god and perhaps even denouncing their own. Moroccan ambulances purposed to transport the deceased, display the shahāda on their exteriors. The translation is, "There is no god but Allah."²¹

Taken together, these burial practices raise serious questions about dignity, equality, and non-discrimination. International human rights law recognizes the importance of respecting

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

cultural and religious practices surrounding death. By failing to provide accessible, non-discriminatory burial options, Morocco effectively marginalizes non-Muslims even in death, reinforcing their exclusion from the national community.

In sum, Morocco's legal and institutional framework reveals a consistent pattern: formal recognition of religious freedom paired with substantive limitations on its exercise. Article 220 of the Penal Code, in conjunction with family law provisions that privilege Islam, constrains conversion and expression. The government's response to international criticism demonstrates an awareness of these issues but a clear reluctance to address them.²²

These dynamics suggest not merely a gap between law and practice, but a deliberate policy choice to maintain religious homogeneity under the guise of tolerance.

International Obligations

Binding Authority: International Covenant on Civil and Political Rights (ICCPR)

Morocco ratified the International Covenant on Civil and Political Rights ("ICCPR") in 1979, with no formal reservations. Morocco did not, however, ratify the Optional Protocol of the ICCPR, which limits oversight by the United Nations Rights Committee for individual complaints. The ICCPR provides protections for religious liberty, but Morocco's domestic law, such as the Penal Code, conflicts with ICCPR protections and causes implementation issues.

Article 2 of the ICCPR lays out the groundwork for states' implementation of the rest of the covenant.²³ The core principle of Article 2 of the ICCPR is that states must actively

²² The Kingdom of Morocco's position on the Recommendations issued after review of its National Report under the third cycle of the Universal Periodic Review (UPR) (2017). Retrieved from https://upr-info.org/sites/default/files/documents/2017-09/a_hrc_36_6_add.1_e.pdf

²³ International Covenant on Civil and Political Rights, Art. 2, (1976). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

guarantee the rights of their citizens. Rights must be ensured regardless of the citizen's religion, race, or gender. States have a legislative obligation to implement ICCPR rights if they do not already exist. Article 2 provides remedies for citizens against their governments. It states that individuals must have access to justice, fair hearings, and enforceable remedies when their rights are violated.

Article 18 provides for freedom of religion or belief.²⁴ Article 18(1) outlines the scope of protection: citizens have the right to freedom of thought, conscience, and religion, as well as the right to adopt a religion or belief. Furthermore, they have the right to manifest religion individually or in groups, publicly or privately, and through worship, practice, and teaching. General Comment No. 22 from the Human Rights Council on the interpretation of Article 18 as “far-reaching and profound.”²⁵ It protects theistic, non-theistic, and atheistic beliefs.²⁶

When individual citizens are seeking remedies under the ICCPR, they must show that the act they were prevented from by the government qualifies as a “manifestation of religion or belief.” Article 18(3) describes permissible limitations governments can make on religious liberty. Restrictions are allowed only if they are (1) prescribed by law, (2) necessary, (3) proportionate, (4) and serve a legitimate aim of public safety, public order, health or morals, or the rights of others. Article 18(3) is strictly interpreted, placing the burden of proof on states to show a real threat and direct connection between the restriction and the harm it purports to prevent.

²⁴ International Covenant on Civil and Political Rights, Art. 18, (1976). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

²⁵ CCPR/C/21/Rev.1/Add.4, General Comment No. 22 (1993).

²⁶ *Id.*

Key cases involving individuals from other Muslim-majority countries have shown how the United Nations Human Rights Committee interprets Article 18 of the ICCPR. In *Mullina v. Uzbekistan*, Jehovah's Witnesses were fined, and their religious literature was seized and destroyed by the government.²⁷ Their religious activity was deemed illegal because their organization was unregistered. The Committee held that this was a violation of Article 18(1). Their reasoning was that even if restrictions against religious freedoms are "prescribed by law," they must also be necessary and proportionate, which they were not in this case; there was no real threat of social instability by allowing the Jehovah's Witnesses to meet as an unregistered organization. Registration requirements alone do not justify limiting religious practice. However, in *Rosenberg v. France*, the Committee held that a restriction on individuals in the Church of Scientology, who were convicted on the bases of gang fraud and the illegal practice of pharmacy, was valid, because Article 18 does not protect or legitimize criminal activity.²⁸

Persuasive Authorities

African Charter on Human and Peoples' Rights

Morocco is the only African country that has neither ratified nor signed the African Charter on Human and Peoples' Rights.²⁹ Although the charter has no binding legal authority, the ACHPR holds normative consensus, diplomatic leverage, and structural influence over Morocco by reflecting the expected religious freedom standards across the continent of Africa. The article which focuses on religious freedom is found in Article 8 of the charter, which provides that:

²⁷ *Mullina et al. v. Uzbekistan*, CCPR/C/138/D/3025/2017

²⁸ *Rosenberg v. France*, CCPR/C/130/D/2584/2015 (2020).

²⁹ African Union, *State Parties to the African Charter*. Retrieved from <https://achpr.au.int/en/charter/african-charter-human-and-peoples-rights>.

“Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.”

Such phraseology holds potential influence on Moroccan law. The charter refers to both the internal thoughts and outward actions of an individual’s religious freedom. First, “freedom of conscience” refers to the internal right to hold a religious belief (or non-belief) of your choice as well as hold moral convictions.³⁰ Second, profession and the free practice of religion refers to the public identification and external manifestation with a particular faith or set of beliefs through observances, worship, rituals etc.³¹ This is a qualified right, and restricted only when it is absolutely necessary to protect “the public safety, order, health or morals or fundamental rights and freedoms of others,” such as the prohibition of ritual murder.³²

Although the charter appears to generally support religious freedom, the absence of a certain right and the addition of an innocuous modifier present certain concerns regarding the application of religious freedom. First, the charter omits guaranteed rights to religious conversions.³³ The absence of an explicit enumeration of this right is concerning because one-fifth of the ratified African countries have a Muslim majority and at least six of those countries either directly or indirectly contain apostasy laws; it stands to reason that if the charter is a reflection of the African states, many of which have Islam as their primary religion, the charter is a mere reflection of pre-existing principles rather than a set of independent governing principles. Second, the charter created a claw-back clause, “subject to law and order,” which, if read

³⁰ Amnesty International, *A Guide to the African Charter on Human and Peoples’ Rights* (IOR 63/005/2006) (2006). Retrieved from <https://www.amnesty.org/en/documents/ior63/005/2006/en/>.

³¹ *Id.* at 16.

³² *Id.*

³³ <https://moderndiplomacy.eu/2020/09/23/freedom-of-religion-in-the-african-human-rights-system/>

literally, would effectively nullify any freedoms by placing discretionary power in the hands of states' domestic laws.³⁴ Although as mentioned above, the restriction of these rights should be construed narrowly and strictly on “legitimate restriction of practices,” there are minimal safeguards preventing states from interpreting this clause to conform to their interests.³⁵

The case of *Ezzat and Enayet v. Egypt* provides guidance for evaluating the actions of member states that apply Sharia law.³⁶ In *Ezzat*, the ACHPR addressed an allegation that the Egyptian government would not permit the complainants to register their Baha'i faith on official records such as identity documents and birth certificates.³⁷ Additionally, the Lower Egypt Intelligence Department sent a letter to the private school of the complainant's three minor daughters stating instructing it to confiscate the birth certificates of the girls and henceforth only accept new certificates listing their religion as Muslim. This resulted in the complainants facing multiple administrative issues in their daily lives, such as basic financial transactions.³⁸ Egypt relied on the claw-back clause and contended that permitting such registration would constitute a “violation of public order.”³⁹ Egypt had made a reservation when it ratified the African Charter, saying that it would be implemented in accordance with Sharia law — which only recognized three religions (Islam, Judaism, and Christianity).⁴⁰ Nevertheless, the ACHPR found that Egypt had violated Articles 2, 3, and 8 (in part) which included protections from non-discrimination, equality before the law, and religious freedom, respectively. The ACHPR also reaffirmed a principle of the treaty: It is unjust to apply religious laws to non-adherents of that religion.⁴¹ It

³⁴ <https://moderndiplomacy.eu/2020/09/23/freedom-of-religion-in-the-african-human-rights-system/>

³⁵ Amnesty International, p. 16

³⁶ *Ezzat and Enayet v. Egypt*, Communication 355/07, Afr. Comm'n H.P.R. (2016).

³⁷ *Id.*

³⁸ *Id.* at para. 9.

³⁹ *Id.* at para. 6.

⁴⁰ *Id.* at para. 108.

⁴¹ *Id.* at para. 179.

also found that recognizing or acknowledging the existence of a religion is necessary for the state to fulfill its duty to respect and protect the free practice of such religion.⁴² While *Ezzat* does uphold the validity of reservations that can limit a nation's duties based on Sharia law, it also held that Sharia law cannot be applied to non-Muslims.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was proclaimed by the United Nations General Assembly in Paris in 1948 to establish the fundamental human rights to be universally protected.⁴³ Morocco is not a "party" to the UDHR in the treaty sense, but the declaration nevertheless serves as an authoritative interpretive source for the content of religious liberty under international law and formed the direct conceptual basis for the later drafting of Article 18 of the ICCPR. Article 18 of the UDHR provides:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.⁴⁴

This language is broad and, like the ICCPR, the UDHR declares protections for both the freedom of conscience and the external manifestation of religion. Unlike Morocco's domestic legal framework, which often treats religious identity as socially or administratively fixed, Article 18 expressly recognizes that individuals possess the right

⁴² *Id.* at para. 147.

⁴³ Universal Declaration of Human Rights, G.A. Res. 217 (Dec. 1948).

⁴⁴ *Id.* at art. 18

to change their religion or belief.⁴⁵ This principle directly conflicts with the practical effect of Morocco's anti-conversion statute, which criminalizes attempts to persuade Muslims to adopt another faith, and with administrative practices that continue to classify converts or atheists as Muslim despite their actual beliefs. Additionally, where the ICCPR establishes a formal limitations framework in Article 18(3), as discussed above, the UDHR does not, instead using broader and more absolute language. While the UDHR is a proclamation and not a treaty and thus is not subject to interpretation in international courts, it remains a highly persuasive document on what freedoms international bodies will universally protect.

Analysis

The ICCPR is the binding authority on the validity of Morocco's enforcement of Ramadan, anti-conversion, and state-managed burial statutes. As discussed above, limitations on the ICCPR-provided right to religious liberty must be (1) prescribed by law, (2) necessary, (3) proportionate, (4) and serve a legitimate aim of public safety, public order, health or morals, or the rights of others. Each of the statutes discussed, by nature of being in the penal code, are prescribed by law in Morocco; although, the ambiguity of the statutes and enforcement on all persons are imprecise and do not avail the average citizen that they may be punished. In General Comment No. 34 on Article 19 of the ICCPR, regarding the freedom of expression, states that prescription by law means that the statute must be sufficiently precise and accessible to enable an

⁴⁵ International Covenant on Civil and Political Rights, Art. 18(1), (1976). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

individual to regulate their conduct accordingly.⁴⁶ The U.N. Human Rights Committee, in General Comment No. 22, has emphasized that religious freedom limitations “must be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated.”⁴⁷ The committee has further stated that Article 18 protects not only the right to hold beliefs, but also the right to adopt, change, or reject a religion or belief, and prohibits coercive measures designed to impair that freedom.

Section 222, the enforcement of Ramadan conflicts with freedom of thought, conscience, and religion under Article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which Morocco is a party. In *Mullina v. Uzbekistan*, a case evaluating Uzbekistan’s breach of a citizen’s Article 18 rights, a consideration on determining whether the restriction at issue was necessary included the threat of social instability if the state were not permitted to enact the restriction.⁴⁸ Where the enforcement of Ramadan has been enforced on non-Muslims, Morocco does not meet this element of necessity. Opponents to this viewpoint may maintain that the nationwide observance of Ramadan is an act of devotion and solidarity, and the public breaking of Ramadan is distressing to those partaking, the distress does not amount to the standard of social instability.

The law is also disproportionate in that it may carry a maximum sentence of six months for the mere act of breaking a nationwide fast. General Comment No. 34 pertains to speech and the freedom of religion, not religious practice, but does prohibit the harassment, intimidation,

⁴⁶ Human Rights Committee, General comment No. 34, Article 19: Freedoms of opinion and expression, CCPR/C/GC/34 (2011).

⁴⁷ CCPR/C/21/Rev.1/Add.4 at para. 8.

⁴⁸ *Mullina et al. v. Uzbekistan*, CCPR/C/138/D/3025/2017

arrest, detention, trial, or imprisonment of a person for reasons of the opinions they may hold.⁴⁹

Detention or imprisonment as a punishment for peaceful expression or otherwise innocuous activity is routinely denounced by the Human Rights Committee. In the case of *Mukong v. Cameroon*, Cameroon argued that the imprisonment of Albert Womah Mukong for public criticism of the country's single-party system was necessary for national unity and public order.⁵⁰ The HRC rejected that argument, holding that restrictions on the right to expression must be strictly necessary.⁵¹ In *Kim v. Republic of Korea*, an author was criminally convicted and imprisoned for distribution of political materials criticizing the government and its allies, including an appeal for reunification with North Korea.⁵² South Korea's argument, based on the necessity of national security, was rejected by the HRC, which held this imprisonment to be a violation of the ICCPR because even where a law exists, the state must demonstrate specific necessity, not abstract fears.⁵³ Morocco similarly only has the interest of public order to justify the extent of its religious restrictions. The actual harm of breaking the fast, if there is any, is public discomfort, offense, or distress to those who view a person eating in public, which cannot rise to a level justifying imprisonment.

The statute does not just attempt to regulate public order; it compels adherence to a religious practice, forcing individuals either to conform publicly, risk prosecution, or openly renounce their religious identity and face social stigma. The law's broad discretion and ambiguities also undermine the argument that it is necessary for public order. Strictly construed to the text of the statute itself, it ought to only apply to those who are notoriously Muslim and no

⁴⁹ CCPR/C/GC/34 at para. 9.

⁵⁰ *Mukong v. Cameroon*, Communication No. 458/1991, CCPR/C/51/D/458/1991 (Human Rights Comm. Jul. 1994).

⁵¹ *Id.*

⁵² *Kim v. Republic of Korea*, Communication No. 574/1994, CCPR/C/64/D/574/1994 (Human Rights Comm. Nov. 1998).

⁵³ *Id.*

others. Universal enforcement of the Ramadan fast functions not only as a religious regulation, but as a mechanism of social conformity and state control over religious identity of every individual in Morocco.

Section 220 of the Moroccan Penal Code is the anti-conversion statute, prohibiting “shaking the faith of a Muslim” or to convert Muslims to another religion through means of seduction. The act required by the statute is entirely subjective to an individual Muslim and the state of his or her faith. It effectively criminalizes all Christian evangelism, persons of any religion sharing details about their faith, or even an atheist explaining his or her beliefs. The loose construction of the statute strongly weighs against prescription by law, as one may not know the acts and conduct truly criminalized by this statute until the victim’s faith has already been shaken. The statute does not define what constitutes “seduction,” whether it includes persuasion, theological discussion, distribution of literature, personal testimony, or even academic critique of religion. Nor does it define what degree of doubt or challenge is sufficient to “shake” someone’s faith. This grants broad discretion to police, prosecutors, and judges, creating a substantial risk of arbitrary enforcement. A Christian discussing the divinity of Christ, an atheist questioning religious doctrine, or even an academic discussing comparative religion may all potentially fall within the statute’s reach. A law that leaves citizens unable to determine what speech is criminal does not satisfy this requirement under Article 18(3).

International human rights bodies have repeatedly held that a restriction is not “prescribed by law” where its terms are so vague that individuals cannot reasonably foresee what conduct is prohibited or where enforcement authorities are given unfettered discretion. In *Sunday Times v. United Kingdom*, the European Court of Human Rights held that a norm cannot be regarded as “law” unless it is formulated with sufficient precision to enable citizens to regulate

their conduct and foresee the consequences of his actions.⁵⁴ *Kokkinakis v. Greece* addressed an anti-proselytism statute that was found to be described by law because the ambiguity of “proselytism” had been developed over time through case law, clearly delineating the difference between religious witness and improper or coercive proselytism.⁵⁵ In that case, Minos Kokkinakis, a Jehovah’s Witness, was convicted of proselytism after being invited into an Orthodox Christian woman’s home and speaking on religious subjects. However, the interference with Kokkinakis’ freedom of religion was held to be unnecessary in a democratic society and disproportionate to the aims enumerated in the European Convention on Human Rights.

The anti-conversion statute also falls short of being necessary and proportionate to a legitimate aim of Morocco. The only interest it could serve is public order by maintaining total religious conformity across all persons that are in Morocco, but to permit conversions would not result in social instability great enough to necessitate an anti-conversion statute. Like in the cases above, Morocco would need to show that the statute is strictly necessary to the ends of public order, safety, or some other legitimate aim with specificity, not just the formulation of abstract fears.

Finally, Section 220 directly undermines the core of Article 18 (1) and (2) by interfering with both the right to change one’s religion and the right to receive information necessary to make that choice. Religious freedom under the ICCPR includes not only the right to hold beliefs, but also the right to encounter competing beliefs, evaluate them, and adopt or reject them freely. By criminalizing the communication of alternative religious or nonreligious ideas to Muslims, Section 220 effectively insulates one religious community from exposure to competing beliefs.

⁵⁴ *Sunday Times v. United Kingdom* (No. 1), 30 Eur. Ct. H.R. (1979) (holding that the common law doctrine of contempt of court enabled journalists reporting on the details of ongoing settlement negotiations and pending litigation to reasonably foresee what conduct would be held in contempt).

⁵⁵ *Kokkinakis v. Greece*, 260-A Eur. Ct. H.R. (ser. A) (1993).

This creates a coercive religious environment: Muslims may legally remain Muslim, but their access to alternative ideas is restricted by criminal law. In effect, the state protects religious identity not through persuasion, but through information control and criminal sanctions. This is precisely the kind of coercion that the Human Rights Committee has said Article 18 forbids.

Additionally, although the African Convention on Human Rights is merely persuasive authority and not binding on Morocco, jurisprudence emanating from the ACHR shapes all of Africa and is a strong indicator of customary law and legal norms across the continent and region. Morocco is the only African nation not party to it. As the *Ezzat* case held above, Sharia law cannot be applied to non-Muslims. On its face, the enforcement of Ramadan only expressly applies to those known to be Muslim — where it is applied to non-Muslims, however, it violates the custom of the continent and region. The anti-conversion statute, to the extent it can be considered Sharia law, produces the same result.

Legislation providing for state-managed burials may be different, however. It is not a criminal statute, and although Muslim cemeteries and practices pervade the country, there are options for non-Muslim individuals to be buried in European/Christian cemeteries or Jewish cemeteries. The greater expense, however, may preclude the indigent from access to meaningful burial and death rites, instead leaving that to be controlled by the state and forced to have burial according to Muslim rites. Article 18 protects not just religious freedom, but the ritual and ceremonial acts that are involved with practicing that religion. Funeral rites naturally fit within this category; they are often a significant religious ritual. If a Christian, atheist, convert, or nonreligious person is buried under Islamic rites solely because the state classifies them as Muslim, the state is not merely regulating burial administration — it is imposing religious practice after death.

Conclusion

Morocco's constitutional recognition of religious liberty and its ratification of the ICCPR place it under a binding obligation to protect freedom of thought, conscience, and religion, including the right to adopt, change, reject, and manifest religious or nonreligious beliefs without coercion. Under Article 18, any restriction on religious expression or manifestation must be prescribed by law, sufficiently precise, necessary, proportionate, and directed toward a legitimate aim, such as the protection of public safety, public order, health, morals, or the fundamental rights and freedoms of others. The U.N. Human Rights Committee has made clear that these protections extend not only to traditional faiths, but also to minority religions, non-theistic beliefs, and the right not to profess any religion at all.

Morocco's application of Sections 220 and 222 of the Penal Code is difficult to reconcile with these obligations. Section 220, which criminalizes efforts to "shake the faith of a Muslim" or encourage conversion through "means of seduction," suppresses peaceful religious discussion, evangelism, and philosophical dissent through vague and overbroad language that invites arbitrary enforcement. Likewise, Section 222 criminalizes the public non-observance of Ramadan by persons perceived to be Muslim, effectively compelling adherence to a religious practice through threat of imprisonment and fine. Both statutes impose criminal sanctions not to prevent genuine threats to public order, but to preserve religious conformity and communal orthodoxy. In doing so, they fail the ICCPR's requirements of legality, necessity, and proportionality. Similar concerns may arise in Morocco's administration of state-controlled burials, where individuals who convert from Islam, reject religion, or otherwise fall outside

recognized religious categories may be denied burial consistent with their beliefs or family wishes.

Taken together, these laws and practices demonstrate a legal framework in which religious freedom is formally recognized but substantively limited whenever belief diverges from the state's Islamic identity. By criminalizing peaceful religious exchange, coercing public observance of Islamic practices, and regulating burial according to imposed religious classifications, Morocco falls short of its obligations under the ICCPR. The covenant protects not merely the right to worship within accepted boundaries, but the deeper right of every individual to define, express, and live according to their own conscience.