



Publications of the Advisory
Council on Human Rights
"Thematic Papers" Series

Report

on the Situation in Prisons

April 2004

Translation from Arabic and update in 2008



**Publications of The Advisory Council on Human Rights
“Thematic Papers” series**

Report on the Situation in Prisons

April 2004

Translation from Arabic and update in 2008

This report is a translation of the Arabic version of the 2004 report of the Advisory Council on Human Rights, on the situation in prisons.

An update of this report is annexed in the form of a summary report of visits to prisons after the year 2004, as well as data concerning prison population and accommodation capacity for the year 2008.

"The special care we devote to the social dimension in the field of justice is incomplete without the dignity we guarantee to the imprisoned citizens, which they are not denied following the court orders involving deprivation of liberty.

We were deeply touched by the painful events that occurred in some prisons. Therefore, in parallel with the advanced reform of the prison legislation and the ambitious action plan which we see to it that the Mohammed VI Foundation for the Reintegration of Prisoners implements, we have given our instructions to build, in the nearest future, modern civil prison complexes and prison farms, and to improve material and moral conditions of prisoners."

From the speech of His Majesty King Mohammed VI,
may God assist him, at the opening of the judicial year
2003

Advisory Council on Human Rights

Working Group on the Protection of Human Rights and the Prevention of Violations

Report on the Situation in Prisons

Special Rapporteur on the situation in prisons:

Ms. Assia ELOUADIE.

Drafting and coordinating committee:

Mr. Ahmed CHAOUKI BENYOUB, Mr. Mahjoub EL HAIBA, Ms. Assia ELOUADIE, (Working Group); Mr. Abderrazak ROUWANE (head of the CCDH unit responsible for the protection of human rights and support for victims of violations); and Mr. Chouaïb MELLOUK (expert).

Members of the visiting group to prisons, administrative jails and child protection centers:

Ms. Assia ELOUADIE, Ms. Aïcha KHAMLICH, Mr. Mustapha IZNASNI, Mr. Hamid RIFAI, Mr. Mahjoub ELHAIBA, Mr. Mustapha RAMID, Mr. Mohammed El Amine FECHTALI, Ms. Latifa JBABDI, Ms. Amina LEMRINI ELOUAHABI, Ms. Fouzia GUEDIRA, Mr. Mohammed Mustapha RAISSOUNI, Mr. Hammou OUHELLI, Mr. Mustapha JALAL (CCDH members); Mr. Abderrazak ROUWANE, Mr. Mohamed MOUNFIQ, Mr. Ahmed ELHOU, Mr. Noure-Eddine ELATIR, Mr. Abdelhak MOUSSADDAK (CCDH staff); and Mr. Chouaïb MELLOUK (expert).

Acknowledgment

The Advisory Council on Human Rights wishes to express its sincere thanks and appreciation to all authorities and persons which allowed the visiting group to conduct investigations in prisons, administrative jails and child protection centers. Special thanks go to the Ministry of Justice, the Ministry of Interior, the State Secretariat in charge of Youth, and the Directorate of Prison Administration and Reintegration.

List of abbreviations

CCDH	: Advisory Council on Human Rights
CP	: Central prison
CPC	: Child protection center
LP	: Local prison
PC	: Prison complex
PF	: Prison farm
RRC	: Reform and rehabilitation center

INTRODUCTION

This report on the situation in prisons is the first thematic report issued by the Advisory Council on Human Rights (CCDH) in its new organization, following the Dahir (Royal Decree) N°. 1-00-350 of Muharram 15, 1422 (April 10, 2001) on the reorganization of the Advisory Council on Human Rights (paragraph 2 of Article 2), and the CCDH rules of procedure (Article 51).

It contains the outcome of actions concerning prisons undertaken by the Working Group on the Protection of Human Rights and the Prevention of Violations. It is mainly based on the findings, observations and conclusions of the visiting team to many prisons, administrative jails and child protection centers.

The report draws its importance from the fact that these visits were organized four years after the entry into force in 1999 of the new law on the organization and management of prisons (Prisons Act) and its implementing decree. A primary objective of the visits was to assess the degree of enforcement of the provisions of those two legislative texts, especially after the satisfaction with which the latter were received by interested and concerned parties on the one hand and to appraise the level of implementation of proposals made by the CCDH during its previous term, on the other hand.

Moreover, the report was prepared while keeping in mind the positive impact of the creation by HM the King of the Mohammed VI Foundation for the Reintegration of Prisoners, the chief mission of which is to contribute to the humanization of prisons and support reintegration programs.

For the preparation of the draft report, national and international documents and works of theory and doctrine, directly or indirectly related with prisons and inmates, were studied and analyzed.

Furthermore, information drawn from completed questionnaires as well as the outcome of field surveys, resulted in the collection and archiving of data, and on the basis of a scientific approach, the working group proceeded with the preparation of the draft thematic report.

Broadly speaking, the steps and methodology followed by the working group to draw up the report can be summarized as follows:

First

At its meeting of July 10, 2003 and by virtue of the powers conferred upon it, the Working Group on the Protection of Human Rights and the Prevention of Violations, decided to visit several prisons. To this end, it adopted a work design and method for the organization of visits, based on the following elements:

- To take into consideration all the work previously done by the CCDH, particularly reports and summaries of previous visits;
- To arrange an information and coordination meeting with the Director of the Prison Administration with regard to the visits, and to get acquainted with the latest developments on the issue of prison conditions;
- To inquire to the rapporteur of the Prisons Committee under CCDH previous mandate about the working methods adopted in this regard;
- To prepare standard questionnaires to collect information during the visits (see Appendixes);
- To define criteria for the selection of prison facilities to be visited, concerning the following:
 - Prisons that were built recently and were not visited by the relevant group under the previous mandate of the CCDH, namely Zaio, Ben Slimane, Ben Ahmed, Berrechid, Mohammedia, Ait-Melloul, Taroudant, and Tiznit;
 - Prisons that have not been visited since 1996;
 - Prisons with serious problems of overcrowding;
 - Prisons located in remote areas;
 - Reform and rehabilitation centers;
 - Prison complexes of Oukacha and Salé, which have the highest number of prisoners;
 - The local prison of El Jadida, as an example of a prison that has experienced a fire;
 - The prison farm of al-Adir;
 - Women's block in the prisons of Settat, Casablanca and Salé.

Second

Participants in visits included some CCDH members, the Rapporteur in charge of the prison issue, who was present at all visits, members of the Working Group on the Protection of Human Rights and the Prevention of Violations, who took turns

according to a predefined schedule, an expert and some staff members of the CCDH administrative unit responsible for protection and assistance to victims of violations. A representative of the Prison Administration participated in most visits.

Third

The visits enabled members of the visiting group to take stock of the condition of all prison facilities (cells, dormitories, and medical-social services), through direct contact with the detainees, without the presence of warders. The group regularly received from the prisoners written requests and complaints, which were kept at the administrative unit of the CCDH Secretariat General.

They were also characterized by a fruitful dialogue with the representatives of the Prison Administration at both local and central levels, and helped to consult several files of prisoners and the different prison records. On this occasion, some problems were resolved on the spot. Staff of some prison institutions made complaints to the visiting group concerning their working conditions, and the group gave hearing to them for information purposes in connection with the mission of the visits.

The visits were conducted according to the predetermined schedule, totaling 50 visits, 32 of which to prisons, 10 to administrative jails and 10 others to child protection centers. The average duration of each visit was approximately 6 hours, while visits to large institutions, such as the Central Prison of Kenitra and the Prison Complex of Sale, lasted two days.

Broadly speaking, notwithstanding some difficulties, the visits were carried out in appropriate conditions, thanks to the assistance of the Prison and Reintegration Administration. It should be noted here that the Director of the Prison Administration took immediate disciplinary measures for violations noted during the visits.

Fourth

On the occasion of these visits, the CCDH group put forward proposals requiring urgent solutions, as a result of which initiatives were taken to solve some problems relating to the immediate enforcement of the Criminal Procedure Act -which entered into force at the time of the visits- concerning imprisonment for non-payment of debts. Indeed, contact was made with some Public Prosecutors, the Secretary-General of the Ministry of Justice and the Justice Minister who gave his instructions in this regard. Following these efforts, about 800 civil prisoners were freed, according to official data. This is an initiative and an achievement worthy of appreciation.

Fifth

Once the program of visits was completed, the visiting group proceeded to the classification, processing and analysis of data and information collected during the visits, and developed an outline of the report.

The draft report was discussed during various meetings of the group in Casablanca and Rabat, before being adopted and submitted to the Coordination Commission.

Sixth

The group responsible for drafting the report sought as much as possible to adopt an outline that would reflect the situation in prisons as it had been noted during the visits, compared with the relevant legal and regulatory provisions.

Based on these considerations, the adopted outline of the report was as follows:

- Part One : The legal and institutional framework
- Part Two : Infrastructure and equipment
- Part Three : Prison capacity and characteristics of the prison population
- Part Four : Management
- Part Five : Services
- Part Six : Contact with the outside world
- Part Seven : Reintegration programs
- Part Eight : Treatment of detainees
- Part Nine : Observations on the administrative organization, budget, inspection and compensation
- Part Ten : Administrative detention centers and child protection centers
- Part Eleven : Proposals for the 21st session of the CCDH

PART ONE
THE LEGAL AND INSTITUTIONAL FRAMEWORK

I - Law on Organization and Management of Prisons: Major Safeguards and Rights

Law N°. 23/98 on the organization and management of prison establishments and its implementing decree N°. 4848, both published in the Official Gazette N°. 4726 of September 16, 1999, represent a qualitative change in the legal framework governing the field of prisons in Morocco.

The Prisons Act was drafted by the Ministry of Justice on the basis of a recommendation of the CCDH. Human rights associations contributed their proposals and suggestions during the preparatory work.

The provisions of the Act are consistent with the Standard Minimum Rules for the Treatment of Prisoners, as defined by the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, as well as with other relevant principles. It also took into consideration the proposed amendments and enrichment made by civil society actors, before being unanimously adopted by both houses of parliament.

The Prisons Act has established safeguards and rights based on principles of equality and respect for human dignity, which can be summarized as follows:

1 - Non-discrimination between Prisoners

The new law provides for non-discrimination in the treatment of prisoners on grounds of race, color, sex, language, religion, opinion or social status, in accordance with Article 6 of the Standard Minimum Rules for the Treatment of Prisoners.

2 - Respect for Human Dignity when Dealing with Prisoners

Article 3 of the decree implementing the Act introduced provisions that strengthen this principle:

- Prohibition, under penalty of disciplinary action, to use violence against detainees by the prison staff or any other persons authorized to enter the detention facilities;
- Prohibition to speak to detainees in an abusive or vulgar language.

3 - Right to Present Complaints

The Act also gives prisoners the right to submit their complaints verbally or in writing:

- The director of the institution;
- The Director of the Prison Administration;

- Judicial authorities;
- The provincial monitoring committee, established under the Criminal Procedure Act.

Prisoners can also request to be heard by the administrative and judicial authorities, on the occasion of visits or inspections. The meeting must be held within sight, but not within hearing, of a member of the institution's staff, unless these authorities decide that this hearing takes place in the absence of this member.

The Act also provides for the complaints to be examined, and for appropriate action to be taken.

These rights are consistent with the provisions of Article 36 of the Standard Minimum Rules for the Treatment of Prisoners.

4 - Appeal against Disciplinary Decisions

The Prisons Act grants the detainee the right to appear before the disciplinary committee. He can apply to be assisted by the person he chooses for this purpose, and can submit in person his oral or written explanations. The chairman of the committee may decide to hear as a witness any person whose testimony appears relevant. If the detainee does not understand the Arabic language or is unable to speak, the chairman of the committee may, as much as possible, ask for the services of an interpreter or any other person.

When the disciplinary decision is issued, it is notified to the detainee in writing within 5 days. It must contain a statement of grounds and inform the detainee of the right to appeal. The Director of the Prison Administration is required, in all cases, to rule on the appeal within one month after receipt, and must justify his decision. If he does not reply within this period, the appeal will be considered as rejected.

All these guarantees are in line with principles 29 and 30 of the Standard Minimum Rules for the Treatment of Prisoners.

5 - Right to Healthy and Safe Accommodation

The new law requires that detention must take place in satisfactory conditions of health and safety, especially as regards:

- The development and maintenance of buildings, and the functioning of their economic services;
- Work organization;
- The implementation of the rules regarding personal hygiene;
- The practice of sport and physical activity, and balanced diet;

- The detention facilities must meet health and hygiene requirements, due regard being paid to climatic conditions, cubic content of air, minimum floor space, lighting and ventilation.

These provisions meet the principle 10 of the Standard Minimum Rules for the Treatment of Prisoners.

6 - Right to Educational Programs

Article 105 of the implementing decree provides for the establishment of a special program on education, vocational training, cultural and sport activity and spiritual support.

Prisoners, particularly those below twenty years of age, are granted all facilities compatible with the requirements of discipline and security in order to benefit from these programs.

7 - Right to Recreation

Under Article 116 of the Act, each prisoner shall have at least one hour daily recreation in the open air, yard or covered playground, except if exempted for health reasons or if he exercises a professional activity outside the institution. This provision is consistent with principle 21 of the Standard Minimum Rules for the Treatment of Prisoners.

8 - Right to Exercise of Religious Worship

The law guarantees the exercise of religious worship to all detainees. The institution must provide to them, for this purpose, the appropriate means and framework. In addition, it must enable them to communicate with the authorized religious representative.

9 - Creation of Centers for Juvenile Delinquents

The Prisons Act has established reform and rehabilitation centers, which are units specialized in the care of juvenile delinquents aged below twenty years, with the aim of preparing their subsequent reintegration.

10 - Right to Furloughs

Under Article 46 of the Act, the Minister of Justice may, ex officio or upon proposal of the Director of the Prison Administration, grant prisoners who have served half their sentence and who have distinguished themselves by their good behavior, furloughs for a period not exceeding ten days, especially during national or religious holidays, to maintain their family ties or to prepare their reintegration.

11 - Contribution of Civil Society

One of the most important provisions introduced by the new law is the one that allows the participation of civil society, including members of human rights organizations and associations or members of religious organizations, in the educational programs intended for prisoners, through the visits they may make to prisoners, upon the approval of the Director of the Prison Administration.

Any person or member of an association concerned with the study of rehabilitation methods may exceptionally be authorized to visit prison institutions.

12 - Right to Parole

Article 154 of the implementing decree refers to the provisions of the Criminal Procedure Act relating to parole, and the need to review the criminal history of any prisoner who may be proposed to benefit from it.

II - Criminal Procedure Act

After applying a provisional criminal procedure law for over 25 years, the country adopted a new Criminal Procedure Act N°. 1022, which came into force on October 1, 2003.

This Act has established a set of safeguards, and strengthened the principles relating to personal liberty and the inherent dignity of the human person. The main provisions included in the new Act concerning the conditions of detention and enforcement of sentences are as follows:

- Every person accused of a crime is presumed innocent until found guilty in a public trial in which he has the necessary guarantees to defend himself;
- The conduct of criminal policy is entrusted with the Minister of Justice, who notifies it to the public prosecutors to see to its implementation;
- The procedure of imprisonment for non-payment of debts for non-payment of debts is dealt with in harmony with the provisions of the Act on the Recovery of Public Debts, both as regards civil imprisonment and the relevant procedure; indeed, destitution is considered as a cause of exemption from imprisonment for debt, and the applications for imprisonment for non-payment of debts are subject to prior judicial review;
- The minimum age for application of imprisonment for non-payment of debts is raised from 16 to 18 years, the maximum age is lowered from 65 to 60;
- Control of the judiciary over the work of the judicial police is strengthened,

the conditions of detention are improved, and the use of detention pending trial is reduced by putting in place judicial control;

- Additional measures are introduced to reduce sentences, especially those involving deprivation of liberty;
- Special protection measures are put in place in the field of juvenile justice;
- Judicial control is strengthened over the execution of sentences and prison conditions.

III - Legal Guarantees and Evolution Requirements in Light of Practice

In light of practice and following the entry into force of the Prisons Act, some gaps and weaknesses have emerged, both in content and application. The visiting group noted deficiencies in this area, the most significant of which may be summarized as follows:

1 - Reform and Rehabilitation Centers

Article 12 of the Prisons Act has established special units for the reintegration of minors and convicted persons whose age does not exceed twenty years.

However, it is worthy to note that these centers are reserved only for convicted juveniles, whereas young remand prisoners awaiting trial are placed in adult prisons. The latter can take a long time because of court procedures, the variety of courts and their composition, the different degrees of jurisdiction, the execution of the judgment, as well as the administrative procedure relating to the transfer of prisoners.

Therefore, the young offender subject to these provisions might eventually serve all or part of the sentence in an adult prison, which empties the text of its substance and undermines the intent of the law to protect young offenders.

To fill this gap in the text, the Ministry of Justice has taken steps to place young remand prisoners awaiting trial directly in these centers. However, this essential safeguard needs to be enshrined in law by removing the word "convicted" from Article 12.

Due to the literal application of this article, young offenders who reach 20 years old may serve the remainder of their sentence in adult prisons, after having spent much of it in the center. This is likely to undermine the will of the legislator to protect this category of offenders, especially if they are enrolled in an educational or vocational training programme that they would not be able to complete.

The objective of the law should indeed be preserved, by keeping young offenders in these centers until the end of their sentences, if they still have a short remaining part to serve, or until the end of their education or training.

2 - Visits

The law has attached great importance to the opening of the detainee on his environment, to enable him to maintain the social ties that will facilitate his subsequent reintegration into society. Thus, it offers him not only the right to receive visits from family members, but also, under certain conditions, from third parties.

However, the law limits the power to allow such visits to the Prison Director solely. The decision of refusal is final, even though it would adversely affect the interests of the detainee. Accordingly, it seems most appropriate to include the judge responsible for the enforcement of sentences in the making of such decisions.

Concerning the organization of visits, the visiting group noticed that the provisions of Article 75 of Law 23/98, which govern the conditions of visits, are not always enforced. In almost all the prisons visited, the administration categorically refused visits to persons outside the family of the detainee, interpreting the text against the interests of the prisoner. This attitude indicates a prevalence of security concerns and a lack of initiative.

3 - Discipline

The new law has regulated in detail the right of the detainee to challenge the disciplinary decision issued against him *ex officio* or upon instructions from a higher authority. Two members appointed by the Director of the Prison Administration, including one appointed from the staff working in the detention facility, attend the disciplinary meeting and have an advisory opinion.

With respect to these provisions, the following comments are made:

- The text does not define the criteria for the selection of the two members nor the position of the second member;
- The law gives the detainee the right to be represented by a person of his choice before the disciplinary committee, but does neither specify whether this person can plead, nor provide for judicial control over this procedure;
- The party to rule on the appeal is the administration itself, represented by the Director of the Prison Administration, who is not an independent or judicial authority;

- The one-month period available to the Director of the Prison Administration to decide on the appeal, added to the slow transmission of such claims to the central administration (once per month), discredit this process. During this time, certain disciplinary measures, such as confinement in a punishment cell for 45 days, may have been totally incurred before the Director's decision is served. Therefore, it would be wise to postpone the implementation of disciplinary measures in case of appeal until the Director has issued his decision, given that the law does not specify the date of effect of the disciplinary action;
- Failure to respond to the appeal is considered a rejection. This provision implicitly relieves the administration of the obligation to justify its decision of refusal, and leaves the way open for it to reject appeals without having to justify any turning down such appeals;
- Even if the reply is justified and notified within the time prescribed, the law does not allow an appeal to the administrative court, which invalidates the obligation to justify the decision provided for in paragraph 5 of Article 59. To make up for this deficiency, this prerogative would better be entrusted with the judge responsible for the enforcement of sentences to whom Article 596 of Criminal Procedure Act gives the power to check the validity of disciplinary action, given his capacity as judicial authority and his proximity to the inmate;
- Confinement in a punishment cell for a maximum of 45 days is severe and detrimental to the inmate who is liable to it, hence the need to introduce gradation in the duration of this sentence and raise it in case of recidivism;
- Article 58 gives the chairman of the disciplinary commission the power to decide, as a precautionary measure, the isolation of the detainee for a period not exceeding 48 hours pending the meeting of the committee. However, this interim measure may be extended until the actual meeting of the committee, knowing that there are no provisions that specify means of control or coercive measures in case of excess or abuse of power.

Finally, it should be pointed out that the provisions relating to discipline are not always respected. This is what the visiting group noted with concern in the Central Prison of Kenitra, where two inmates were put in solitary confinement for a period of 41 days and 44 days, respectively, without notifying the medical officer of the institution as stipulated in Article 61.

4 - Classification of Prisoners

Articles 6, 7 and 8 establish a classification of prisoners according to their age and the legal reason for their detention. Nonetheless, field investigations revealed:

- The imprisonment of convicted prisoners with untried and civil prisoners. If prison congestion may in part explain this situation, the main cause is mismanagement and the failure to comply with the regulations on the separation of the different categories of prisoners;
- The presence of juvenile detainees in special blocks, in most sites visited;
- It was also found that the separation of convicted young offenders from young untried and civil prisoners is not respected.

5 - Treatment of Prisoners

On the occasion of visits, the visiting group found that:

- Many warders ignore the provisions relating to the treatment of detainees;
- The use of violence against prisoners is common in many prisons (for example Berrechid, Oued Laou, the local and central prison of Kenitra, and the reform and rehabilitation centers of Casablanca and Settat). The use of abusive or vulgar language is common in most institutions.

6 - Furloughs

Notwithstanding the provisions of the Act, several convicts who have served half their sentences and are distinguished by an excellent behavior by the testimony of prison managers, or who have obtained diplomas or university degrees, have never benefited from furloughs.

This may be attributable to the security-oriented management of prisons, the inability of the administration to take initiatives, the disregard of prisoners' claims, and the failure to examine cases of inmates entitled to benefit from that right.

7 - Human Rights Organizations and Associations

An aspect of security concerns is the lack of easy access to the prison for members of civil society, provided for in Article 84 of Law 23/98.

Often, visit requests of human rights associations received a late response or a clear refusal.

8 - Parole

Through the visits made and the questionnaires filled out by prison managers, the visiting group noted that the provisions of articles 154 to 159 of the decree

implementing the law 23/98, relating to parole are not applied in the establishments visited. Only ten detainees at the Central Prison of Kenitra have benefited from this measure.

9 - Monitoring the Execution of Sentences

The new Criminal Procedure Act has introduced a package of innovative and positive measures as regards the execution of sentences and the control of the situation in prisons, compared to the previous law. However, these innovations are marred by shortcomings in safeguards and implementation, including:

9-1 - The judge responsible for the execution of sentences

The judge responsible for the execution of sentences is empowered to consult prison records, visit prisons and prepare a report on each visit, and control the enforcement of the Prisons Act. Nonetheless, these powers are limited to issuing opinions with no binding force. Also, he does not have the possibility to follow up the implementation of his proposals for pardon or parole.

The legislation does not specify the nature of these observations and opinions, whether administrative or judicial, nor does it give the detainees the possibility to challenge them, according to legal procedures.

On the other hand, Article 640 of the Criminal Procedure Act submits the execution of imprisonment for non-payment of debts ordered by the prosecutor to the prior agreement of the judge responsible for the execution of sentences. However, his role is solely to control the fulfillment of imprisonment criteria before issuing his approval. This decision is subject to no remedy, which constitutes a breach of the rights of defense. Given that imprisonment for debt is not a sentence, maintaining it within the remit of the judge responsible for the execution of sentences is unsubstantiated.

Article 616 entrusts him, together with the public prosecutor, with the task of controlling, at least once a month, the situation of prisoners and preparing a report thereon for the Minister of Justice. However, this article does not specify the nature of this report, whether it is administrative or judicial, nor its binding force and legal consequences in terms of disciplinary or criminal responsibility.

9-2 - Parole committee

This committee is established under Article 624 of the Criminal Procedure Act to deliver its opinion on proposals for parole. According to the provisions of Article 626, these proposals are presented to it at least once a year.

This article refers to an annual event, without setting a schedule of mandatory meetings, which would lead to the accumulation of files and prevent the committee to decide on the proposals on a regular basis. This makes the whole process devoid of any substance, hence the need to revise the wording of this article by setting short intervals for the committee meetings (every three months for example), in order to raise the frequency of decisions and help reduce the overcrowding of prisons.

9-3 - Visits by the provincial committee

The provincial committee, whose composition and function are governed by Articles 620 and 621 of the Criminal Procedure Act, is mandated to inspect prisons and young offenders' centers. It is also entitled to submit to the Minister of Justice reports concerning the abuses noted and proposals to improve the situation in prisons.

Furthermore, the law does not define the frequency of such visits, leaving it to the discretion of each committee. This, into practice, entails long intervals between the committee meetings and reduces the effectiveness of their role.

9-4 - Measures for the benefit of minors

The measures recently enacted in order to deal with juvenile delinquency are not yet implemented, despite the power conferred by law on the juvenile judge to modify the measures taken against them, whenever their interest so requires (Article 501). Indeed, the visiting group found that many young offenders are still in prisons without any action being taken against them. Data on the number, age and distribution are included in the section on the characteristics of the prison population (paragraph III-2 of the third part).

In any case, current legislation has put in place the framework to observe, both in terms of the rights and safeguards of prisoners as well as the measures to sanction breaches. However, the correct implementation of these provisions is dependent upon the availability of material and human resources, and capacity building of the various stakeholders, as part of a true partnership.

IV - Penal Code

The criminal policy of our country has improved substantially as regards the legal safeguards introduced by both the new Criminal Procedure Act and the Prisons Act. However, deficiencies persist in the penal code that requires more than ever to be reformed.

A first reading of official statistics shows that:

- 40% of the prison population are awaiting trial;
- 14% are sentenced to less than 6 months;
- 18% are sentenced to less than one year.

These figures demonstrate that the use of preventive detention is automatic and that the fifth of the prison population is behind bars for minor offences, put together with hardened criminals and prisoners serving long sentences.

They also reveal that the Moroccan legislation, notwithstanding the fact that it provides for non-custodial penalties (fines and suspended sentences), does not provide any alternative sentences, like other comparable laws.

In a context characterized by the absence of a rehabilitation and reform dimension, the systematic use of custodial sentences is costly to society, as it loses a citizen who may be re-educated. It is also costly to the State, which is obliged to cover the prisoner's expenses during his detention.

It is therefore necessary to consider the reform of the convicted offender, so he remains productive in society. Accordingly, the revision of the penal code is of vital importance in order to develop it and strengthen it through the introduction of alternative non-custodian punishments, such as:

- Prohibition to enjoy certain rights;
- The withdrawal of privileges;
- The ban on access to certain public places;
- The payment of fines for certain offenses;
- Publication of the judgment of conviction;
- Prohibition from participating in government procurement contracts;
- Travel ban in cases where legal measures require so;
- Activation of sentence suspension measures, and encouragement of amicable settlement of disputes.

The review should also cover the long sentences of which criminology has demonstrated the futility unless accompanied by programs of rehabilitation and reform. This is the case, for example, for penalties of assault and battery causing death without the intent to kill.

Moreover, the need to harmonize the Moroccan criminal law with the State's international commitments in the field of human rights requires more than ever the abolition of the death penalty.

In the same vein and on the basis of numerous oral and written complaints received by the visiting group, the issue of concurrent sentences is an acute problem, being the subject of diametrically opposed court decisions. It requires reformulation toward an innovative interpretation of the law that is more favorable to the accused with a battery of criteria for the unification of jurisprudence among the various courts.

V - Pardon

Pardon is a constitutional power vested in the King. He grants it to prisoners in order to alleviate their suffering, encourage them to improve their behavior and prepare them for reintegration in society (see Annex No. 3 on the conditions of pardon).

As part of monitoring the situation in prisons, the CCDH presented two proposals to this effect: i) participation of CCDH members in the Board of Pardons, and ii) the introduction of "pardon for medical reasons", which requires the membership of a doctor to serve on the Board of Pardons.

In this regard, the visiting group noted the presence of numerous cases of prisoners with terminal illnesses or serious disabilities.

The group also noticed the presence of inmates who showed positive change in behavior and deserve pardon. Many detainees inquired the group about the criteria used in the pardon proposals submitted to His Majesty.

Several detainees delivered to the group letters to the CCDH, and expressed their concern for the lack of reply to their previous correspondence on this subject.

Prisoners serving long sentences, complained about their exclusion from pardon, considering that the lengthy detention they suffered was sufficient to deter any recurrence, and that their stay in prison is futile and only gives them a sense of frustration and despair. The visiting group indeed met in the Central Prison of Kenitra with prisoners who spent twenty years in prison and are still detained. Data collected from the questionnaires show that the number of this type of prisoners in the prisons visited amounts to 117.

Based on the foregoing, it is proposed to review the pardon proposal procedure, methodology and criteria, in order to fill the gaps in the legal provisions currently in force and to improve the criteria and rules for pardon application.

The group greatly appreciated the positive effects of the newly granted royal pardon. However, it should be noted that many prisoners felt they were excluded

without any justification, given the similarity of their situation with that of the beneficiaries of these measures. They are 87 only in the Central Prison of Kenitra.

VI - Observations on Course of Justice

Several prisoners delivered to the visiting group complaints about the conduct of their trial. The written or oral complaints focused on the course of justice during police custody, the trial as well as the execution of sentence. They can be described as follows:

- As regards police custody, several detainees, particularly in such regions as Khemisset, Beni Mellal and Agadir, complained of being mistreated, abused and forced to confess. They also complained of the lack of impartiality in the investigation, and the settlement of accounts through fabricated charges;
- Detainees complained about the lack of reply to the correspondence they address to the courts to inquire about the outcome of their appeals, particularly those made before the Supreme Court, or to the prosecutor concerning their requests;
- The complaints highlighted the excessive delay in the settlement of their grievances.

PART TWO
INFRASTRUCTURE AND EQUIPMENT

I - Buildings

Morocco has 53 prisons, 15 of which, or 28%, date from the protectorate (see the Annex). The remaining 72% were built after independence, following the pace set in the table below:

Period of construction	Number of prisons
Under the protectorate	15
Between 1956 and 1965	13
Between 1966 and 1975	00
Between 1976 and 1985	04
Between 1986 and 1995	08
Between 1996 and 2003	13
Total	53

As part of the emergency measures taken between 1999 and 2003 to curb the phenomenon of prison overcrowding, several prisons of small and medium size were built in Zaio, Mohammedia, Berrechid, Ben Ahmed, Taroudant, Ait Melloul, and Tiznit.

However, these new constructions contributed a mere 5% to reducing the rate of overcrowding and had no effect on the situation of prisons located in the Casablanca-Kenitra axis which hosts more than 35% of the prison population.

Details of prisons built under the protectorate or after independence are included in the annexes.

● Prisons under construction

In the same desire to reduce overcrowding, the administration has planned the construction of additional buildings or launched studies to this effect. The table below shows the prisons to be built in 2004:

Prison	Total area
Local prison (LP) of Rommani	407 ha
LP of Taounate*	6 hectares
LP of Azilal	102 ha 8 ares
LP of Bouaarfa	6 ha
Prison Farm (PF) of Fqih Ben Saleh	2 ha

* Construction works of the local prison of Taounate were suspended during visits.

Situation of prisons under construction, planned or under study

Prison	Total area	Observations
LP of Taounate	2 ha 5 ares	Under construction
LP of al-Hoceima	4 ha	Suspended for failure of the successful tenderer*
LP of Tetouan	2 ha 5 ares	Under construction
LP of Ain Jouhara	161 ha	Construction to begin in 2004
LP of Sidi Bennour	6 ha	Construction to begin in 2004
LP of Ksar El Kebir	1 ha 5 ares	Problem of land acquisition
LP of Témara	2 ha	Problem of land acquisition
LP of Chaouen	4 ha	Construction to begin in 2004
LP of Bouaarfa	2 ha	Under construction
LP of Dakhla	4 ha	Under study
LP of Oued Zem	2 ha	Under study
LP of Midelt	2 ha	Under study
Central Prison of Safi	345 ha 64 ares	The tender was announced
LP of Guelmime	3 ha	The tender will be announced soon

* According to information received by the visiting group, work is suspended because the prison was built on a plot used as a dump.

Data on projects planned under the 2004 budget

Prison	Total area	Observations
LP of Beni Mellal	8 ha	Under study
LP of Khouribga	3 ha	Under study
LP of Youssoufia	5 ha	Under study
LP of Taourirt	5 ha	Under study
LP of Laayoune	4 ha 5 ares	Under study

There are also other projects of prison expansion or modernization, but the visiting group could not have more details as to the date of completion:

Data on expansion and modernization projects

Prison	Total area	Number of detainees	Type of work
PF of El Adir	1515 ha	1788	Expansion
PF of Aïn Ali Moumen	332 ha	1997	Layout
PF of Oued Laou	6 ares	801	Expansion
Central Prison of Kenitra	1 ha 5 ares 610 m ²	1919	Expansion
Prison Complex of Oukacha	18 ares	6282	Modernization
LP of Marrakech	4 ares	1880	Expansion
LP of Meknès	2 ha 5 ares	1654	Expansion
LP of Fès	2 ares	1397	Expansion
LP of Tetouan	1 ha 5 ares	966	Modernization
LP of Tangier	3 ares	2799	Modernization
LP of Nador	6 ha 700 m ²	688	Expansion
LP of Safi	1 are	2500	Modernization
LP of Er-Rachidia	2 ares	346	Modernization
LP of Kenitra	1 are	1826	Modernization
LP of Essaouira	1 are	295	Modernization
LP of Khemisset	2 ares 250 m ²	415	Modernization
LP of Kelaa des Sraghna	2 ares	349	Expansion

Despite the efforts made, the projects approved and the studies planned, the execution is noticeably slow. The 2000-2004 Economic and Social Development Plan shows that the administration has planned the construction of several prisons, part of which was carried out while the rest is still facing a blatant delay. Moreover, the execution date of some projects (such as the prisons of Témara, Chaouen and al-Hoceima) is still unknown, although they were scheduled in the five-year plan. The implementation of other renovation projects is characterized by a remarkable slowness, as is the case of the prison of Oued Laou where a whole block was closed for more than a year for refurbishing purposes. Indeed, work there has not started yet, despite the overcrowding of this prison that far exceeds its accommodation capacity.

II - Categories of Prisons

The law classifies prisons into four categories: central prisons, local prisons, prison farms, and reform and rehabilitation centers.

1 - Central Prisons

According to Article 9 of the Prisons Act, central prisons are designed to prisoners sentenced to long jail terms.

Morocco has one central prison the construction of which dates back to 1936. The absence of other similar facilities poses many problems for this category of prisoners and their families. Indeed, the latter find it hard, and sometimes impossible, to exercise their right to visit because of long distances between the central prison and their place of residence. Consequently, detainees cannot preserve their family ties and their contact with the outside world, which affects their morale and their life in general inside the prison.

The central prison of Kenitra is among the most overcrowded prisons to the point that prisoners sentenced to long terms are transferred to the civil prison of Safi. As the latter itself became overcrowded, this category of prisoners are henceforth jailed in other institutions (Larache: 2 sentenced to death; Ouezzane: 1 lifer and 20 sentenced to between 20 and 30 years of imprisonment; Ait Melloul: 14 lifers and 78 sentenced to between 20 and 30 years; and Ain Ali Moumen: 1 lifer and 350 sentenced to between 20 and 30 years, etc.).

Regardless of the other factors that come into play, such as nutrition, hygiene and social assistance, residents of the central prison suffer from physical, psychological and mental problems, extreme poverty (several inmates complained that they did not eat their fill) and severe idleness. Therefore, besides the urgent construction of

new central prisons, special attention should be paid to prisoners sentenced to death or to long prison terms, to avoid human tragedies such as the recent suicides of two inmates and the attempted suicide of a third.

The current situation requires urgent consideration to create new central prisons in the major regions. The objective is to reduce overcrowding and bring detainees closer to their families, in order to allow prisoners with a long sentence to communicate and maintain links with their social environment.

2 - Local Prisons

Under Article 2 of the Prisons Act, local prisons house detainees awaiting trial and sentenced to short terms. They are assigned to detainees awaiting trial due to their proximity to the courts of first instance and the place of residence of prisoners, as well as their accommodation capacity.

However, data show that the Administration tends to build prisons with larger capacity that do not meet these criteria and do not always correspond to the jurisdiction area of the courts of first instance.

3 - Prison Farms

The current five prison farms do not only house categories of prisoners referred to in Article 10 of the Act, i.e. those prisoners to be released soon, but all categories. Moreover, these institutions do not perform the function for which they were created. Indeed, the group noted that the prisons of Zaïo and Taroudant, considered as prison farms, have no equipment for agricultural training and production, despite the 110 hectares on which Zaïo prison extends.

Paradoxically, some institutions, although properly equipped, have more or less lost their vocation, as is the case of the prison farm of Ain Ali Moumen, which dates from the protectorate period.

While appreciating the partnership agreement between the administration of the prison farm and the reform and rehabilitation center of Settât, on the one hand, and Mohammed VI Foundation for the Reintegration of Prisoners, the Ministry of Agriculture and the Ministry of Justice, on the other hand, with the aim to train prisoners in the field of agriculture, the group draws attention to the need to pay particular attention to the Al-Adir Prison Farm, located in the region of El Jadida.

The Al-Adir prison farm extends on 1515 hectares (including 40 hectares of forest) suitable for agriculture and livestock breeding, and contains wells for irrigation. This prison is appropriate for the training of inmates, being a semi-open prison. It has a full-time agronomist, livestock technician and a mechanic technician. It is

undeniable that such resources are likely to enable the institution to adequately carry out the task assigned to it.

However, data collected on production and training in this prison farm are far below its potential. The prison has the following livestock:

- 133 heads of cattle that produce just 55 liters of milk per day, transferred in full to employees for 3 DH per liter;
- 594 heads of sheep;
- 15 horses.

Of the 1945 prisoners that the prison houses, only 30 work in the fields and do not take any theoretical courses. It should be noted here that the visiting group did not have the opportunity to meet with these persons, who were on the fields, and ensure they actually receive the stipends provided for by law.

Vegetables and cereals are supplied by private providers, whereas if the resources were better managed, they would allow the prison not only to be self-sufficient, but also cover the needs of other prisons and achieve profits.

The group considers it appropriate to review the administration of this institution in such a way as to have better management of resources and better use of its potential. This could be achieved through outsourcing to a specialized organization on the basis of precise specifications covering training of inmates, production and profitability.

These comments also apply to other prison farms with extensive agricultural areas (Outita: 1009 ha, Outita II: 827 ha, Zaio: 100 ha).

4 - Reform and Rehabilitation Centers

In pursuance of Articles 5 and 12 of the Prisons Act relating to the assignment of specific blocks to young offenders aged under 20, their separation from adults, and the creation of reform and rehabilitation centers for this category of prisoners, the first center was opened in Casablanca in 1999 and two centers in Salé and Settat in 2002. The group noted the presence, in almost all prisons, of blocks for young offenders who are separated from adults, in accordance with the law.

However, even if the provisions of Article 12 concerning the creation of reform and rehabilitation centers have been implemented, albeit late, it is noteworthy that this application was made extemporarily, without taking into account the specificity of this portion of the prison population. In addition, no projects are planned to open new centers in other regions of Morocco. Young offender blocks in the large prisons do not meet the needs of this category, and the observations made concerning the reform and rehabilitation centers highlight this situation.

● Casablanca Reform and Rehabilitation Center

The Casablanca Reform and Rehabilitation Center was built inside the prison complex, on part of premises used for the storage of food and equipment for prisons located in the southern area of Morocco.

Young offenders are housed in this building, which has neither cells nor small dormitories. It consists of 12 rooms, into each of which nearly 100 prisoners are crammed, with no sanitary facilities that meet the needs of this large number (lack of a sufficient number of toilets and showers). Also, sewage pipes were not originally intended for the current function, which often leads to clogged sewer drains and foul-smelling fumes that endanger the health of inmates.

Moreover, the opening of this center without taking into consideration the legal provisions relating to the special attention that must be given to this category of prisoners and the facilities to be placed at their disposal for the implementation of educational programs, has reduced it to a mere dorm.

It should be noted here the special interest the center received from the Mohammed VI Foundation for the Reintegration of Prisoners, which made it a pilot center. It indeed provided it with vocational training spaces provided with modern equipment that would allow it train more than 500 detainees in different sectors. In the same vein, the Friends' Association of Reform and Rehabilitation Centers, interested in the welfare of young offenders, built a dining hall for prisoners, in collaboration with the administration and funded by a royal donation which His Majesty the King made during his first visit to the center. This refectory, which now allows detainees to take their meals in more decent conditions, is the first nationally.

In this connection, the Prison Administration took two important steps. The first one was to vacate the current warehouses to make the center suited to its purpose after the construction of the vocational training center. Secondly, it decided to allocate the Ain Borja Prison, which is under reparation, for young remand prisoners awaiting trial and young offenders sentenced to short terms who cannot participate in the training programs at the center. The goal was to alleviate overcrowding and allow the center to play its full role in the rehabilitation of detainees.

In a first of its kind, the administration has put in place within this centre a space for aftercare services.

● Salé Reform and Rehabilitation Center

Following the visit of His Majesty the King to the Casablanca center and upon his instructions to create similar centers, the Prison Administration transformed the part

reserved for vocational training in the prison complex of Salé into a center for young offenders.

Like the Casablanca center, sewage drains were not initially planned to meet the needs caused by the hosting of a large number of detainees. They could not resist and eventually burst late 2002, which prompted the administration to design a project for the construction of a new facility that meets modern standards, whose launching is imminent.

● **Settat Reform and Rehabilitation Center**

This is the new local prison in the city of Settat that has been reserved for young convicts. This facility is relatively suitable for this purpose, although it still lacks the necessary equipment.

5 - Prison Complexes

Both prisons of Salé and Casablanca are called "prison complex" although that name is not among the categories listed by the Prisons Act.

Both institutions are distinguished by a large number of prisoners (6058 in that of Casablanca and 3794 in Salé’s complex), and experience many difficulties in their management. For instance, the visiting group noted the poor management of waste that piles up either inside the prison premises (Salé) or in its surroundings (Casablanca). That surely pollutes the environment and exposes the health of prisoners as well as staff and the surrounding population to grave risks. This state of affairs, in part caused by the very inadequate services provided by municipalities, prompted the Prison Administration to adopt a plan to split the Casablanca complex in three prisons.

In order to tackle such problems, it would be wise to build small prisons with a reduced accommodation capacity that allows to adequately comply with the law.

III - Geographical Distribution of Prisons

Prisons are distributed geographically as follows:

Horizontally

North	: 24
Center	: 22
South	: 7
Total	: 53

Vertically

North	: 18
Center	: 31
South	: 4
Total	: 53

The geographical distribution of prisons across the Moroccan territory reveals glaring disparities in the coverage of major regions: 4 prisons are located in the South, 7 in the East, while 24 institutions are located in the North, 22 in the Center and 18 in the West.

This disparity in the distribution of penitentiaries contributes to the high levels of overcrowding in prisons of the South (Laayoune and Inezgane) and the East (Al Hoceima). It reflects a clear imbalance in the design of a prison map that takes account of the rate of crime, its nature and the geographical origin of offenders.

IV - Key Observations relating to Buildings

1 - Failure to Comply with Prison Map

The previous paragraph shows the lack of a prison map based on a scientific study that takes into consideration the real needs in this area (central prisons, local prisons, and reform and rehabilitation centers), taking account of demographic factors, the rate of crime, and the geographical origin of offenders.

2 - Construction on Unsuitable Land

During its visit to al-Hoceima and Dakhla, the visiting group noted that some projects were compromised due to inappropriate sites.

In al-Hoceima, construction work started but had to be stopped after achieving around 10% of the project, as it transpired that the land on which it was being built was a dump.

Concerning the Dakhla project, the group noted an exchange of correspondence dating from 2001 which reveals that an error in the first request for a plot of land led to a reduction in the area requested from 50,000 m² to 5,000 m². Due to this mistake, work stopped for two years, which negatively impacted inmates coming from Dakhla who are jailed in the only prison of the region, that of Laayoune which is 600 kilometers far. As a result, prisoners are far from their families and overcrowding in the Laayoune prison worsens further, while the town of Dakhla has an administrative jail.

3 - Construction on Difficult-to-Access Areas

The choice of sites for the building of prisons does not take into consideration whether they are linked to public transportation, and rarely do local authorities take the initiative to address this problem. This causes enormous traveling difficulties for both the families of inmates and the prison staff (e.g. in Taroudant, Ait-Melloul, Ben Ahmed and Tiznit).

In other cases, access to penitentiaries is difficult because they are not connected to the road network, as is the case for Zaio prison. It is separated from the nearest road by a rough track of 2.8 km, which negatively affects staff in their shopping and families wishing to visit their imprisoned relative.

Moreover, means of communication are sometimes inexistent because the establishment is not connected to the telephone network (Zaio), thus depriving the detainees from contacting their families and makes it very difficult for the prison administration to discharge its duties.

4 - Failure to Comply with Safety Requirements

The architecture of some prisons does not meet the requirements of proper ventilation, especially in cases of fire outbreaks. The burning of the El Jadida prison has brought to light this gap. The report of the investigation led by the Prison Administration states that "[...] the low ceiling and the cramped corridors and windows are the main cause for the rapid spread of fire, smoke and toxic gases [...]. This caused the suffocation of prisoners in other rooms, where smoke poured through the windows and the doors were not unlocked quickly [...] All efforts were concentrated on the seat of the fire and nobody could imagine the dramatic consequences that smoke might cause."

The type of construction plays a vital role in the physical security of detainees. Neglect of this factor could lead to disasters threatening their right to life and physical integrity. The visiting group has no technical expertise to measure the degree of security offered by the prison buildings. Nevertheless, it emphasizes the need to survey the entire facilities by specialized agencies to ensure compliance with security standards.

5 - Lack of Sewerage System

Staff and inmates complained that some prisons built in areas with no sewerage system use septic tanks to solve this problem. Because of the unpleasant fumes they emit and the proliferation of insects they trigger, these pits represent a danger to the health of any person connected with the institution and its environment.

6 - Inappropriate Prisons

Several institutions used as prisons were not originally intended for this purpose. Consequently, they lack the necessary facilities appropriate to the needs of the prison population. This is the case of:

- The Inezgane prison, which was a former stable;
- The Ain Borja prison, which was a barracks;

- The Casablanca Reform and Rehabilitation Center, which used to be a warehouse;
- The Salé Reform and Rehabilitation Center, which originally served as a vocational training center.

7 - Inappropriate Facilities

Overall, the prison buildings are not adapted to their mission of reform and rehabilitation. In many institutions, the group noted the lack of facilities necessary for the needs of prisoners, as provided for by the law. These include:

- Visiting rooms that are sometimes mere cells that do not fulfill their function of facilitating communication between detainees and their families;
- Courtyards that are so narrow that prisoners prefer to stay in their cells instead of going on a walk therein. This is the case in the prisons of Kariat Ba Mohamed and Mohammedia (for the young offenders' block) and in al-Hoceima and Beni Mellal (in the latter establishment, the courtyard of young offenders cannot hold them all at once, even standing);
- Lack of classrooms and vocational training workshops, even in newly created institutions (Berrechid, Ben Ahmed and Zaio). This suggests that the mentality that prevailed before the promulgation of the new Prisons Act is always predominant and has not been influenced by the new policy of the country in terms of reintegration or the new penal philosophy established by the new Criminal Procedure Act;
- Lack of facilities for inmates to receive their spouse in private. Despite the positive aspects of this system, it has not been extended to newly created institutions (Ait Melloul, Mohammedia, Tiznit, Zaio, Ben Ahmed and Taroudant);
- Existence of detention facilities that do not meet the conditions of ventilation and natural lighting and lack adequate sanitary facilities;
- Lack of sports or recreation facilities and libraries in most prisons even in those built recently, with the exception of the Casablanca Reform and Rehabilitation Center;
- Insufficient number of kitchenettes to warm up food, which are not found in all institutions;
- Inadequate outside shelters to protect visitors from bad weather or the sun while awaiting their turn.

In general, it seems that the architecture of prisons is largely dominated by security imperatives, which explains the confinement of prisoners in cells and dormitories and the limitation of their daily walk at one hour. They spend the rest of their time in total idleness. The situation of boredom most often induces stress and anxiety, creates tension and conflict and drives them to seek substances to temporarily flee their real life.

The old buildings are a real danger for inmates, mostly because of their age, moisture and irregular maintenance, as well as the lack of necessary facilities and non compliance of cells and dormitories with the standards required by law.

8 - Inadequate Maintenance

The visiting group noted with concern the deficiencies noted in the maintenance of the majority of sites visited. These weaknesses relate to both unskilled personnel and the necessary equipment. This neglect leads to the waste of financial resources and increases the operating costs.

As a result of drinking water wastage, due to the poor maintenance of valves and pipes, or to the irrational use by prisoners of this vital commodity, the water bill for the year 2002 reached 24.473.500,00 dirhams (Statistical Bulletin 2002, p. 30).

The visiting group also noticed a marked deterioration of electrical installations in the rooms. Electrical cables are entangled up and hang haphazardly in every corner, posing a constant threat of disasters with casualties. Such conditions were the cause of the tragic fire that broke out in the prison of Souk Al Arbaa, where, according to the administration's reply to the CCDH, "the presence of an electric cable over curtains used by inmates facilitated the spread of fire."

In the absence of windows wide enough to allow daylight in some rooms, the lights remain lit all day, which creates additional costs (electricity budget for the year 2002 was 15.305.000,00 dirhams (page 30 of the Statistical Bulletin). When the amount of budget lines is insufficient, the expenditure is covered by transfers from other sections.

The group also noted that there were poorly maintained toilet and shower doors which are deteriorating rapidly due to extensive use, which is not backed by regular maintenance.

9 - Insufficient or Absence of Accommodations for Prison Personnel and Failure to Maintain Them

The provision of residential accommodation for all prison personnel stimulates them to perform their duties in the most satisfactory manner, especially those

occupying sensitive posts as the director, the chief warder, the physician and the nurse. The proximity of their home to the workplace allows them to respond immediately, especially in emergencies. In addition, it allows them to reduce their personal expenses, given their low salaries and excessive cost of rent.

The group noted the absence of accommodation for staff in the neighborhood of certain prisons (Ait-Melloul, Ben Slimane, Tiznit and Taroudant -though recently built-, Beni Mellal and Laayoune). It also noted that some apartments remain unoccupied (3 homes vacant in Larache, 2 in Mohammedia, 17 in Ain Ali Moumen, and 3 in Oued Lau).

Due to the lack of maintenance on the part of the administration, some staff abandoned their homes (Oued Laou) while others had to bear the costs of maintenance (the Prison Farm of Adir).

Some prison officials reported that the administration takes a long time to agree to their housing application. It was also noted that some staff have more than one-site accommodation, as they continue to occupy the home of their original assignment despite their transfer to another prison.

The neglect of this social dimension in the construction and operation of prisons reflects once again the prevailing security imperative. The primary goal being the building of detention facilities that meet security requirements, without taking into account other factors linked to the management of prisons, including on-site personnel housing.

V - Equipment

1 - Achievements

● Firefighting equipment

The group noted that all prisons have firefighting equipment, crews trained in handling those equipments, and a hotline with the fire-fighting department, with the exception of the Ouezzane prison that has not yet a fire plug.

In the same vein, the administration has removed foam-rubber mattresses from prisons, which are highly flammable.

● Metal bunk beds

Among the positive elements that the visiting group noted in certain prisons is the use of metal bunk beds. These can host a greater number of inmates in the same dormitory in optimal conditions and individual beds.

- Vocational training facilities

Under the partnership agreement concluded between the Prison Administration and Mohammed VI Foundation for the Reintegration of Prisoners, some prisons (Oujda, Toulal, Ait Melloul, the reform and rehabilitation centers of Casablanca, Salé and Settât, etc.) have been equipped with modern machinery and equipment for the training of inmates in various trades such as carpentry, mechanics, automotive electricity, computer, shoemaking, sewing, plastering, etc.

- Bread-baking ovens

Most prisons are equipped with bread-baking ovens, allowing them to save money and supply inmates with bread without delay.

- Dental equipment

Dental care is essential inside prisons, and it is difficult to provide it to inmates in the absence of dental chair. Therefore, the group noted with satisfaction the presence of such facilities in some of the prisons visited (Salé, Oukacha, etc.).

- Washing machines

Some institutions have automatic washing machines (the Casablanca Prison Complex, the Settât Reform and Rehabilitation Center, etc.).

This equipment will improve hygiene conditions and allow prisoners to wash their clothes and blankets frequently.

The group, however, noted that these machines are not used in the institutions mentioned. Therefore, it calls for the widespread use of such equipment in all prisons while ensuring their proper use for the benefit of prisoners.

2 - Weaknesses

- Lack of administrative modernization

The visiting group noted that the administration and the registry of prisons lacked modern means of work (computers, Internet connection and information system connected to the central administration). Few prisons have a computer used for the secretariat work. Thus, the work is done manually in most prisons or by using old typewriters. This weakens profitability and weighs down on officers.

The group found that computer equipment, provided initially by the Mohammed VI Foundation to beneficiaries of vocational training, is used for the purposes of administration (Salé Rehabilitation Center and Ait Melloul Local Prison). Meanwhile, the Casablanca and Settât rehabilitation centers have computers

acquired through the contribution of Penal Reform International with the support of the European Union and the Embassy of Great Britain in Morocco.

Means of communication are limited to the telephone (one line) and the fax. In case of failure or lack of telephone lines, wardens resort to using their private phones (e.g. Zaio Prison).

- **Non generalization of metal beds**

The administration has equipped some prisons with metal bunk beds. However, it should be noted that this equipment has not yet been generalized to all prisons (e.g. prisons of Laayoune, Inezgane, Tetouan, and the Kenitra Local Prison, etc.). Furthermore, there are not enough beds, which sometimes forces three detainees to share two beds; some sleep under beds and others directly on the floor.

- **Non-replacement of foam-rubber mattresses**

Following the fires that occurred in some prisons, the administration removed foam-rubber mattresses from all prisons and did not replace them. Therefore, prisoners are compelled to sleep directly on box springs mattresses, using sometimes the few blankets as mattresses.

- **Inadequate blankets**

The group observed that there was a severe shortage of blankets, despite their availability in the warehouses sometimes. In some prisons, the distribution of blankets is assigned to the provost or the chief of the room (a prisoner) who cash in on distribution, with the complicity of certain guards sometimes. In any case, it seems that the distribution of blankets is dependent on the social status of prisoners and the compensation they are willing to pay.

- **Lack of lockers**

In all the prisons visited, inmates do not have individual lockers or closets to store their belongings. This raises internal problems related to theft. Often, inmates waive their right to walk and prefer to stay near their belongings to take care of them.

- **Non generalization of washing machines**

The only facilities provided with washing machines are the Casablanca Prison Complex and the Settat Reform and Rehabilitation Center. But these machines are not used at all. If available, they are left to decay (case of Casablanca). The group recognized the scarcity of hygiene products and the poor distribution of such products to prisoners.

- **No equipment for heating food**

Given that food is not distributed at regular hours of meals and that prisoners are forced to eat it cold or heat it using makeshift equipment, the administration has equipped kitchenettes to warm up food. But it did not generalize this initiative to all prisons. Even when available, the number of stoves does not meet the demand of all detainees.

In the absence of these mini-kitchens, inmates use electric stoves to heat their food inside the dormitories (e.g. prisons of al-Hoceima and Kenitra, etc.). This practice is common even in newly-built prisons (e.g. Ait Melloul Prison). The use of these stoves is detrimental to the ventilation of dormitories and could cause fires.

- **Lack or inadequacy of medical equipment**

Field visits highlighted the lack or inadequacy of necessary medical equipment. Some prisons neither have an examination bed (Beni Mellal) nor first aid equipment. Nursing rooms and dental or ophthalmology chairs are often lacking. Even where such equipment exists, prisons often suffer from a severe shortage of care products.

Some prisons do not even have an infirmary. Others have makeshift infirmaries consisting in stuffy, poorly lit and poorly cleaned cells. The attention of the visiting group was attracted by the critical shortage of beds and blankets in those premises compared to the number of prisoners. Some patients are kept lying on the floor (local prison of Kenitra).

- **Service vehicles**

Vehicles available to prisons serve all purposes. For example, they are used as ambulance in medical emergency cases. Also, officers with sensitive duties do not have a means of transport (Larache Prison).

- **Lack or inadequacy of libraries**

In prisons, the library is of vital importance because it allows inmates to gain more knowledge and to fight effectively against idleness and boredom by learning about the outside world. However, it was noted that many prisons, including newly-constructed ones, do not offer this service. When available, the library is a mere small cell lacking in books or a vacant office.

PART THREE
ACCOMMODATION CAPACITY AND CHARACTERISTICS
OF PRISON POPULATION

I - Accommodation Capacity

1 - Accommodation under Moroccan Law and Standard Minimum Rules

Care of prisoners entails that the conditions necessary for their stay in prison are provided, with due respect for their human dignity, hygiene and physical and mental health, as well as their right to be detained in the category of offenders sharing or resembling as closely as possible their age group, their penal position and their state of health.

These rights are provided for under Articles 113 and 114 of the Prisons Act, which stipulate that:

- Detention shall meet the requirements of hygiene and sanitation, both in terms of proper maintenance and cleaning of buildings, the operation of economic services and work organization, and in terms of the application of individual rules of cleanliness and tidiness, the practice of physical exercise and a balanced nutritious diet;
- The detention buildings, and in particular those designed for accommodation, shall meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially to floor space, cubic content of air, lighting, heating and ventilation.

These legal provisions are consistent with all Standard Minimum Rules for the Treatment of Prisoners.

2 - Indeterminate Accommodation Capacity

The group was unable to have access to data on the theoretical accommodation capacity of the prison estate, as the Administration avoided to release quantified data on the actual capacity it has. The Administration often refers to the meters available in detention facilities, arguing that the Standard Minimum Rules did not set the exact space to be allotted to each prisoner.

In this respect, it should be noted that some human rights associations estimate the accommodation capacity to be in the order of 30,000 beds and 39,000 beds at best. It is likely that this capacity stands well below these estimates.

Advancing the pretext that the Standard Minimum Rules do not set precisely the space to be granted to each prisoner, the Administration was content to produce the figures of the total areas of detention buildings and declined to disclose data on the real accommodation capacity of prisons. Moreover, the Administration deliberately ignored all sections in the questionnaires developed by the visiting group, which enquire about the number and size of rooms, cells, and the number of prisoners they accommodate.

The information provided by prison managers through the forms sent to them are so heterogeneous and contradictory that they do not allow for a useful exploitation. The criterion of the number of beds is not operational. Numerous prisons do not have beds (Laayoune, Inezgane, Tetouan, or Oued Laou for example), others may have some, but due to overcrowding, prisoners sleep on the ground or as it was mentioned above by 3 in two beds (as in the case of Beni Mellal and al-Hoceima).

The rest of the information gathered from local directors show conflicting data that do not allow for defining a parameter or applying a common criterion to all prisons to evaluate their accommodation capacity. Some forms contain the area of the prison in meters without mentioning their accommodation capacity.

Under these circumstances, we have to do with the available data on the total area of prisons and the quota-share allocated to each prisoner, according to government data dating back to late May 2003, and to compare them with the observations gathered directly on the ground with an assessment of the degree of good management of available areas.

The form used to collect information devotes a section of the questionnaire to the number and size of cells and dormitories, and number of their occupants to allow the group to empirically calculate the area allocated to each prisoner. This section of the form was deleted by the Administration, which makes it impossible to make any estimation.

The following table shows the data provided on this matter by the Administration in May 2003. The estimate that the form has allowed to make together with the direct observations show that the area allocated to each prisoner is well below the content of data provided by Administration in terms of cubic meters.

N°	Prison	Area in m ²	Data provided by the Administration		Data of the questionnaires	
			Number of prisoners on 30.05.2003	Share of each prisoner in m ²	Number of prisoners	Share of each prisoner in m ²
1	LP of Tetouan	1126.92	688	1,64	825	1.36
2	LP of Kenitra	2127.18	1630	1,31	1923	1.10
3	PF of Oued Laou	1512.46	548	2,76	732	2.06
4	LP of al-Hoceima	252.17	406	0,62	538	0.46
5	CP of Kenitra	7126.35	2298	3,10	1904	3.74
6	LP of Khemisset	571.61	279	2,05	352	1.62

7	LP of Asilah	184.05	75	2.45	56	3.28
8	LP of Beni Mellal	560.9	749	0.75	823	0.68
9	LP of Inezgane	936.47	856	1.13	1040	0.92
10	LP of Ouezzane	378.35	244	1.55	284	1.33
11	LP of Kariat Ba Mohamed	255.94	103	2.48	155	1.65
12	LP of Larache	374.99	306	1.23	399	0.93
13	LP of Laayoune	365.68	571	0.64	595	0.61
14	LP of Salé	3213.07	3794	1.17	3794	0.84
15	PC of Oukacha	11991.32	6267	1.91	6058	1.97
16	LP of Ben Slimane	837	554	1.51	690	1.21
17	RRC of Oukacha	1494.4	827	1.81	895	1.66
18	RRC of Salé	2815.87	415	6.79	696	4.04
19	LP of Berrechid	778.24	558	1.39	854	0.91
20	LP of Ben Ahmed	705.9	475	1.49	530	1.33
21	LP of Mohammedia	692.56	286	2.42	641	1.08
22	LP of Ali Moumen	2580.79	1350	1.92	1958	1.31
23	PF of Taroudant	637	354	1.8	395	1.61
24	LP of Tiznit	730.82	316	2.31	449	1.62
25	LP of Ait Melloul	2708	899	3.01	1199	2.25
26	PF of Zaio	799.9	177	4.52	177	4.51
Total		45784.94	25025	1.82	27962	1.63

N°	Prison	Date of construction	Total area	Number of de prisoners
1	LP of Inezgane	1959	4 ares 335 m ²	1274
2	LP of Laayoune	1976	1 hectare 1 are	589
3	LP of Errachidia	1991	2 ares	356
4	LP of Ouarzazate	1995	2 hectares 6 ares 513 m ²	476
5	PF of Taroudant	2002	99 ares	377
6	LP of Tiznit	2003	6 hectares	-
7	LP of Ait Melloul	2003	6 hectares	-

8	LP of Tetouan	1919	1 hectare 5 ares	966
9	LP of Oujda	1921	1 are	1231
10	PL Kenitra	1927	1 are	1826
11	PF of Oued Laou	1929	16 ares	801
12	LP of Meknès	1930	12 hectares 5 ares	1654
13	LP of Fès	1930	2 ares	1397
14	LP of Nador	1930	6 hectares 700 m ²	688
15	LP of al Hoceima	1930	2 ares 120 m ²	478
16	CP of Kenitra	1936	1 hectare 5ares 610 m ²	1919
17	LP of Ksar El Kebir	1947	1 hectare 8 ares	300
18	LP of Khemisset	1956	2 ares 250 m ²	415
19	LP of Sefrou	1957	3 ares 400 m ²	117
20	LP of Asilah	1958	9 ares	98
21	LP of Berkane	1959	1 are 500 m ²	384
22	LP of Ouezzane	1959	1500 m ²	336
23	LP of Kariat Ba Mohamed	1962	3000 m ²	149
24	LP of Taza	1963	1 are	1159
25	LP of Larache	1965	2 ares 500 m ²	471
26	LP of Tangier	1982	3 ares	2799
27	LP of Souk El Arbaa	1995	20 hectares	1218
28	LP of Toulal Meknès	1998	6 hectares	818
29	LP of Bourkaïz Fès	1999	4 hectares 4ares 660 m ²	1186
30	PF of Outita	-	827 hectares	-
31	PF of Zaio	2003	110 hectares	-
32	PF of Ain Ali Moumen	1917	332 hectares	1997
33	LP of Marrakech	1917	4 ares	1880
34	PF of Adir	1919	1515 hectares	1788
35	LP of Essaouira	1924	1are	295
36	PF of Outita	1955	1009 hectares	917

37	LP of Beni Mellal	1958	5 hectares 8ares	760
38	LP of Khouribga	1959	930 m ²	404
39	LP of Kalaâ Sraghna	1960	2 ares	349
40	LP of Ain Borja	1965	6 ares 500 m ²	9
41	LP of Ben Guerir	1982	9 ares 900 m ²	182
42	LP of Safi	1983	1are	2500
43	LP of Khenifra	1989	2 hectares 3 ares	989
44	LP of Salé	1989	3 hectares	4026
45	PC of Oukacha	1991	18 ares	6282
46	LP of El Jadida	1994	1 are	1359
47	LP of Ben Slimane	1995	2 hectares	667
48	RRC of Oukacha	1999	1 hectare 15 ares 50 m ²	1008
49	RRC of Salé	1999	2815.872 m ²	730
50	LP of Berrechid	2001	3 hectares	772
51	LP of Ben Ahmed	2001	3 hectares	444
52	LP of Mohammedia	2002	2692.56m ²	-
53	RRC of Aïn Ali Moumen	2002	2439.20 m ²	858

The total prison area currently exploited is 3872 hectares and 57 ares.

Note: Comparison between the vast areas at the disposal of the Administration, (prisons currently stretch over an estimated area of 3872 hectares and 57 ares), and the space allocated to each prisoner (1.63 m) brings up delicate questions about good management of these areas and the need for making an overall technical adjustment.

II - Overcrowding

1 - Field Findings

The visiting group was alarmed by the overcrowding conditions that characterize most of the prisons, which rules out any possibility to ensure an accommodation upholding a minimum of human dignity.

Some prisoners sleep on the ground, others sleep under beds (the so-called “mechanic” position), on the shelves and even in the lavatories (as in the case of the prisons of Inezgane, Laayoune, al Hoceima, Beni Mellal, Oued Laou, etc.). In some cases, even the corridors are used as dormitories.

This situation makes it difficult to apply the law, particularly the provisions relating to the reform and rehabilitation programs.

2 - Degree of Overcrowding as Revealed by Questionnaires Completed by Wardens

The following table drawn from the forms filled out by the prison managers clearly pinpoints the phenomenon of overcrowding:

Prison	Accommodation capacity	Number of prisoners	Occupancy rate
Al Hoceima	84	538	640%
Beni Mellal	186	823	442.53%
Laayoune	146	595	407.53%
Berrechid	259	854	329.73%
Inezgane	321	1040	323.99%
Larache	125	399	319.20%
Mohammedia	230	641	278.70%
Kenitra (locale)	709	1923	271.23%
Ben Slimane	279	690	274.31%
Ben Ahmed	235	530	225.53%
Tetouan	375	825	220%
Ouezzane	126	284	196.83%
Taroudant	212	395	186.32%
Khemisset	190	352	185.26%
Tiznit	243	444	184.77%
Kariat Ba Mohamed	84	155	182,35%

3 - Causes of overcrowding

Field surveys, along with the previous reports by the CCDH and by human rights organizations as well as the relevant studies, helped to identify the root causes of overcrowding:

3-1 - Excessive recourse to remand in custody

Remand in custody is one of the main factors that account for the high number of prisoners. More than 40% of the prisoners in the prisons visited consist of untried prisoners. The data of the Administration in 2002 reveal that the number of untried prisoners reached 77,831, representing 87.79% of entries into prison. 19,458 representing 25% of those untried prisoners were acquitted, discharged or condemned with a suspended sentence or a fine (Statistical Bulletin 2002, p. 3).

These figures simply mean that 19,458 people should have been released and could have avoided imprisonment and its negative consequences.

3-2 - Recourse to short-term imprisonment

Punishment of minor offences by imprisonment (14% of which are shorter than 6 months of imprisonment and 18% are shorter than one year) is considered as the second cause of prison overcrowding. Moreover, this category of sentences cannot serve the application of education and vocational training programs. Furthermore, it risks familiarizing first-time offenders with prison life and mixing with hardened criminals.

In all cases, these kinds of penalties can under the Law be substituted by suspended sentences or fines.

3-3 - Slowness in the trial of cases

In addition to what was mentioned earlier, a large number of prisoners are remanded in custody for excessively long durations. In the prison of Beni Mellal for instance, the group managed to examine the files of prisoners who were discharged after being remanded in custody for 3 years, which raises the question of "fair trial" and expeditiousness in the trial of cases involving prisoners.

All of these factors leading to prison overcrowding could be counterbalanced by avoiding the systematic use of remand in custody and short-term imprisonment sentences, and by bringing in more expeditiousness in the settlement of cases.

3-4 - Non application of conditional release (parole)

The administrative statistics show that only 3 prisoners had benefited from conditional release in 2002 (page 82 of the bulletin). This figure calls for no comment, noting however that the administration mentioned only the number of

files transferred to the Directorate of Criminal Affairs and Pardons, while leaving out any mention of the number of requests presented in this respect.

3-5 - Lack of objective eligibility criteria for pardon

The Royal decree relating to pardon does not specify any criteria on this subject. For its part, the Directorate of Criminal Affairs and Pardons did not establish precise criteria that take into account all elements relating to prison overcrowding.

3-6 - Lack of unified jurisprudence concerning concurrent sentences and slowness of relevant judicial decisions.

3-7 - Failure to allocate prisoners to less crowded prisons

Some of these are for example the prison of Zaïo 66.54%, Moumen Ain Ali 75/86%, Asilah 91.80%, and Ait-Melloul 132.93%.

4 - Consequences of Overcrowding

The phenomenon of overcrowding generates many negative effects, including:

- The lack of dormitories respecting the human dignity of prisoners;
- The difficulty or impossibility to provide rehabilitation programs (social, educational and vocational);
- The difficulty to apply the requirements for separate detention provided for by the Law. Indeed, one of the damaging effects of overcrowding is the bringing together of different categories of prisoners in the same place, especially when sentenced prisoners are locked up with untried and civil prisoners in the same building. This crowding may produce negative effects, notably the risk that an untried prisoner who is still presumed innocent has to live with hardened criminals, who would teach him their criminal methods and skills, thus helping him to overcome the feelings of fear and helplessness he might experience in prison;
- It gives room to nepotism, racket and abuse;
- The development of drug trafficking and consumption;
- The difficulty to communicate with the outside world;
- Poor quality and quantity of nutrition;
- The spread of infectious diseases especially with lack of adequate medical care;
- The difficulties for supervisors, educators and other officials to organize and carry out the daily tasks.

III - Characteristics of Prison Population

1 - Population by Sex

According to the 2002 statistical bulletin published by the Directorate of Prison Administration and Reintegration, the number of prisoners on 31 December 2002 reached 54,207, including 53,531 men (96.72%), and 1776 women (3.28%), the latter is a normal rate of detention compared with other countries where the rate of female prisoners ranges between 3% and 5%.

Female prisoners suffer from the inadequacy or lack of education and vocational training and other programs to which they are entitled by virtue of the Law.

Thanks to the intervention of the Mohammed VI Foundation for the Reintegration of Prisoners, two vocational training centers for female prisoners have been established in the penitentiary complexes of Salé and Casablanca.

Some detained mothers are accompanied by their young children. According to the statistical bulletin of the Administration, there were 87 of such cases in 2002.

The visiting group noted with concern the lack of a budget heading for infants and young children accompanying their mothers, which could damage their health. Those children endure the same situation as their mothers'. These are indeed shocking human cases. This unpleasant situation has been confirmed by some prison administrative officials.

However, the group noted that the mothers accompanied by their children are allocated in rooms or units which are separate from other prisoners', while children do not enjoy special programs such going outside the prison.

In the past, the Association of Reform and Rehabilitation Centers organized promenades outside the prison for the benefit of children of detained mothers in the penitentiary complex of Casablanca, but this program was disrupted following the refusal by the central administration to grant it permission.

2 - Population by Age

2-1 - Minors

There are 905 juvenile prisoners of less than 18 years of age representing 1.67% of prison population. This rate of detention of minors is lower than in other countries, like France.

However, sentenced juvenile prisoners represent 10% of the total sentenced prison population. This is an important element that should be taken into account in the education and reform policy.

In the light of the visits conducted, and based on the forms filled out, the number of juvenile prisoners by age-categories is as follows:

Prison	12 to 14 years	14 to 16 years
LP of al- Hoceima	01	01
LP of Kenitra	04	04
LP of Aïn Sebâa	01 (one girl)	-
RRC of Salé	02	14
LP of El Jadida	02	03
PF of Taroudant	-	01
LP of Béni Mellal	-	01
PC of Salé	-	03
LP of Aïn Ali Moumen	-	01
RRC of Settat	-	06
RRC of Aïn Sebâa	-	35
Total	10	69

It should be noted here that these categories should have benefitted from the measures stipulated by the new Code of Criminal Procedure, according to what it would be in the best interest of juvenile offenders.

2-2 - Young offenders of less than 20 years

The number of young offenders of less than 20 years is 2,959 representing 9.83% of the prison population.

2-3 - Prisoners aged between 20 and 35 years (generally less than 50 years)

They are 20,191 inmates, representing 73.56% of sentenced prisoners. This high rate is very important because it means that 3/4 of sentenced prisoners are still in the prime of life.

2-4 - Elderly prisoners

The statistical bulletin is unclear as to whether there exist elderly prisoners in the prison population. However, in the establishments visited the group met some elderly prisoners aged between 60 and 80 years (Prisons of Larache, al Hoceima, Beni Mellal and Ben Slimane).

The number of elderly prisoners in the prisons visited is 222 including 14 women, who are in a difficult physical and mental condition. Among the elderly met during the visits, there was a man aged 78 whose registration into the prison of Ouezzane coincided with the visit of the group, and another man aged 97 years old who is imprisoned in Ben Slimane.

3 - Criminal Status of Prisoners

Statistics on the categories of prisoners according to their criminal status and the duration of their sentence are as follows:

3-1 - Untried prisoners

According to the official statistics and data gathered through the questionnaire, this category accounts for more than 40% of the prison population, as it was already mentioned above in section II concerning the causes of prison overcrowding.

They are 22,047 inmates in number, representing 40.67% of prison population.

The data provided by the questionnaire point to a higher rate of 52%, which can be explained by the fluctuations in the movement of the prison population.

3-2 - Number and percentage of prisoners sentenced for minor offences

Duration	Number of sentenced prisoners	Rate
One month of imprisonment	1,184	3.93 %
1 to 6 months	4,218	14.01%
6 months to 2 years	10,624	35.30%

The number of prisoners sentenced to less than 2 years is 16,026 prisoners or 53.24% of total sentenced prisoners.

This rate shows that more than half of the sentenced prison population, that is the majority of the sentenced prisoners, are convicted for minor offenses. Some (14.01% of them serve less than six months in prison) could have been punished by other penalties than those entailing the deprivation of liberty.

3-3 - Number and percentage of prisoners sentenced for offences of moderate seriousness

- 6753 prisoners were sentenced to 2 to 5 years of imprisonment (22.43 % of the prison population).

- 2993 prisoners were sentenced to 5 to 10 years of imprisonment (9.94 % of the prison population).

The total number of prisoners under this category is 9746, representing 32.37 % of the prison population.

3-4 - Prisoners sentenced for serious crimes

- 3668 prisoners were sentenced to 10 to 30 years of imprisonment (12.19 % of the prison population).
- 598 are life-sentence prisoners (1.99 % of the prison population).
- 64 were sentenced to death (0.21 % of the prison population).

The total number of prisoners under this category is 4330 prisoners, representing 14.39 % of the prison population.

The data gathered from the questionnaire show the following numbers:

- 571 life-sentence prisoners;
- 132 prisoners sentenced to death;

This difference in data may again be explained by the movement of the prison population.

4 - Characteristics by Professional Occupation

The statistical bulletin issued by the Prison Administration reveals that 23,323 prisoners had a professional occupation.

Following is a break-down of prisoners according to their professional occupation:

Profession	Number		Total	Rate
	Men	Women		
Agriculture (farmer, gardener, shepherd)	3720	12	3732	12.40%
Industry (worker, craftsman...)	4935	57	4992	16.58%
Building and public works	1921	5	1926	6.40%
Liberal professions (trader, physician, engineer, lawyer)	5015	55	5070	16.84%
Upper-level executives (Public administration and private sector)	45	1	46	0.15%
Middle-level executives: public and private sectors	379	6	385	1.28%

Employees (hotels, enterprises, restaurants, factories)	2947	128	3075	10.22%
Other activities : non-regulated and seasonal professions	3938	159	4097	13.61%
Total	22900	423	23323	77.48
Rate	96.75%	3.25%		

Prisoners who do not, or no longer, have a professional occupation are represented in the table below:

Profession	Number		Total	Rate
	Men	Women		
Without profession : jobless and retired persons	5092	549	6541	21.43%
Students	323	5	328	1.09%
Total	6225	554	6869	22.52%

The same statistics show that 19,226 sentenced prisoners (35.47%) had a stable professional situation before their imprisonment. They represent a workforce that could be used in prisons. However, according to the forms dispatched, only 870 out of the 31,000 prisoners serving in the prisons visited are employed.

In conclusion, we can say that the prison population in general, and sentenced prisoners in particular, are made up of young people who in their majority committed minor offenses and serve sentences of less than 2 years, and of whom 33% had a stable professional occupation before their imprisonment. This means that this category of prisoners would be receptive to reform and rehabilitation if they could benefit from constructive programs and if they were entitled to serve their sentences under conditions that uphold their dignity.

The visiting group noted the breakdown of family ties between some prisoners and their families or close relatives. Out of a total of 2444 prisoners, 600 prisoners are detained in Kenitra Central Prison, and complain of being teased and provoked by their fellow inmates.

PART FOUR
PRISON STAFF

Considering that the human element plays a key role in enforcing the law, implementing policies and achieving the objectives pursued, the group paid a special attention to the staff situation. It received their testimonies on the conditions under which they work. On the basis of the remarks and data collected, some aspects of the progress made and the gaps to fill can be highlighted as follows:

I - Some Aspects of Progress

1 - Staff Training

1-1 - Staff Training Center

In recent years, the prison administration has expressed an interest in training its staff. Thus, a staff training center was set up in Ifrane. It comprises classrooms, dormitories and dining halls to receive trainees.

1-2 - Training courses and in-service training

In 2002, the Center organized training courses in various areas of action for the benefit of 1,108 prison officers.

1-3 - Firefighting courses

After the fire tragedies that have occurred recently in several prisons, the administration has purchased firefighting equipment and organized training courses on how to use it. This is a positive, albeit, late initiative.

1-4 - Partnership with the Faculty of Education Sciences

In order to allow its officers to acquire the knowledge necessary for them to rehabilitate offenders, the prison administration concluded a partnership agreement with the Faculty of Education Sciences, under which a specialized department in this Faculty was set up, methodologies were developed to teach the beneficiaries ways and methods of behavior and programs likely to rehabilitate prisoners were drawn up.

Under this partnership agreement, a first training course was organized for the benefit of 22 officers, some of whom were later given responsibility positions.

A second course was also organized for 15 other officers.

1-5 -Training courses abroad

As part of the program established by the Mohammed VI Foundation for the Reintegration of Prisoners, a partnership agreement was concluded in Brussels with the region of Wallonia. In this context, a group of officers were sent to Belgium to benefit from the experience of this country. This training, organized into phases, benefited wardens and prison officers selected by the Foundation from facilities to serve as pilot centers. Civil society organizations working to rehabilitate inmates also took part in this training.

2 - Staff Financial Situation

2-1 - Risk allowance

In 2003, the financial situation of officers improved slightly. Risk allowance increased by an amount of money ranging from 350 to MDH 500.

2-2 - Rent-free housing

Rent-free housing was made available to a number of officers. This measure is likely to improve their financial situation, considering the cost of rent and of transportation between their homes and their work premises.

II - Shortfalls

1 - Inadequate Staff

1-1 - Understaffing

According to the data provided by the administration, 1 guard is assigned to monitor 10 inmates. (See Statistical Bulletin, page 27). The world average is around an officer for 3 prisoners. The rate provided by the administration is less than that found in questionnaires.

1-2 - Poor staff deployment

Staff deployment in prisons is done randomly observing no objective standard that would take into account the ratio of staff to prisoners. This leads to dysfunction and disparities among prisons. Thus, it was found that there were prisons with a surplus of officers while others were terribly understaffed, as shown in the table below based on the data collected through questionnaires.

Prison	Number of detainees	Number of guards	Rate of supervision
Al-Hoceima LP	538	39	1/13
Kariat Ba Mohamed LP	155	8	1/19
Ait Melloul LP	1,999	64	1/18
Laayoune LP	595	54	1/11
Ben Slimane LP	690	39	1/17
Tetouan LP	825	48	1/17
Asilah LP	56	23	1/2
Larache LP	399	30	1/13
Mohammedia LP	641	39	1/16
Kenitra LP	1,923	36	1/53
Khemisset LP	352	49	1/7
Tiznit LP	449	45	1/9
Taroudant PF	395	44	1/8
Inezgane LP	1040	78	1/13
Zaio LP	177	47	1/3
Berrechid LP	854	48	1/17
Beni Mellal LP	823	55	1/14
Ben Ahmed LP	530	52	1/10
Ain Sebaa RRC	895	38	1/23
Ouezzane LP	284	52	1/5
Salé LP	3,794	194	1/19
Oukacha LP	6,058	366	1/16
Ain Ali Moumen PF	1,958	111	1/17
Kenitra CP	1,904	156	1/12
Oued Laou LP	732	51	1/14
Salé RRC	696	41	1/16

On the basis of this table, it appears that there is a blatant lack of staff, in addition to awkward deployment of guards. Certain prisons have one officer for 2 to 7 inmates (prisons of Asilah, Zaio and Ouezzane), which is a good ratio in

comparison with other prisons. However, this rate reaches alarming levels, i.e. 1/53, in the Kenitra Local Prison followed by the Casablanca Reform and Rehabilitation Center (1/23) and the prisons of Salé and Kariat Ba Mohamed (1/19).

2 - Poor Training

The information collected about the training courses organized by the administration for its staff at the Ifrane Training Center, the discussions with officers in the prisons visited, the way they treat prisoners and the ideas they have on them, show that there is a deficiency in training coupled with poor relationship with prisoners. This may be explained by the fact that training in the Ifrane Center is limited to technical aspects: security, social assistance, healthcare or catering.

Following the field visits, the group noted that some prison officers continued to use violence and torture against detainees. It noted also that caring about humanitarian aspects was almost nonexistent in the management of prisons and treatment of detainees.

2-1 - Non-generalization of training

It was found that the training provided by the Ifrane Center does not target all new recruits. Many of them were appointed in prisons without any particular preparation, not even the slightest knowledge about the nature of the missions entrusted to them. Some of them talked about the difficulties they faced at the beginning of their careers. In the absence of preliminary guidance, they perform their duties in the manner ordered by their superiors or as advised by senior colleagues.

2-2 - Non-observation of specialization

The tasks assigned to prison staff are numerous and varied. They include, among others, administration, security, stewardship, human resources, detention, surveillance, stand-by duty, maintenance, catering, vocational training, literacy, infirmary or social work. Each of these tasks requires a specific initial and in-service training. However, it was noted that officers might be entrusted with all these tasks or be redeployed to other duties by virtue of a decision by local wardens or sometimes by the central administration. It goes without saying that this disorder in the distribution of tasks, which does not take into account the skills gained and the training received, impacts negatively on the performance of the officers concerned, hence the need to rethink the distribution of tasks.

2-3 - Women not included in training

Women officers said that they had not received training since their recruitment (14 years ago for some of them). It is true that the Prison Staff Statute stipulates that

female officers are exempted from training in specific areas, but this does not mean that they are excluded from other training courses (administrative management or stewardship for example).

2-4 - Lack of training in human rights

According to information gained from the Training Center and the statements of the officers who received training, courses are limited to tasks of surveillance and security. Training in human rights is nonexistent.

2-5 - Lack of training in social work

According to data released by the administration (Statistical Bulletin, p.26), only 17 officers were trained in social work in prisons for a period of two days, which is very limited. The absence of this type of training means that social work is not taken into account in the functions assigned to prison officers. This finding was noted by the visiting group, which observed a large deficiency in this area. Social work directly affects inmates and helps them solve their problems and maintain their relations with the outside world and hence their ability to reintegrate into society.

2-6 - No staff specialized in rehabilitating juvenile offenders

Officers working in reform and rehabilitation centers are neither motivated nor qualified to deal with juvenile offenders who pose many problems in view of adolescence and the requirement of their reintegration. Additionally, almost all these officers have already served in adult prisons. Therefore, they treat juvenile offenders the way they treat adult prisoners. They do not take into account their specific age, and the care and special treatment they need. On another level, most of these officers have the firm conviction that their appointment in these centers is a disciplinary action taken against them. The root of this conviction is a practice that was common several years ago and whose manifestations persist to this day (for example, recently, a warden who was found having used violence against inmates, was appointed in the Casablanca Reform and Rehabilitation Center's Aftercare Unit). Effective rehabilitation requires that trained staff be appointed there. They should follow specific courses and be granted additional allowances to encourage them to give the best of themselves to this category of inmates who need particular attention.

2-7 - No training assessment

Training programs aim at improving the performance of officers. However, the administration does not conduct evaluations to know to what extent these programs benefit prison staff and the impact they have on their behavior towards inmates.

3 - Harsh Working Conditions

3-1 - Ratio of staff to prison population

Based on an analysis of the data mentioned in a previous paragraph, the ratio of prisoners to each officer is about 20 and sometimes 50. The difficulties resulting from this awkwardness relate to the obligation incumbent on guards who should:

- Maintain order and security;
- Meet the requests of inmates;
- Ensure communication between inmates and the warden; inmates and the outside world (visits, correspondence, telephone...); inmates and various prison services (social worker, infirmary, doctor, daily exercise);
- Counting prisoners through roll call at the beginning and the end of each shift.

Also, and given the arduous nature of these tasks, it is inconceivable to discharge them in accordance with the conditions required for the treatment of prisoners.

3-2 - Distance from home

The group held discussions with various categories of prison officers, especially new recruits. It was found that some were appointed in areas far from their homes. This situation, combined with delays to pay their low salaries, inevitably affects their morale and their behavior vis-à-vis detainees. It results in blackmail, nepotism and bribery. Prison officers may be sometimes liable to prosecution because of illegal practices (e.g. facilitation of drug trafficking, neglect that may lead to prison escapes etc.).

3-3 - Period of strenuous work

Surveillance may last 14 hours each day. This requires endurance and impacts on the morale and performance of the guards inmates who as a consequence, tend to be harsh with inmates under their supervision.

3-4 - Risks inherent to profession

During the course of their duties, guards are exposed to various risks. Sometimes, they find themselves dealing with notorious criminals who have no fear of additional punishment that may result from attempted escape, aggression, disturbances and incidents likely to jeopardize the physical integrity of their fellow inmates or the guards, or revenge on guards which may lead to death. Additionally, guards are in contact with prisoners suffering from serious contagious diseases.

Therefore, they and their families may be contaminated. This requires that risk allowances be raised and a positive discrimination be adopted towards prison staff who deal directly with prisoners.

3-5 - Psychological status and how society and inmates see guards

The morale of guards is affected as society has little regard for the difficult duties they perform. The visiting group was able to realize the degree of their suffering during the discussions it had with them. The group appreciated the great efforts made by a group of officers who, despite being few, were entrusted with supervising a large number of inmates in inappropriate social and psychological conditions. Additionally, there is no framework that would help cope with the constraints they face in their profession and would allow them to express their claims and address their working conditions.

3-6 - Lack of psychological support

Prison guards deal directly with inmates suffering from difficult psychological problems, because they lose their freedom and live in deplorable conditions. This requires that a guard be cognizant of the real suffering of prisoners, particularly since he spends his day under the same conditions, which negatively affects his morale and performance. The group recognized the stress suffered by guards and the lack of psychological support necessary to perform such arduous duties.

4 - Officers' Financial Situation

4-1 - Pay scales

Upon recruitment, a prison officer is ranked in the pay scale N°. 4, corresponding to a net monthly salary of 1,700.00 DH. The recent increase in the risk allowance brings it to 2,079.00 DH.

Considering the cost of living, the meager salary received by officers for the painful tasks they discharge does not help them to lead a stable and quiet life so that they can undertake their functions properly. This could expose officers to the hazards of deviance and slip-up, as prisons can be a tempting space for bribery in return of services for particular inmates.

4-2 - Evaluation of officers

The evaluation of officers is carried out through a form in which wardens give three marks on the basis of three elements, without commenting however on the performance of officers, particularly how they treat detainees.

4-3 - Low risk allowance

The risk allowance allocated to officers, particularly guards, does not correspond to the real dangers they face.

4-4 - Slowness in organizing competitions and examinations and delay in giving effect to job promotion

The officers encountered during visits complained that promotion exams are not organized regularly. Knowing that this is the only way through which officers can improve their financial situation, they await it anxiously and spend a considerable amount of time preparing for it. According to some officers, promotion exams have not been conducted for years, resulting in their frustration and despair. Even when the exams are passed, it may take years before they enjoy the benefits of their promotion.

4.5 Additional allowances

Prison officers receive no compensation for additional functions. Their salary does not change accordingly, despite the sensitivity and difficulty of these functions. They are also required, under the provisions of Article 24 of the Prison Staff Statute, to reside in the city where they work and respond, day or night, to the orders of their superiors.

They receive no compensation for overtime they may do under this statute. The absence of such compensation triggers their constant stress and tension, and ultimately affects their performance.

4-6 - Lack of motivation

There is no type of motivation that can encourage prison staff to improve their performance. Efforts made by officers who are at the bottom of the staff hierarchy, and particularly guards who have the responsibility more than anyone of enforcing the law, are not offset by any moral or financial recognition. This is why the guards lack enthusiasm and motivation to make more efforts.

4-7 - Inadequate on-site housing

On-site housing facilitates the work of officers, in particular those with sensitive duties (including wardens, chiefs of detention and nurses). The availability of administrative housing adjacent to prisons would allow for their presence at any given time. However, this type of housing is not available to officers in all prisons, even those built recently, despite their location outside the urban area or far from the city center and in the absence or scarcity of means of transport (e.g. nurses in

Taroudant and Larache have neither administrative housing nor a means of transportation).

It was revealed that despite the existence of on-site accommodation in some prisons, they do not benefit eligible officers according to accurate criteria, not to mention decision-making delays on this matter. It was observed in some prisons that vacant administrative homes had not been allocated yet, while in others (e.g. Oued Lau) dwellings are unfit to live in due to disrepair and lack of maintenance.

4-8 - No regulatory framework to address professional issues

According to Article 25 of the Prison Staff Statute, it is prohibited for prison officers to set up or belong to a union.

Under this legislation, these officers can neither express, in any form whatsoever, their legitimate claims nor protest against abuses the Administration might perpetrate against them. In the absence of such framework, it is impossible for officers to make their voices heard to the public or to the administration. The statute in question dates back to 1974 and Morocco has achieved a major progress towards union freedom and other forms of organization and expression. It seems that the time has come to review this provision, by drawing on compared experiences, to allow officers to organize into a structure taking into account the particularity of their work. It was noted that there was a yawning gap between the central administration and prison staff, who cannot meet or contact this Administration to submit their grievances.

4-9 - Inadequate right to means of transport

Unlike other similar bodies (the police and the army), prison officers do not benefit from city or inter-city means of transportation. The Ministry of Justice's Association of Social Work allows them to use its buses, but this service is not generalized to all prisons (e.g. Zaio) and can be interrupted at any time. This happened recently and deprived a hundred of officers living in Sale of taking the buses of this Association to the Kenitra Central Prison.

5 - Discipline

5-1 - Disciplinary transfer

The Prison Staff Statute, in Article 21, provides for disciplinary sanctions that may be imposed on officers. Among these sanctions, there are disciplinary transfers at the expense of those concerned. They are issued by the Minister of Justice without consulting the Disciplinary Board.

Disciplinary transfer is problematic both in terms of practice and law. Many officers complained of having been subjected to arbitrary transfer under the pretext of “reasons”, without mentioning its disciplinary nature. Often, this procedure is used administrative in the absence of evidence of breach of regulations.

Other officers said they had been transferred out of revenge or as part of a settling of accounts. It goes without saying that using such a measure has a negative impact on the performance of the officers concerned, particularly on the way they behave towards inmates or discharge their functions in general. It may also have effects on the morale of the staff and repercussions on family life.

In terms of law, it is obvious that conferring on the Minister of Justice the discretion to take such decisions without consulting the Disciplinary Board violates the principles of presumption of innocence and the guarantees of fair trial, especially since officers are not given an opportunity to defend themselves.

5-2 - Appointment in rehabilitation centers as a disciplinary measure

Staff transfers to reform and rehabilitation centers have been regarded as a disciplinary measure. However, this impacts negatively on their behavior toward residents. Although this practice has been abandoned, the group found that a former warden, who was convicted of mistreatment of prisoners, had been appointed in the Casablanca Reform and Rehabilitation Center’s Aftercare Unit.

PART FIVE
SERVICE DELIVERY

I - Health

The Prisons Act emphasizes the importance of healthcare in its Chapter 8 (Articles 123 to 137) whose main provisions are:

- Ensure that at least one doctor working as a full-timer or on a regular basis is present in each institution in addition to two paramedics;
- Seek the help of specialist doctors;
- Ensure that prisons are monitored by the head doctor of the province or prefecture;
- Install in each institution “an infirmary with equipment similar to that available in a public clinic to provide care and proper treatment for patients”;
- Ensure that the disabled and the chronically ill have a diet adapted to their needs;
- Ensure that sick prisoners benefit from appropriate diet;
- Take all necessary measures to prevent epidemics or contagious diseases;
- Enter test results in inmate's medical record.

The implementing decree specifies the type of medical services to be provided to inmates, hygiene conditions, and hospitalization procedures outside prisons as well as other measures aiming at implementing the Prisons Act in this area.

The group recognized the efforts made by the administration to preserve inmates' health. This was done through building infirmaries in all newly-constructed prisons, appointing male nurses, resident physicians and sometimes specialist doctors, and providing emergency first aid equipment and some basic medicines. It also noted that many inmates received outside public medical services, including hospitalization, diagnosis and surgery. Some hospitals dedicated beds for ill inmates, which is a significant step forward since the majority of prisons have no infirmary at all.

However, and notwithstanding the efforts mentioned above, prisons are still suffering from healthcare deficiencies in the following fields:

1 - Training of Doctors and Male Nurses

Prison doctors do not receive specific training in the nature of their work in prisons. Medical schools do not include in their curriculum a relevant subject comprising principles of criminology, prisoners' psychology and impacts of freedom-depriving punishment on individuals, and taking into account the diversity of prison population: women, the elderly, mentally ill, drug addicts.

2 - Administration/Medical Staff Relations

Prison doctors are recruited and promoted by the general prison administration. This constitutes a source of tension in their relations with the administration. The law states that prisons shall be medically controlled by the head doctor of the prefecture. However, this is not always true. Moreover, members of medical and paramedical staff have no incentives and risk allowances.

3 - Weak Healthcare Structures

The visiting group noted the lack of healthcare structures in some prisons (al-Hoceima, Kariat Ba Mohamed, Asilah and Ouezzane) as well as the Sale and Casablanca rehabilitation centers for juvenile offenders. In other prisons, cells serve as health facilities. They are crowded and patients sleep on the floor (prisons of Inezgane and Laayoune). The narrowness of test rooms does not help doctors to examine patients properly (prisons of al-Hoceima and Beni Mellal). Furthermore, nursing rooms are virtually nonexistent, except in some newly-built prisons.

There are equipped infirmaries, yet in some of them, beds are used by healthy prisoners instead of patients. This is a case of blatant nepotism (prisons of Zaio and Larache). In general, the number of beds in infirmaries is insufficient compared to the number of inmates.

The visiting group recognized the absence of full-time doctors (prisons of Zaio, Tiznit, Ait Melloul, Mohammedia, Kariat Ba Mohamed, Asilah, Larache, Ouezzane and Khemisset) and of male nurses (Khemisset, Larache, Ait Melloul, Taroudant, Mohammedia, Ben Slimane, Kariat Ba Mohamed, and al-Hoceima). Medical care is provided in this case by health aides. It should be noted that the number of nurses, where available, is still insufficient compared to that of inmates.

4 - Lack of Access to Healthcare

It was observed that the detainees' access to the services provided by the resident doctor is difficult. The cell leader, the provost or the male nurse would ask for a compensation to ensure that right. Some sick detainees would await more than a month to be examined by the doctor. Mandatory legal provisions relating to regular medical tests in prisons are absolutely not observed in all prisons. Doctors do not visit solitary confinement or punishment cells. Also, they do not check cases of hunger strike. For example, in the Kenitra Central Prison, two convicts spent respectively 41 and 44 days in a punishment cell without ever being checked by the prison doctor. When asked about this, it was proved that he had not been informed.

5 - Weak Specialized Healthcare

Except for a few prisons (e.g. Tetouan, Khemisset and Kenitra), medical specialists are almost nonexistent. The same is true for psychologists except in the Kenitra Central Prison. Dentistry is almost nonexistent in most prisons (except in Oued Laou, Inezgane, Larache, Kenitra, Khemisset, Sale and Oukacha). Visits by the dentist are rather sporadic and take place once a week or even a month or every six months. Only the prison complexes of Sale and Oukacha have a dental chair, materials and chemical products.

6 - Endemic Diseases

The data taken from the questionnaires shows the following:

Type of disease	Number of patients
Mental diseases	736
Chronic diseases	542
Infectious diseases	657

76 disabled inmates were identified in the prisons visited.

The rampant diseases in prisons which have been identified by the visiting group are as follows:

- Infectious diseases;
- Diarrhea;
- Scabies: widespread because of overcrowded prisons, and lack of hygiene and medicines;
- Tuberculosis: few cases because patients are supported and isolated until recovery;
- Sexually transmitted diseases;
- Psychological and psychiatric disorders;
- Addiction: drug addiction is widespread in the prisons visited. The prisoners, who were given a hearing, denounced the existence of organized trafficking networks. With the complicity of guards, these networks would deal and distribute drugs in prisons. The same sources claimed that these drugs were not limited only to one type. They include hashish, hallucinogens and cocaine. Prisons where trafficking is intense are those of al-Hoceima,

Kenitra (local and central), Berrechid and Mohammedia. Many signs show that cocaine is used in Oued Lau Prison.

In this connection, it should be noted that the drug addicts who want to go through detoxification complained about the lack of programs that could help them come off drugs.

- Cardio-vascular diseases requiring surgery: the prison administration has no budget to take care of inmates suffering from such diseases and whose names appear below, according to the working group:

Full name	Registration number	Prison	End of sentence
EL AMRAOUI Abdellah	26388	Ouezzane LP	2012
MEZOUR Rachid	26232	Kenitra CP	2013
EL FALHANI Mahjoub	46518	Ain Ali Moumen AP	2006
CHIHAB Miloud	53303	Sale LP	2006
RAJJAH Salah Eddine	1511	Ain Sebaa RRC	2005
ACHAMLAL Lahcen	48203	Taza LP	Life sentence
HANDIKAISS Fatima	35096	Sefrou LP	2010
FENNANE Redouane	-	Ain Ali Moumen AP	4/11/2004

7 - Medicines

Drugs budget in the year 2002 was 11,100,000.00 Moroccan dirhams, which equates to an average of 200.47 dirhams per inmate per year. This forces prisoners to depend on their families to purchase the drugs they need. Prisons have only drugs of common use.

Specialized drugs are provided by a pharmacy which concluded a contract with the administration. This operation is disturbed by the length of time between the ordering and delivery of drugs. Sometimes, drugs are not purchased due to lack or insufficiency of funds. In this regard, the group noted that Larache Prison for example did not purchase drugs despite the availability of funds, as it needed authorization from the central administration. Detainees said that they did not receive the medications prescribed by a prison doctor on time or they had never received them, which forced them to resort to their families to buy such medications.

8 - Contribution of Mohamed VI Foundation to Healthcare

As part of its program of action, Mohammed VI Foundation concluded with the Ministry of Health, an association of doctors and the Ministry of Justice a partnership agreement aimed at improving healthcare provided to inmates.

Friends' Association of Reform and Rehabilitation Centers organized, in coordination with professional associations of doctors, several medical campaigns involving various medical specialties such as pneumology, dermatology, hematology and ophthalmology for the benefit of inmates and staff of the Casablanca Rehabilitation Center. These activities were conducted in collaboration with the National Center of Blood Transfusion, the CNSS, (a national fund for social security), the department of pneumology and dermatology in Averroes Hospital and the department of ophthalmology in August 20 Hospital, Casablanca. This Association purchased also a dental chair and disinfectants.

II - Hygiene

Hygiene is an essential component in the care provided for inmates. It is directly related to their health, as laid out in Article 130 of the Prisons Act.

However, deficiencies in this area are numerous and contribute to worsening and spreading the diseases reported above. They also constitute an infringement on prisoners' right to decent and adequate housing.

These deficiencies can be summarized as follows:

- Scarcity of hygiene and cleaning products: despite allocating a specific budget for these products, the services are limited to the distribution of a bar of soap per inmate every 15 days. Other products such as toothpaste, shampoo, bleach and toiletries are not distributed. In addition, no periodic inspections are performed by the administration to ensure that these products are distributed regularly;
- State of local accommodations: in many prisons, accommodations are extremely dirty; bad odors and insects are rampant also (Prisons of Laayoune, Inezgane, al-Hoceima and Beni Mellal). This situation is aggravated by the lack of washing facilities and equipment in all prisons;
- Shortage of water for shower: water temperature is often unsuited to the climate and prisoners benefit from showers rarely. These are all factors that contribute to the deterioration of hygiene in prisons.

III - Food

Recognizing the role that nutrition plays in physical and mental balance of detainees, the legislature has carefully regulated this aspect of prison life. The prison administration takes charge of this aspect and provides a balanced dietary pattern meeting the needs of prisoners so that they can be in a good health and includes three meals a day. The quality and quantity of food are determined by the prison administration, after consulting the competent departments of the Ministry of Health. On the prison doctor's advice, special dietary patterns are provided for sick prisoners, pregnant women, nursing women and infants. Currently, the amount of 5,061 DH is allocated annually to feed each detainee, and meals are prepared on site. According to the program presented to the visiting group, meals as a whole are balanced and diversified. They contain 150 grams of beef or poultry and an egg provided once a week for lunch. Other meals consist of beans, rice, tea, coffee, and a 450-gram loaf per day for each inmate, made locally or provided by a private supplier in the prisons where no bread oven is available.

Notwithstanding these efforts, the visiting group found that meals neither meet the conditions provided for by law nor correspond to the quantity set by the central administration. The remarks on this subject can be summarized as follows:

1 - Food Distribution

Meals are distributed in a large cooking-pot in front of dormitories by an inmate employed in kitchens in inhumane conditions. The group did not find canteens in all prisons visited, as provided for by Article 85 of the decree implementing the Prisons Act.

2 - Bread

White-flour bread is made in prisons having an oven. The detainees considered this bread as of poor quality compared to that provided by external suppliers. They complained that deliveries were not made on time. In addition, bread quickly loses its freshness and therefore cannot be stored for another meal. As a result, prisoners, being without bread, feel hungry the rest of the time.

Generally, one loaf per day seems insufficient to feed an inmate, particularly those in the prime of life who need a larger quantity.

3 - Quality of Meals

Poor quality and inadequate quantity of food were reported by inmates in all the prisons visited. Some inmates felt it was inedible, not provided in usual times of

meals and lacked oil and spices. This food is often re-cooked by inmates who add some vegetables and spices.

The visiting group recognized that food was of poor quality and that the culinary program developed by the administration was not respected. Beef, poultry and eggs are not distributed according to the agreed program. It also noted that stored vegetables were of poor quality. Faced with this situation, inmates have no other choice but to prepare their own grub by bringing in ingredients or buying them in the black market inside prisons. Inmates mentioned organized trafficking and the presence of intermediaries in the kitchen who misappropriated vegetables, oil and spices.

Finally, it should be acknowledged that some prisons tolerate the use of stoves in the rooms and cells (Kenitra Central Prison and local prisons of Ait Melloul, al-Hoceima and Kenitra). In other prisons, small kitchens are available to inmates to heat their food, but they use them to prepare their own meals.

PART SIX
CONTACT WITH THE OUTSIDE WORLD

Keeping in touch with the outside world helps prisoners maintain family and social ties, and not to feel marginalized and excluded. This was recognized by the legislator when enacting provisions on the right to visits, correspondence and access to information through newspapers and audiovisual media.

I - Visit

How and where visits take place, and who may be entitled to them are strictly regulated by law.

In all prisons except the Oukacha prison complex in Casablanca, the administration provided visiting rooms. In this regard, the visiting group made the following remarks:

1 - Visiting Rooms

In most prisons (Kariat Ba Mohamed, al-Hoceima, Beni-Mellal, Taroudant, Ouezzane), visits take place in tiny rooms devoid of furniture, which does not help serve the purpose they are supposed to achieve.

2 - Duration of Visits

Inmates and their families complained that the duration of visits was limited in most cases to 10 minutes per week. This amount of time is insufficient, given the long distances that some families have to travel. The inadequate amount of time allotted to visits results in financial and psychological stress suffered by both families and their jailed relatives. Prisons of Casablanca and Settat are an exception in this regard. They allow almost one-hour visit twice a week.

3 - Frequency and Days of Visits

Visits are generally allowed once a week on working days except Saturday and Sunday. It was noted that officers were inflexible with families who came from remote regions to visit their jailed prisoners, especially on days other than those arranged for visits. Additionally, the working schedules of many relatives and friends prevent them from visiting prisoners because professional obligations do not allow them to be off work.

4 - Persons Entitled to Visits

Visit permission is granted only to close relatives of prisoners who are able to prove in advance their relationship. Any other visit outside this framework is systematically denied. Prison wardens justify this refusal by the application of the

law. It was proved that many wardens were not familiar with the law, particularly Article 75. Indeed, modalities of visits continue as they were before the promulgation of the new law. Even when informed of the new provisions, they persist in their absolute refusal based on narrow considerations.

5 - Supply Basket

According to the testimony of several prisoners, food brought by families would be sorted out abusively. Inspection guards retain for themselves quality food and hand over the rest to the detainees, not to mention the blackmail to which families are subjected to guarantee safe reception of the "basket" by their relative.

II - Telephone

Communication via telephone helps inmates to keep in touch with the outside world. In order to facilitate the use of phones for communication, the prison administration provided all prisons with fixed telephones for inmates who wish to benefit from this service. However, this service experiences several failures, particularly due to the small number of telephone sets and lack of maintenance and repair, which prevents a large number of prisoners from benefiting from them. The management of this service differs from one prison to another. Some prisons require that inmates should provide documents concerning their correspondent, while others limit calls to relatives.

In all prisons, telephone communication is not allowed during the weekend. Frequently, the agent responsible for monitoring communications does not respect the working hours, thus depriving rows of waiting prisoners from the opportunity to contact their own relatives. Again, some aspects of discrimination between prisoners were observed. The rich use the phone longer than the poor.

III - Conjugal or Family Visit

In order to preserve the bond between the inmate and his spouse, the administration developed a legal system that enables him to enjoy conjugal visits. However, the premises reserved for such visits have not yet been generalized to all prisons. The circular letters setting the frequency of these visits are not applied in the same manner in all prisons. Deprivation of these intimate visits may be used as a disciplinary measure (one case was identified in Mohammedia and another in Kenitra Central Prison).

IV - Newspapers, Magazines, Radio and Television

Newspapers or audio-visual media play an important role in the life of prisoners. They represent a means of entertainment and a window to the outside world that allows them to follow current affairs. The visiting group noted that many prisons did not provide newspapers and magazines to inmates on a regular basis and that some inmates brought their own television sets. This gives rise sometimes to discriminatory treatment. This situation needs to be repaired.

PART SEVEN
REINTEGRATION PROGRAMS

Punishment aims to deprive criminals of their freedom and protect society from their negative behavior. However, one of the primary functions of prisons is to ensure that inmates are reintegrated into society after sentence completion. Therefore, it is of the utmost importance to create an environment that allows inmates to acknowledge and reflect on their transgressions. Ultimately, the *raison d'être* for correctional facilities is to facilitate the successful and quick reintegration of prisoners into society.

Several comparative experiments have demonstrated that spending time behind bars may not be enough to rehabilitate a criminal. Furthermore, long term sentences may negatively affect an inmates' personality.

The sentence may then result in something contrary to what it was originally intended for. The inmate would leave prison full of hate and anger, ready to avenge himself on a society that deprived him of his freedom for so long. To avoid such results, it is necessary to involve prisoners in work within prisons or integrate them into education or training programs likely to enable them gain professional skills and qualifications. This would help facilitate their reintegration into society after their release.

The Moroccan legislator, while taking account of this problem and realizing the State's vital role in reintegrating prisoners, puts an emphasis on in-detention activities, which are likely to help them reintegrate effectively into society.

To achieve this, the decree implementing the Prisons Act attaches particular attention to the aspects of prisoners' reintegration, including various educational, learning and cultural activities, in its Chapter 9, which is subdivided into three sections, each dedicated to one of these aspects.

I - Education Programs

1 - Religious Guidance

Religious guidance and spiritual assistance include:

- Provide full assistance to prisoners to fulfill their religious duties;
- Establish a place of worship, while taking into account the status of prisons and safety rules;
- Offer Muslim detainees religious education programs designed in coordination with the government department in charge of Islamic affairs.

In general, it can be said that the interest attached to the spiritual dimension in reintegration is common to all prisons. There are mosques frequented by inmates,

where a large number of copies of the Koran are available. Prisoners enjoy freedom of worship.

The questionnaire data show that 21 out of 29 prisons visited provide religious education programs. The 8 prisons where this service is not available are Zaio, Tiznit, al-Hoceima, Ait Melloul, Taroudant, Inezgane, Beni Mellal and Salé.

Some prisons have no place for religious worship. In 13 out of 29 prisons visited, inmates do their prayers in dormitories.

2 - Education

The law organizes educational activities within prisons. It highlights, inter alia, the following:

- Educational activities shall aim at improving and developing prisoners' knowledge and skills, which would allow them, once released, to live decently and to support themselves honestly while respecting the law;
- Educational activities shall take place under the guidance of educators, through individual interviews, lectures, talks, group discussion, reviews of films and events, carefully selected from among those connected with social life in the outside world;
- All teaching methods and all audio-visual materials shall be used. All interested governmental and non-governmental actors may be involved in educational activities;
- Some of the programs meant for women shall focus on raising awareness about their role within family and in social development.

In most prisons, the group noted the lack of appropriate spaces and therefore of programs for the implementation of these provisions.

II - Qualification Programs

1 - Literacy

The legislator states that the prison administration shall, in collaboration with the competent departments, organize in all prisons literacy and basic education courses for illiterate prisoners (Article 114).

The legislation also requires that literacy units be set up in all prisons. However, it was found that some prisons did not have space for this purpose although they were built recently, while literacy classes in other prisons are often just a formality, given

the insignificant number of beneficiaries, the cramped space allocated to them and the lack of exercise books and pencils. According to official figures, 314 prisoners benefited from this service in 2002 at the national level, which is a very low rate.

In addition, under the partnership agreement concluded between Mohammed VI Foundation, the Ministry of Justice and the Secretariat of State in charge of Literacy, a program was set up to generalize this service to all prisons as of the beginning of the present academic year. While it is too early to assess whether this partnership has met success, the visiting group noted that the administration failed to play its role in providing prisons with school supplies and textbooks, and generalizing literacy to all prisons.

2 - Schooling

The law provides for a set of measures aiming to guarantee the right to learning, especially regarding the following items:

- Primary, secondary and university education shall be provided for inmates who request it and who meet the conditions required;
- The programs and teaching methods must be consistent with those of formal education;
- Prisoners shall be allowed to continue their higher or technical studies through distance learning;
- Inmates shall be allowed to receive programs, materials, stationery and textbooks;
- The Minister of Justice, upon proposal by the Director of the Prison Administration and Reintegration, may allow prisoners to attend some courses outside prison in case these courses cannot be given in detention or through distance learning;
- Prisoners, who pursue their studies in a prison and are released before the end of the academic year, may pursue their studies and take their exams at a formal center. The administration shall be responsible for registering them, if not it shall authorize them to take examinations in the prison where they were incarcerated;
- In prisons, education shall be provided by qualified professionals who belong to the prison administration or officers appointed for this purpose by the ministries concerned. However, this education may be provided by volunteers who received appropriate pedagogical training;

- Exams are held in prisons unless the nature of exams requires that they take place outside.

Concerning the implementation of these provisions, the visiting group noted the following:

- The percentage of those who benefit from education at all levels is only 1.73%. This low rate is explained mainly by the lack of classrooms. Out of 27 prisons visited, only 4 (Kenitra, Settat, Ait Melloul and the Casablanca Rehabilitation Center) have 4 classrooms thanks to the intervention of Mohammed VI Foundation);
- Many prisons do not provide this vital service for residents, including those of Zaio, Asilah, Oued Laou, Salé Rehabilitation Center, Kariat Ba Mohamed, Tiznit, Khemisset, Taroudant, Ouezzane, Ben Ahmed, Ben Slimane, Kenitra, Mohammedia, Larache, Inezgane, Berrechid and Beni Mellal;
- Prisoners who express a desire to pursue their studies are not encouraged. The administration often rejects their application without justification. If accepted, the application is always accompanied, in violation of the law, by the threat of disciplinary transfer in the event of failure or laxity, not to mention the delay by the administration to respond to those applications;
- The partnership agreement between the Mohammed VI Foundation and the Ministry of Education, which aims to provide prisons with specialist staff, has not entered into force on the date of drafting this report.

3 - Vocational Training

The law also provides for guarantees aiming to ensure the right for inmates to vocational training, including:

- Vocational training programs and application for exams related to training shall be organized in prisons endowed with qualified staff and basic equipment;
- Prisons shall seek the help of other administrations responsible for vocational training in order to establish annexes for vocational training in prisons;
- Training shall cover various crafts and take into consideration the requirements of the labor market in order to facilitate the reintegration of prisoners after release;
- Eligible convicts shall be selected to receive training. Their age, knowledge and skills shall be taken into account, provided that the remaining term of imprisonment is sufficient to cover the duration of a full training cycle;

- The prisoners concerned shall participate in examinations at the end of the training session;
- Any person released before the completion of his training cycle shall join the closest formal training center to continue his training. Otherwise, he shall be allowed to complete this training within prison, in a state of freedom.

All of these safeguards are of paramount importance, in view of the educational gaps in prisons and in view of the large numbers of detainees who have never set foot in school. It is in this spirit that the legislator, in addition to the interest attached to education and literacy for prisoners, provides for another significant benefit. It guarantees for inmates vocational training to teach them a trade in order to facilitate their reintegration into society, while taking into account the imperatives of the market when choosing the trades subject of training. Also, it has not neglected training infrastructure in the prisons endowed with vocational training structures and equipment. In addition, the help of professional training agencies can be sought from competent departments to set up training annexes within prisons. All this proves that the legislator attaches great importance to facilitating the role of prison institutions in this area.

However, the visiting group noted the absence of this important dimension in reintegration programs in several prisons. Even in newly-built prisons, there is no infrastructure likely to allow prisons to include this dimension in their programs.

In this regard, the field visits resulted in the following remarks:

- The new law entered into force only 4 years ago. During the time before its enforcement, a number of prisons were built. Their architecture could have been modified to be in line with the legislator's new vision (e.g. prisons of Zaio, Mohammedia, Berrechid, Ben Ahmed, Taroudant, Tiznit);
- Workshops are ill-equipped, even in newly-built prisons (e.g. Ait Melloul, Toulal, Settat Rehabilitation Center). Hence, the administration spends public money to build workshops and does not care about providing them with the necessary materials. In some cases, these materials are left to rust and corrosion and have become unusable, as is the case of the Kenitra Central Prison. The visiting group reported that the training facilities were in miserable state in this prison, which was not limited to vocational training only, but were also used for the production of uniforms and shoes for officers. After discontinuation of this production, the prison now resorts to private providers through public procurement. This puts a strain on the budget of the administration, deprive detainees of working, producing and

keeping themselves busy during the long days. This waste of great human energy, lost in doing nothing, impacted the visiting team, mainly following the visit conducted to the prison clinic where many prisoners suffered from mental and nervous diseases. It would have been smarter to take care of this population, invest in them as a productive workforce and thus achieve positive results on several levels;

- According to official statistics, the number of beneficiaries of vocational training at national level does not exceed the rate of 2.70%. Applications submitted by inmates for transfer to prisons providing this service are often dismissed by the administration without justification;
- Reintegration programs are inefficient. There are low rates of beneficiaries in vocational training: 2.7%, education: 1.73%, literacy 3.14%. The total of these rates, which is 7.57% at the national level, shows that the prison administration fails to provide these services properly, to fully assume its role and fulfill its mission of reintegration. According to the Statistical Bulletin, the rate of beneficiaries of all reintegration programs amounts to 9.30% in 2002, or 3,326 inmates out of a total of 30,102 convicts (Statistical Bulletin, pages 70, 71, 73 and 75). This is justified, according to the administration, by the insufficient budgetary resources allocated to vocational training. The fact remains that good management of vast agricultural areas in the prisons of Settat, Adir, Zaio and Outita for example is likely to contribute to a progress in this field.

4 - Recreational, Cultural and Sporting Activities

The law provides for important safeguards and measures regarding recreational, cultural and sporting activities (Articles 125 to 131). Sport is considered for example an essential activity for inmates, because it allows them to renovate their energy and stay healthy, especially as they spend 23 hours a day in the dormitory or cells with poor ventilation. However, the visiting group noted that sport spaces were very narrow or even nonexistent for example in the prisons of Beni Mellal, al-Hoceima, Inezgane, Ouezzane, Asilah and Larache. In addition, there are neither relevant programs nor supervision of these activities.

The same remarks were made on cultural and educational activities. There is no infrastructure to organize them. Prisons with spaces for such activities are few in number.

5 - Walks

Walking outdoors, in the prison courtyard or yard, is a right guaranteed to inmates, except if exempted for health-related reasons or if having professional activities outside the prison. The duration of the daily walk cannot be less than one hour.

However, as noted by the visiting group on the spot, the areas reserved for walks are narrow in some prisons (e.g. Beni Mellal, al-Hoceima, Inezgane, Ouezzane, Asilah, Larache); the duration is shortened to 20 or 30 minutes and inmates are deprived of it on Saturdays and Sundays.

These illegal restrictions, which are common to almost all prisons, are perceived by prisoners as an additional suffering inflicted on them. They have been the subject of many complaints by inmates.

6 - Libraries

The library is a vital and necessary service that helps prisoners keep themselves busy, develop their knowledge and get them out of their isolation. To play this role, it must first be equipped and furnished with a sufficient number and a diverse selection of books. Yet, this is not the case in almost all the prisons visited. Some prisons have no library (for example: Inezgane, Zaio, Ait Melloul, Berrechid, Kariat Ba Mohamed). In others, libraries have a limited number of books and the site reserved for them is not always appropriate; sometimes it is a mere furnished cell. The visiting group noted with surprise that some newly-built prisons did not care for such facility or even provide for them in the construction plan (e.g. Zaio, Ait Melloul and Berrechid).

7 - Social Assistance

Social assistance is an essential service in prisons. Once under detention, a prisoner finds himself isolated and in need of assistance. Articles 132 to 141 of the decree implementing the Prisons Act are dedicated to social assistance, its nature and scope. Article 132 stipulates that social assistance provided for detainees aims to help solve personal, family, professional and financial problems generated or aggravated by deprivation of liberty and tends, in particular, to provide assistance for their families if need be. It also helps improve the morale of prisoners to prepare them for reintegration before their release.

The social department is managed, under the authority of the warden, by one or more social workers designated by the director of the prison administration.

In this area, the visiting group could note insufficient training for social workers (in 2002, only 17 staff members received a two-day training) as well as their awkward

deployment in prisons (e.g. ratio of assistant/detainees: Salé: 1/3,794; Ait-Melloul: 1/1,199; Inezgane: 1/1,040; Kenitra: 2/1,923; Ain-Ali Moumen: 2/1,958).

The visiting group noticed some difficulties hindering the work of social workers who cannot keep a file on each inmate. It seems that the administration's care for this staff category is insufficient, which impacts negatively on the process of prisoners' reintegration. While the law attaches great importance to the aspects of reintegration, the findings reached by the visiting group show that there is an almost total absence of this function. This absence is explained by many factors, mainly infrastructure, lack of equipment and lack of their maintenance, as well as lack of incentives for inmates desirous of benefiting from it.

III - Aftercare

Despite the existence of a legal framework that specifies the reintegration modalities and despite the efforts made by the prison administration in this regard, the results do not live up to expectations. On the other hand, the administration has not yet developed a clear and systematic vision of the process of reintegration. In the late 1990s, it had begun working with several ministry departments and components of civil society to set up an aftercare entity, but the project was abandoned shortly thereafter. Recently, an aftercare unit was established at the Casablanca Rehabilitation Center. Being without adequate and skilled staff, this unit does not fulfill any role in this area.

In addition, there are no visions, structures and specialists able to work out and implement aftercare programs for inmates. For example, training programs organized by the Ifrane Staff Training Institute do not contain a specific reintegration module. This strongly confirms the absence of this dimension in the overall thinking of the administration regarding this subject. The situation is worse for those who are set free, as the reintegration process is hampered by the rigidity of the public service statute which excludes those with criminal record and by the lengthy time needed to complete the procedure of rehabilitation.

PART EIGHT
TREATMENT OF PRISONERS

I - Progress Achieved

Positive treatment is a key component in correcting the behavior of prisoners, because it directly affects their psyche and makes them aware of their humanity, far from any feeling of revenge, exclusion, contempt or discrimination on any ground.

1 - In Legislation

Article 26 of the Prisons Act states that following admission to a prison, every detainee must be notified of the main provisions of this law, as well as the texts and the rules implementing it; he shall be notified in particular of his rights and obligations.

He shall also receive information relating to pardons, parole and transfer procedure, as well as all information relevant to his prison term, particularly ways to submit grievances and complaints. This information shall be provided to the inmate through a guide delivered at his request and through postings in prison.

For the illiterate, they shall be notified verbally by the officer in charge of social work; in this case, this notification must be mentioned in the prisoner's record.

Furthermore, the implementing decree states in Article 4 that officers should behave properly towards inmates based on equality and non-discrimination.

2 - In Practice

The group found that the treatment of detainees improved slightly in many prisons. Data provided by the administration highlight that officers found to have committed violations in this regard have all been punished. The sanctions included:

- 7 warnings;
- 24 reprimands;
- 81 layoffs;
- 17 dismissals without suspension of pension rights.

The visiting group received with great satisfaction the news that immediate and deterrent measures were taken by the Director-General against local wardens whose responsibility for ill-treatment was proved. They were dismissed from posts of responsibility. This initiative constitutes a strong warning to other wardens and agents so that they comply with the law and deal with inmates properly.

II - Deficiencies and Shortcomings

Although the treatment of prisoners has improved, illegal practices still persist in various prisons in violation of the provisions in force. While the Prisons Act governs the relations between prison guards and inmates, specifies the rights and obligations of detainees, and regulates the guards behavior towards inmates, the application of this law on the ground still faces some difficulties.

1 - Informing Prisoners of their Rights and Obligations

It was found that detainees are not informed of their rights and obligations on their arrival in prison as required by law. Illiterate prisoners receive neither a guide nor verbal information. This neglect increases the risks of taking advantage of their ignorance by depriving them of their legal rights.

2 - Violation of Principle of Non Discrimination

Discriminatory practices are still prevalent in some prisons, where affluent residents receive better services with regard to accommodation, walk, duration of visits and stay in the infirmary. Prisoners mentioned other illegal practices such as:

- The premises of residence would be allocated to prisoners based on a price set in advance (e.g. a cell in the central prison would cost MDH 5,000). The visiting group noted in this connection that housing conditions are not on an equal footing in dormitories, rooms and cells. Accommodation at the infirmary is not immune to this rule, since healthy prisoners can stay there while those suffering from diseases stay in their rooms in bad conditions;
- The transfer of inmates from one wing to another or from one room to another would be paid for;
- Access to medical examination would be granted after paying a certain amount of money to the chief of the room or the wing or to the male nurse;
- The "food basket" is delivered without being searched;
- Extra time is granted during visits.

3 - Violation of Rules Governing Treatment of Prisoners

The visiting group received several corroborating testimonies, according to which educators would use humiliating and abusive language against detainees. Illegal methods were also used (beatings on the soles of the feet bound and immobilized "Falaqa", beatings with pieces of hose, tying prisoners to pillars, exposure of detainees to a cold environment in a state of nudity). Moreover, traces of violence and torture on the bodies of some prisoners were found.

4 - Heads of Prison Cells

The administration still designates a prisoner as a chief of the cell and entrusts him with the role of maintaining order, ensuring hygiene in the dormitory as well as sleeping arrangements. However, according to information received by the visiting group, the chief of the cell would abuse this role and become an intermediary between prisoners and some corrupt officers. The chief of the cell would then ask for money to grant a blanket or a place to sleep, to distribute the tasks to clean the dormitory, or to register detainees on the lists of medical examination. The administration would often overlook these abuses because the chief of the cell relieves it of tasks several functions instead including that of settling disputes between inmates.

5 - Disciplinary Transfers

To cope with difficult cases such as attempted suicide or hunger strikes, the administration has at hand a set of measures provided for by law. Nevertheless, it prefers, according to many testimonies, to use arbitrary procedures that involve use of violence against offenders: isolate them abusively or transfer them to other prisons as an illegal disciplinary measure to deter troublemakers without prior meeting of the disciplinary committee and without adopting the disciplinary procedure, which requires that prisoners' files be studied and their testimonies be received. In some cases, the administration takes two measures (transfer and disciplinary measures) without taking into account the binding legal texts.

These measures are recorded in the prisoners' files and may be used against him to exclude him in violation of law, from general pardons. The visiting group expressed great concern about the plight of some detainees, who were transferred, as a disciplinary measure, to many prisons (up to 10 prisons).

6 - Isolation

According to law, "solitary confinement of an inmate as a preventive or security measure shall not be considered as a disciplinary action..." However, many officers use it as a disciplinary sanction and do not respect the legal provisions which require that detainees in solitary confinement should be examined by a doctor. The group was unable to make sure that the mandatory notification of the Director General of this measure is respected, as provided by law.

It was established, for the visiting group, that some wardens used isolation as a disciplinary measure and that this measure remained a disciplinary action rather than a preventive or security measure.

Furthermore, during visits to various prisons, the group was interested in the situation of prisoners reported as belonging to religious groups or involved in terrorism-related cases in Kenitra central and local prisons, El-Jadida local prison and the prison complexes of Casablanca and Sale. In El-Jadida and Kenitra local prisons, the situation of this category does not raise any concern, according to the statements of prisoners themselves.

However, in the Sale Prison Complex, detainees are monitored jointly by prison officers and other persons from outside the prison, in violation of the Prisons Act. Some detainees complained of ill-treatment. They would be subjected to abuse and insults by some guards, and sometimes to physical violence. They also said that they did not enjoy their legal rights; they were locked in individual cells; the duration of their walk was cut short to 30 minutes and that of visits to a quarter of an hour; they were denied newspapers and magazines; they had no access to the phone and were virtually isolated from the outside world.

The situation is slightly different in the central prison of Kenitra. Some of the prisoners are kept in solitary confinement. These detainees complained that they were deprived of direct visits, that they did not benefit from enough time for visits and walks and that they were denied books, magazines, newspapers, the Koran or pens. The group did not hear of acts of violence against them.

Regarding the Oukacha Prison Complex, the group found two distinct types of treatment. The first type involves some recently sentenced inmates who are found among common law prisoners and who are treated like other prisoners. The group received neither complaint nor request from them. The second type involves a group of inmates who live in a specific wing. These prisoners had previously started a 16-day hunger strike, from January 12-28, 2004, and complained of ill-treatment, including beating. Their claims include the right to direct visits and conjugal visits, access to fixed telephones, access to library and bath with hot water. They demanded also that the doors of their cells be kept open during the day. The visiting group spoke with the warden who promised to solve their problems.

As for the detainees met in the Sidi Moussa prison, El-Jadida, it is difficult to assess their situation and the nature of treatment they receive for their transfer to this prison was made on the day of the group's visit. But their complaints include mainly the pursuit of studies, the transfer to other prisons closer to their families, medical care and the right to be registered on the lists of those proposed for royal pardons.

PART NINE

**REMARKS ON ADMINISTRATIVE ORGANIZATION,
BUDGET, MONIES FOR PRISONERS AND INSPECTION**

The field surveys enabled the visiting group to become aware of a set of laws, regulations and official documents relating to the prison system administrative structure, at central and regional levels and to budget and inspection issues.

On the basis of the conclusions reached by the visiting group and the discussions that followed within the Working Group on Protection of Human Rights and Prevention of Violations, the following remarks can be made:

- The organization of the prison administration remains highly centralized, despite the promulgation of a decree dated October 10, 1978 related to the establishment of 3 regional directorates. This text has never been implemented, which raises a number of key questions about its provisions and their compatibility with the current situation. The administrative restructuring provided for by this decree responded to the requirements of the situation that prevailed in the late 1970s. It does not keep up with the current context, in which the number of prisoners, prisons and judicial districts increased, in terms of courts of first instance or courts of appeal. In addition, the above law could not foresee twenty years ago, the regionalization policy currently implemented by the State pursuant to the relevant provisions of the 1996 Constitution. All of the above developments challenge the present concept of regionalization in the field of prison administration.
- The statistical bulletin issued by the prisons administration, as well as the data collected through questionnaires reveal the following conclusions about the budgets of the years 2001 and 2002:
 - Providing prisons with all supplies, particularly food, is done through transactions conducted by the central administration at the national level. This often results, according to local officers and inmates, in supply disruptions in foodstuffs (beef, eggs, poultry and vegetables) that can last for over a month;
 - A sum of MDH 1,400,000.00 is allocated each year to pay prisoners for their work. However, the visiting group found wherever it went that this allowance is not paid to the inmates entitled to it. According to some wardens, this is partly due to the fact that this money comes very late and after the release of the prisoners concerned. This problem must be dealt with and an appropriate solution should be found.
- In the light of the remarks contained in this report, the visiting group found violations, malfunctions, and sometimes numerous infringements of the

rights recognized by the Prisons Act. These rights are generally consistent with international standards in this area. The visiting group noted, for example, that the implementation of inspection and control mechanisms laid out in the Criminal Procedure Act and the Prisons Act is very limited. The questionnaire adopted by the group shows that 6 out of 27 prisons involved were not visited by provincial commissions from 2001 to 2003, and others were visited only once during this period. In addition, some detainees expressed disappointment at the slowness or lack of responses to their grievances.

Given these factors, the control and inspection mechanisms require more than ever a radical revision with respect to measures, procedures and methods of their implementation.

PART TEN
**ADMINISTRATIVE JAILS AND CHILD
PROTECTION CENTERS**

After the Advisory Council on Human Rights (CCDH) approved its plan of action, the Working Group on Protection of Human Rights and Prevention of Violations scheduled field visits to 10 administrative jails and 10 child protection centers. The selection of sites was based on the itinerary of planned visits to prisons as well as on the nature of the institution and gender of residents (male or female).

Generally, the visits took place under good conditions and in accordance with the goals set. Members of the visiting group had access to all premises and could hear the residents individually to ascertain potential problems and circumstances under which they serve their sentences.

These visits led to a number of remarks and proposals the most important of which are reflected in this report. They concern both administrative jails and child protection centers.

I - Administrative Jails

1 - Legal Framework

Administrative jails are detention facilities under the jurisdiction of the courts of first instance, where there is no regular prison. They report directly to the Ministry of Interior, through local authorities. These jails are not part of the regular prisons system. There is no legal text organizing them. Inmates are put in these jails on the basis of a judicial decision or warrant issued by the public prosecutor.

It should be noted that these jails have been legally abolished, by virtue of section 608 of the new Criminal Procedure Act.

2 - Buildings

The buildings used as administrative jails are in general old, damp, cramped and poorly ventilated. In most of them, there are no facilities meeting the basic needs for even a temporary stay, such as kitchens, toilets or visitors' room. Some of these jails are old stables, as is the case in Sidi Kacem and Rommani; while others do not have space for walks.

Generally, the premises of the jails visited lack the conditions for a stay respecting the dignity inherent to the human person.

3 - Equipment

The visiting group noted that administrative jails did not have the necessary and sometimes even the most basic equipment. In the absence of funds allocated for these jails, local authorities resort to their own resources.

The situation of the administrative jails visited can be summarized as follows:

- Lack of beds and blankets except in the prisons of Oued Zem and Taounate. Prisoners rely on their families to provide them with this furniture. Blankets are sometimes distributed in Guelmime, Rommani and Sidi Kacem;
- Lack of healthcare equipment, including that of emergency first aid;
- Lack of kitchen equipment for preparing, heating and preserving food, with the exception of the Smara Prison.

4 - Prison Population

The prison population includes all categories, men, women and children. Defendants and convicts are incarcerated together, and sometimes along with juvenile offenders (cases of Sidi Kacem and Guelmime). However, these jails are not crowded, with the exception of the Dakhla Jail, which is overpopulated by 112.5%. As for the accommodation capacity, it varies between 30 (Taounate) and 60 places (Guercif), while the number of inmates varies between 10 in Rommani and 45 in Dakhla. The length of sentence varies between one week in most jails to 6 months in the jails of Dakhla and Smara.

5 - Services

5-1 - Health

None of the jails visited has a full-time doctor. Only the jails of Sidi Kacem and Dakhla are visited on a periodic basis by a doctor. In emergencies, patients are transported to hospitals. In all the jails visited, the group noted that there are no infirmaries, no first aid equipment and no medicines.

5-2 - Food

Food for prisoners is not provided by jails as there is no budget earmarked for this purpose. In some cases, the local authority provides one meal per day for prisoners (Sidi Kacem and Dakhla), two meals per day (Tantan), and three meals per day (Taounate and Smara). No meals are served to inmates in Rommani, Oued Zem and Fqih Ben Salah.

In general, it can be said that food for prisoners in administrative jails is almost nonexistent, due to the lack of relevant budget on the one hand and to the lack of facilities for preparing meals on the other.

5-3 - Hygiene

With the exception of Tantan, none of the jails visited is equipped with showers. Inmates wash themselves in toilets, often without doors. In some jails, it is not allowed for prisoners to wash (Taounate, Rommani and Guelmime). For those where it is allowed, inmates wash in cold water. In all the jails visited without exception, no toiletries are distributed to prisoners (soap, shampoo, bleach etc...). In addition, it is prohibited to bring into some jails shaving materials.

6 - Walks

Detainees are allowed to walk every day of the week in almost all administrative jails, except in that of Taounate which does not have a walk space, that of Rommani where women are not permitted to walk, those of Guelmime and Fqih Ben Salah where it is not guaranteed although there is a becoming space.

The walk duration varies from one jail to another. The cell doors are often open for better ventilation, except the jail of Fqih Ben Salah.

7 - Contact with the Outside World

7-1 - Visits

Visits are allowed upon permission of the public prosecutor office. However, the visiting group noted the lack of spaces for visits in all jails. 15- to 30-minute visits take place in the Registry Office, in courtyard or through the prison gate (Sidi Kacem). The visiting days are not the same in all jails: One day per week in Guelmime and Taounate, two days per week in Dakhla and Guercif and six days per week in Smara, Tantan and Rommani.

7-2 - Telephone

With the exception of that of Dakhla, administrative jails are not equipped with telephones available to inmates to communicate with their families.

8 - Treatment

Except for the deprivation of the right to daily walk about which inmates in Fqih Ben Salah complain, no treatment-related grievances were registered.

9 - Monitoring and Inspection

Jails are inspected occasionally by the public prosecutor or his assistant. However, these visits are neither regular nor periodic.

The visiting group studied reports issued by some provincial commissions, which visit administrative jails regularly (Dakhla, Guercif and Smara...).

10 - Management

Administrative management of jails is entrusted to officers of the auxiliary forces under the supervision of the public prosecutor. These officers are in charge of clerking and surveillance. Members of the visiting group found that women detained in the jails of Rommani and Guelmime were under the surveillance of male agents of the Auxiliary Forces.

II - Child Protection Centers

1 - Legal and Regulatory Framework

1-1 - Provisions of the Criminal Procedure Act

Since the enactment of the former Criminal Procedure Act, the Moroccan legislator has seen to it that juvenile offenders whose age does not exceed 16 years receive a special treatment, while providing for exceptional measures for those aged between 16 and 18. The new act (law N° 22.01), which came into force on 01/10/2003, reinforced this tendency by introducing new provisions of utmost importance, namely:

- The age of criminal responsibility shall be raised to 18 years in harmony with international instruments ratified by Morocco (Article 458);
- A judicial police department to investigate into cases of minors shall be set up (Article 19);
- Judges of the public prosecutor office shall be designated to look into cases of minors (Article 467);
- Juvenile courts shall be set up;
- Protection measures shall be strengthened (sections 481 and 496 to 500);
- Freedom-depriving measures against minors and incarceration thereof shall be exceptional (Article 482) and under conditions (Article 473);
- The penalties for offenses shall be reduced to half the sentence, and penalties for crimes shall not exceed 10 to 15 years, where the penalty is death, life imprisonment or 30 years (Article 482, paragraph 1, and the last paragraph of Article 493);
- Parties concerned must be informed of the measures taken against minors (paragraphs 4, 5 and 6 of Article 460);

- Hearings must be held in camera in order to preserve the reputation of a minor (paragraph 1 of Article 478 and the last paragraph of Article 490);
- Juveniles detained in centers and prisons shall be visited by the juvenile judge at least once a month (Article 473);
- The Juvenile judge shall be entrusted with the prerogative of modifying the measures taken against a minor, whenever his interest requires so;
- Children in difficult situations shall be protected (Articles 512 to 517);
- The protection of children victims of offenses and crimes shall be strengthened (sections 510 and 511);
- Imprisonment for non-payment of debts cannot be enforced against a minor.

1-2 - Ministerial regulatory decisions

Child protection centers are organized and governed by the following texts:

- a. Decision of the Minister of Youth and Sports N°. 3035/95 dated July 24, 1995 and related to the establishment of vocational training centers under the supervision of the Ministry of Youth and Sports, published in the Official Gazette N°. 4357 dated March 4, 1996;
- b. Decision of the Minister of Youth and Sports N°. 957.80, dated July 11, 1981 and related to the organization and functions of child protection institutions, published in the Official Gazette N°. 3950 dated August 19, 1981.

Both texts define the nature and functions of these centers, which total 16, including 14 for boys and 2 for girls.

Child protection centers include the following sections:

1-2-1 - Observation section

Juveniles are placed provisionally in this section for a period ranging from 3 weeks to 3 months. Afterwards, they are returned either to their families or to reeducation centers or another specialized institution, according to the sentence handed and which is generally based on a social survey.

This section is important in that it helps study the character of a minor, diagnose the problems from which he suffers, collect data relating to his family and social background, investigate his behavioral and pathological past before delinquency and finally submit proposals to the judiciary to help take the appropriate judicial action in his case.

1-2-2 - Reeducation section

This section receives the minors who passed through the observation section and are found in need of protection, rehabilitation and behavior correction. Minors can be placed in this section by virtue of a judicial measure for a period ranging from one to three years. This period can be extended, in some cases, until the age of criminal responsibility, which is 18 years (new Criminal Procedure Act).

The reeducation section helps minors to acquire the rules of order and social values, train them to integrate community life and provide them with vocational training or education for economic and social integration. It also aims to strengthen links between the minor and his family.

The minors who pursue their education are directed toward the Benslimane child protection centers. Those who attend vocational training join the Larache and Berrechid centers, while those who hail from rural areas are placed in the Fqih Ben Salah center.

1-2-3 - Social action clubs

These clubs constitute a transitory phase between reeducation institutions and the family background of minors. They receive minors so that they can pursue their studies in a high school under the Ministry of Education, as well as the minors who graduated from vocational training centers and who are in need of an internship in a private workshop to enhance their training. They also aim to inculcate the virtue of self-reliance and the spirit of responsibility into minors and to pave the way for them to communicate and achieve economic and social integration.

2 - Weaknesses

2-1 - In terms of Criminal Procedure provisions

It is not easy to evaluate the law which has just come into force. It is only the effective implementation on the ground that can reveal potential deficiencies. However, it is possible now to make a few remarks and observations:

1. This act does not provide for medical services and psychotherapy for juvenile offenders, either before trial or during the execution of the measures taken against them, as delinquency at this critical age is very often caused by mental disorders;
2. This act does not provide for the monitoring of juvenile offenders to ensure their social reintegration after the end of the measure taken against them or the prison sentence;

3. This act does not state that juvenile courts should include women judges or advisors, as the presence of women have positive effects on the juvenile morale;
4. The negative effect of the priority given to imprisonment over other penal measures against juvenile offenders (last paragraph of Article 482);
5. Mitigation of sentences is restricted in criminal cases to death penalty, life imprisonment or 30 years, while other criminal penalties, namely the confinement to 5, 10 or 20 years are overlooked.

2-2 - In Practice

Although the measures provided for in the Criminal procedure Act must take immediate effect, the group, during its visit to prisons or child protection centers, found that children continue to be incarcerated in prisons, while others, under the same circumstances, are placed in child protection centers (Temara). In addition, the exercise of the powers granted by law to juvenile judges are not uniform everywhere.

3 - Buildings and Equipment

3-1 - Buildings

The centers were built between 1948 and 2001. In general, they are in very good conditions. They include:

- Collective dormitories with a location for the monitoring educator;
- Health facilities;
- Canteens;
- A hall for activities;
- Sports fields;
- Classrooms and vocational training workshops;
- A kitchen;
- Administrative facilities.

The centers are provided with equipment such as:

- Mattresses and blankets;
- Tools for vocational training;
- School desks;
- Kitchen equipment and refrigerators;
- Washing machines;

- Computers in some centers (Temara, Agadir and Fez-Zaiyat center and social club).

All the centers visited have an accommodation capacity that exceeds the number of residents. No overcrowding was observed. This capacity would also be sufficient for the placement of juvenile offenders, aged between 16 and 18 years following the entry into force of the new Criminal Procedure Act.

3-2 - Deficiencies

The visiting group found that some centers lack some equipment. Also, existing equipment is neither maintained nor repaired. Deficiencies can be found in the following:

- Beds, clothes and hygiene products;
- Vocational training workshops;
- School supplies;
- Computers (tools necessary to modernize management);
- Washing machines are not used (Tit Mellil), or repaired (Fez Social Action Club and Nador Center);
- Transport means are not generalized or repaired;
- Lack of bread ovens (Nador, Oujda, Fqih Ben Salah, Berrechid, Tit Mellil).

The visiting group noted that the supervising ministry has not taken steps to accommodate the new category of juvenile offenders aged 16 to 18 in accordance with the provisions of the new Criminal Procedure Act. This could result in failures in management and in providing appropriate educational services in those centers.

4 - Supervision

The human element plays a central role in education. Without this element, education programs, no matter how efficacious, cannot be translated into effective action on the ground. Child protection centers require multidisciplinary educators who received thorough and high level training, because they deal with a group of children suffering from psychological disorders which affect their behavior and character, and which could lead to violent reactions towards others. This requires that educators redouble their efforts to decrease the gravity of minors' negative behavior.

Each child protection center is composed of the following staff:

- The center director, in charge of management;
- The social assistant responsible for overseeing and directing the activities of educators;

- Educators, in charge of supervising minors, overseeing all educational activities organized for their benefit and developing educational projects to correct their behavior;
- Professional instructors, in charge of vocational training for residents;
- Teachers and staff, in charge of literacy;
- The bursar, in charge of stewardship and food within centers.

The visiting group found that there was a significant deficiency in staff, in terms of number, specialty or sex. The directors of the centers concerned confirmed these findings, which impacts negatively on the performance of educators, and thus on the morale of residents. Centers do not have enough educators, professional instructors, teachers, agents and women social workers.

Here are other problems related to staff:

- Weakness of initial and continuing training, despite some efforts in this area;
- Virtual absence of female educators in most centers;
- Lack of material motivation for the staff (housing, transport, allowances for overtime work...).

5 - Services

5-1 - Food

In child protection center, residents get three meals a day: breakfast, lunch and dinner. Meals, varied and balanced, are prepared in accordance with a program adopted previously by the administration. However, it is clear from the statements of some directors of centers that funds allocated to them are small and confined to MDH 11.50 dirhams per person a day. Residents also complained of not having a snack between 13.00 and 19.00, taking into account that they need energy input as they receive theoretical courses or vocational training during this period. Some complained of insufficient food.

5-2 - Hygiene

Data collected, show that all residents wash themselves with hot water once a week (Tit Mellil and Larache), twice a week (Nador, Fes, Berrechid, Agadir and Oujda) or on a daily basis (Fqih Ben Salah). Shower taps are in sufficient numbers. However, a number of taps should be repaired (in Larache, Nador, Zaiyat-Fez, Tit Mellil and Fqih Ben Salah).

Hygiene products (soap, toothpaste, shampoo...) are not always available, and if so, they remain stored in warehouses in some centers and not distributed to residents (Fez Social Action Club, Larache).

5-3 - Clothing and bedding

Blankets are few, worn and torn in some cases. They are not renewed and distributed to residents. In some of the centers visited, the mattresses are old and worn. Clothes are not distributed regularly, despite their availability in the warehouse. According to minors' statements, the administration would distribute clothing during visits and recover them right afterwards.

5-4 - Literacy

Literacy operation in child protection centers is not effective, given the limited number of beneficiaries, lack of staff, lack of maintenance of premises and deficiency in adequate structures and equipment. Some centers did not specify the number of beneficiaries (Oujda, Larache) and others do not have classrooms for this purpose (Zaiyat-Fez, Tit Mellil and Berrechid). In the other centers, 54 minors have benefited from a literacy course, including 30 in Nador, 10 in Fqih Ben Salah and 14 in Agadir.

5-5 - Education

Not all residents of the centers visited are offered secondary education. Some of them take elementary education courses (7 in Nador, 1 in Zaiyat-Fez and 33 in Agadir). A small number of minors follow informal education (25 in Berrechid, 10 in Agadir, the majority of girls in Zaiyat- Fez and an unknown number in Larache). The visiting group found that equipment and teaching staff were insufficient.

5-6 - Vocational training

Vocational training is a crucial element in the educational programs adopted by the child protection centers. It helps take up the time of juvenile offenders and allows them to acquire skills and expertise that would facilitate their future economic and social reintegration. The cycles extend over a period ranging from 1 to 2 years in all professional workshops, except in agriculture whose cycles last from 1 to 3 years. Successful candidates receive a diploma.

The various vocational training workshops identified in each center visited are as follows:

- Nador : carpentry and boilermaking;
- Zaiyat in Fez : hairdressing and modern dressmaking;

- Tit Mellil : carpentry and welding;
- Larache : carpentry, plumbing and boilermaking;
- Berrechid : boilermaking and domestic electricity;
- Fqih Ben Salah : carpentry, welding and agriculture;
- Agadir : carpentry, tanning and agriculture;
- Oujda : welding, plumbing, electricity and agriculture.

However, the visiting group observed that equipment was obsolete state coupled with a severe shortage of raw materials. It also found a shortage of trainers (one vocational trainer to supervise several workshops) and a few number of beneficiaries. Except for the Zaiyat center, where 24 girls benefit from the dressmaking workshop, the number of residents who follow training in workshops in other centers ranges between 2 and 11 beneficiaries.

It was observed that the centers which ensure agricultural vocational training have large areas (56 ha in Fqih Ben Salah, 8 ha in Berrechid and 13 ha in Tit Mellil). These areas are not used efficiently and productively. If better used, they could ensure self-sufficiency for the centers involved and even provide other centers with agricultural produce.

5-7 - Libraries

The library is an indispensable service in child protection centers. It helps to supplement educational programs and allows residents to take up usefully free time while increasing their knowledge and developing their general culture. However, most centers are lacking in libraries (Nador, Zaiyat-Fes, Tit Mellil, Berrechid, Fqih Ben Salah). Libraries in other centers lack sufficient number of books. Even when available, these books do not correspond to the needs and level of the target residents.

5-8 - Entertainment

All centers have entertainment rooms equipped with TVs, chairs and benches. However, it was found that there is a deficiency in equipment and in educational and social games. In some cases, these games are available but they are kept by the administration and are not made available to residents.

Some small centers have computer rooms with computers available to residents for entertainment (Temara, Fez Social Action Club). Most centers have sport fields, but they are often small and often poorly and not properly equipped.

Some residents said they had neither sports gear nor sneakers. They play football barefoot (Fqih Ben Salah and Larache).

5-9 - Visits

Visits grant residents the opportunity to maintain relations with their families and the outside world, which enables them later to achieve social reintegration. Most centers allow and accept that visits take place every day. Only three centers are the exception. They limit the number of visits to twice a week (Nador, Tit Mellil and Berrechid).

Some minors are not visited by their family for reasons beyond the control of the centers' officers.

5-10 - Treatment

Proper treatment is the mainstay of educational activities. It preserves the dignity of residents, maintains their mental balance and instills in them the confidence to overcome obstacles and bad times. It also opens communication channels and reinforces coexistence with others. Proper treatment can help residents maintain a normal relationship, be involved in educational programs and integrate into their environment. Good treatment should be taken into account in all stages of residents' life within centers, including professional, recreational or other activities.

This very important link is, however, lacking in some centers. The group was able to find out signs of abuse, or even physical abuse (Fqih Ben Salah, Fez Social Action Club, Larache, Nador...). These findings are corroborated by statements of some residents who complain of having been insulted and abused by teachers or administrators.

III - Proposals

1 - Administrative Jails

Considering that administrative jails are not regular prisons and that the conditions of stay there do not preserve human dignity and respect inmates, and based on the observation made by the visiting group, several proposals related to these jails were made including:

- Close all administrative jails and replace them with regular prisons within the jurisdiction of each court of first instance;
- Entrust the prison administration with the mission of supervision, judicial clerking, food services, healthcare and equipment;
- Develop an urgent feeding programme with three meals a day;

- Provide hygienic conditions for prisoners;
- Distribute bedding and personal care items;
- Provide a specific space for walks and ensure that daily walks last at least one hour;
- Allow family visits, and provide appropriate conditions for the lawyers to visit their detained clients;
- Allow inmates to have access to phones to communicate with their relatives;
- Allow access to newspapers, magazines, radio and television.

2 - Child Protection Centers

In order to improve the situation of child protection centers, the visiting group made the following proposals:

- Extend the provisions laid out in Articles 482 and 492 of the Criminal Procedure Act to all prison sentences;
- Review the budget allocated for child protection centers;
- Repair and maintain infrastructures, and provide the equipment necessary for a stay that responds to the needs of minors;
- Provide the necessary equipment for vocational training workshops;
- Provide centers with sufficient specialized staff with emphasis on women;
- Provide healthcare that takes into account the psychological aspects of juvenile offenders;
- Distinguish between young offenders and children in difficult situation, including homeless children, by reserving centers for children in difficult situation;
- Implement the provisions of the new Criminal Procedure Act, by minimizing, whenever possible, the use of incarceration of minors and by reviewing measures taken against them whenever their best interests so require;
- Take all appropriate measures to enable centers to host juvenile offenders aged between 16 and 18 in accordance with the new Criminal Procedure Act;
- Develop programs to rehabilitate minors, based on a psychological, social and educational approach;
- Monitor minors at the end of their term in child centers, through youth clubs and probation officers;
- For the sake of juvenile delinquents, open up to the outside world: family, civil society....

PART ELEVEN
PROPOSALS SUBMITTED TO
CCDH 21ST SESSION

Based on the content of this report and the findings of the field visits, the Working Group on Protection of Human Rights and Prevention of Violations agreed on a set of proposals as follows:

- I - Statement of purpose;**
- II - On the legislative level;**
- III - Pardons;**
- IV - Promoting the situation of prisons and detainees;**
- V - Strengthening CCDH protection mechanism regarding prison conditions.**

I - Statement of Purpose

- On the basis of the Royal Directives aimed at strengthening the human and rehabilitation mission of prison within the framework of the promotion of human rights;
- With a view to supporting the efforts made by the relevant governmental authority in charge of the improvement of the situation of prisons;
- Based on our country's new orientations regarding penal legislation and policy;
- Considering all the CCDH work and conclusions in its previous term regarding the issue of prisons;
- Taking into account the prerogatives entrusted to Mohammed VI Foundation;
- And based on the results of field visits conducted to prisons, and the conclusions of this report.

II - On Legislative Level

Proposal

The Ministry of Justice shall be responsible for the preparation and submission of reasoned and detailed proposals on the following texts:

Prisons Act

Amendments

- Entitle the judge in charge of enforcing sentences to give an opinion on proposals for parole, and to adjudicate on the dispute over disciplinary measures;
- Reduce the time needed to adjudicate on the dispute over disciplinary measures;
- Codify the system of conjugal visits;
- Amend Article 12 to allow the placement of juvenile offenders directly in reform and rehabilitation centers;
- Amend Article 75 of the Prisons Act to help inmates open up to their external environment;
- Pay special attention to elderly prisoners and those with special needs.

Implementation

- Abstain from the use of disciplinary transfers;
- Apply the system of parole, laid out in Articles 154 to 159 of the Implementing Decree of the Prisons Act;
- Apply the system of access to compassionate leave provided for in Articles 46 to 49 of the Prisons Act;
- Implement social assistance in accordance with Articles 132 to 141 of the Implementing Decree;
- Implement Article 7 of the Prisons Act, on incarceration in individual cells;
- Implement legal provisions on education, literacy and vocational training laid out in the Implementing Decree;
- Apply Article 26 of the Prisons Act;
- Adopt greater flexibility in granting permission to civil society organizations to visit prisons.

Criminal Procedure Act

Amendment

- Expand the powers of the judge in charge of enforcing sanctions, particularly in regard to parole and the examination of disputes over disciplinary decisions;

- Determine the periodicity of the meetings of the commission on parole and make such meetings more frequent;
- Determine the frequency of inspections entrusted to provincial commissions;
- Reduce the deadlines for legal and judicial rehabilitation.

Implementation

- Raise awareness about the harmful effects of the systematic use of preventive detention;
- Apply judicial monitoring as a new measure of the Criminal Procedure Act;
- Activate provincial commissions provided for under Articles 620-621 of the Criminal Procedure Act;
- Apply the system of parole established by Articles 622 to 632 of the Criminal Procedure Act;
- Expedite adjudication on cases brought before the Supreme Court.

Penal Code

Amendment

- Criminalize torture and define penalties for perpetrators thereof in accordance with the Convention against Torture, ratified by Morocco;
- Integrate sentencing alternatives to custodial sentences into the Moroccan Penal Code;
- Amend Article 53 of the Penal Code and extend its effects to those convicted of crimes.

Implementation

- Implement Article 53;
- Strengthen and diversify the penal system in regard to short sentences, by using suspended sentences and fines, and lowering the minimum sentences;
- Apply accurately Article 120 of the Penal Code, unify relevant case laws and urge courts to adjudicate expeditiously on requests to merge sentences.

Civil Service Statute

- Propose guarantees for certain categories of former inmates to have access to civil service, as part of reintegration programs.

III - Pardons

Proposal

To elaborate a draft recommendation on the procedure and criteria of pardons to be transmitted by the Coordinating Committee to CCDH members, after reviewing its standards, its bases and formulation in a joint manner by the Working Group on the Protection of Human Rights and Prevention of Violations and the Group on the Study of Legislation and Public Policies.

Proposed outline for the reform of the procedure, standards and implementation of pardons.

- Based on the Royal Will which, while giving the priority to humanitarian considerations for granting pardons, allowed its extension to all categories of prisoners and made it a way to alleviate their suffering and rekindle their hope;
- Based on the royal speech at the opening of the judicial year on January 29, 2003, in which the King said: "In order to alleviate the suffering of certain categories of prisoners who benefit from Our compassion for humanitarian reasons, We have given our high directives to our Minister of Justice to submit for our high appreciation proposals to grant the Royal Pardon to a group of prisoners suffering from incurable diseases, disabled or handicapped prisoners, pregnant or nursing prisoners, or children with specific educational or artistic skills, based on criteria and detailed lists of names, about which we will announce a decision at the appropriate time".

In terms of procedures

Amend the provisions governing pardons, taking into consideration:

- The confirmation of CCDH previous proposals that one of its members as well as a doctor join the Board of Pardons;
- The elaboration of criteria of eligibility for pardons, while informing detainees of them to encourage them to improve their behavior;
- The adoption of a transparent mechanism that allows detainees to make sure that their applications are received by the Board of Pardons, and to be informed of the decision of this Board;
- The provision of an information system to the Board of Pardons to enable it to peruse data on the situation of the prison population;

- The organization of periodic visits by the Board of Pardons to prisons while giving priority to prisons where inmates serve long sentences;
- The creation of new occasions for the granting of collective pardons (birthday of HRH Crown Prince Moulay Hassan and the International Human Rights Day).

Make a recommendation on the criteria of pardons

The visiting group was interested in some categories of inmates who were entitled to be proposed for Royal pardons. Accurate lists of these categories were drawn up and relevant proposals were submitted to His Majesty.

- The prisoners awaiting the execution of death penalty for many years (10 years) and living in very difficult health, psychological and social situations: their sentences could be commuted to life imprisonment;
- Those sentenced to life imprisonment who have served 10 years and whose sentences have not yet been commuted to a term of imprisonment;
- Convicts sentenced to 20 and 30 years, who have served most of it and who have benefitted from collective pardons only;
- Convicts who made great efforts to improve their behavior, received degrees in various levels of education or vocational training and who hope that their efforts are taken into account;
- Convicts sentenced to long prison sentences while they were minors;
- Convicts who are chronically ill or with special needs;
- Elderly convicts who have served more than half of their sentence, and no longer represent a threat to society and for whom prison has nothing else to offer;
- Pregnant or nursing inmates, or women accompanied with children;
- Those sentenced to prison terms for crimes committed without intent, (e.g. assault and battery causing death without intent to kill).

This classification may be adopted as criteria when making proposals on the provisions governing pardons.

Take a census of the categories mentioned in the previous paragraph through:

- The creation of a mixed unit composed of the Working Group and the prison administration for the reception, exchange and consideration of information, as part of the cooperation provided for in the Royal Decree reorganizing the CCDH;

- The Drawing up of draft lists containing names proposed for pardon for submission to His Majesty the King.

IV - Improvement of Prison Conditions

Proposal

The CCDH shall organize study days, in partnership with several parties (including the governmental department concerned, Mohammed VI Foundation, concerned components of civil society, private sector, experts and local authorities...) in order to carry out in-depth studies on the situation in prisons, on the basis of a summary paper to be prepared by the CCDH, to outline a comprehensive and integrated policy for the promotion of prisons and conditions of detainees.

Other issues may be suggested for discussion during the study days, in order to fill in the gaps identified during field visits:

1 - Infrastructure

Designate experts in building and socio-geographic researchers in order to:

- Supervise the construction of prisons in terms of their type, location, size, security, and suitability for the prison function;
- Expedite the implementation of construction projects, while seeing to it that the plans programmed are modified in such a way as to meet the real needs in accordance with the opinion of experts and taking into account the requirements of reintegration programs (Vocational training, classrooms, walking spaces, visitor's rooms, shelters for visitors, legal conjugal intimacy, kitchenettes in each wing to warm food, lockers to store personal belongings, canteens and halls for cultural and recreational activities);
- Plan the construction of prisons, for preventive prisoners and those sentenced to short terms within the jurisdiction of each court of first instance;
- Build three central prisons;
- Build further reform and rehabilitation centers and allocate areas for young female offenders;
- Reserve a wing for the mentally ill in some prisons;
- Set up maintenance teams at each prison;
- Provide mosques inside detention centers and ensure easy access to them.

2 - Equipment

- Modernize the administration by providing it with computer tools;
- Provide each prison with medical equipment, including in particular dental chairs;
- Provide equipment for vocational training workshops, maintain and repair the existing ones;
- Provide equipment and resources necessary to literacy and education programs;
- Generalize bread ovens to all prisons;
- Generalize beds and mattresses, and ensure the distribution of blankets to all detainees;
- Generalize showers and boilers.

3 - Accommodation Capacity

- Define the actual accommodation capacity of prisons in Morocco;
- Allocate to each inmate an adequate space for decent stay conditions;
- Meet, as far as possible, transfer requests when inmates wish to be nearer to their families;
- Redeploy inmates in prisons according to their accommodation capacity;

4 - Staff

- Review the decree on the Prison Staff Statute;
- Create budget items to increase the number of staff;
- Deploy staff according to the needs of prisons, taking into account the prisoners/guards ratio;
- Avoid using transfer as a disciplinary measure;
- Train staff in the field of human rights and provide the resources for in-service training;
- Extend training programs to women;
- Train a sufficient number of social assistants, especially women to take care of young offenders;
- Ensure for the reform and rehabilitation centers staff a specialized training in the reintegration of young offenders, and motivate them financially for this purpose;

- Entrust the supervising Departments with the functions of vocational training, education, literacy and health care;
- Establish ways to motivate staff, compensate overtime work and responsibility tasks;
- Reward staff for seizing banned objects and substances;
- Generalize administrative housing adjacent to prisons to officers with sensitive responsibility and ensure that its maintenance is regular;
- Increase the risk allowance;
- Respect the deadlines for organizing promotion exams and expedite the adjustment of administrative status;
- Grant equivalence to diplomas obtained while at work;
- Benefit officers and their families from preferential prices for public transport;
- Facilitate the access of staff to housing credit at preferential rates;
- Provide psychological support for staff assigned to surveillance;
- Create a framework for officers to express their claims, taking into account the specificities of their activities.

5 - Services

- Invest the Ministry of Health with healthcare functions;
- Create in faculties of medicine a discipline devoted specifically to health in prisons;
- Implement programs aiming at treating drug addicts;
- Provide clinical psychology service in all prisons;
- Extend dental medicine to prisons where it is lacking;
- Serve balanced meals and respect nutrition programs adopted by the administration;
- Ensure the conditions of cleanliness and regularly distribute hygiene products.

6 - Contact with the Outside World

- Enlarge visitor's rooms, and extend the duration and frequency of visits;
- Allow third parties to visit inmates instead of limiting visits to relatives only;
- Increase the number of telephone booths in accordance with the needs of each prison;
- Generalize the application of conjugal visit, increase its frequency and improve the conditions in which it takes place;

- Provide all the dormitories with a television set;
- Provide newspapers and magazines in prison newspapers stands and libraries;
- Allow visits on Saturdays to make things easier for families of inmates.

7 - Reintegration Programs

- Implement the measures prescribed by the law on social assistance for the benefit of prisoners and their families;
- Provide a sufficient number of social workers in all prisons;
- Pay special attention to programs of literacy, education and vocational training and encourage detainees to attend them without making a link between access to education and threats of disciplinary transfer;
- Intensify recreational, cultural and sporting activities;
- Attach interest to libraries and reactivate their role;
- Extend the walk duration and allow it on Saturdays and Sundays;
- Ensure work for inmates and pay them the allowance due before they leave prison;
- Develop a clear vision and a comprehensive strategy of the integration process;
- Provide the structures and staff necessary to promote the process of reintegration;
- Put into practice the legal provisions and administrative measures to facilitate reintegration, such as exceptional compassion or exceptional leave, parole, conjugal intimacy, etc.;
- Put in place structures to take care of prisoners upon their release from prison;
- Establish relations and partnership agreements with companies and professional associations to facilitate the reintegration of prisoners;
- Activate the role assigned to the prison administration regarding inmate reintegration and aftercare.

8 - Treatment

- Treat all prisoners equally and without discrimination on any ground;
- Apply the provisions of Article 3 of the Decree Implementing the Prisons Act, which prohibits acts of violence or use of demeaning or rude language against inmates;

- Avoid using solitary confinement as a disciplinary measure and limit its use to the cases provided by law.

9 - Structure

- Review the structure of the prison administration taking into account flexibility, efficiency, and requirements of the groups with special needs (women, juvenile offenders, the elderly, the sick and the disabled) and of management, including studies and planning.

10 - Regionalization

- Adopt regionalization in administrative and financial management pursuant to the Decree N°. 2.78.473 dated October 10, 1978 bearing on the Organization of the Prison Administration and Reintegration, and amend this decree in such a way as to be in compliance with the current number of regions.

11 - Prison Management

- Define the profile and the procedure for access to positions of responsibility in prisons;
- Set a ceiling for tenure at the head of a prison (4 years);
- Delegate to local wardens the authority to allow activities and visits to prisons by human rights organizations, while informing the central administration thereof;
- Give wardens autonomy to manage the budget of prisons under periodic auditing.

12 - Budget

- Have specialists assess the needs of the administration with a view to increasing the budget;
- Increase the budget allocated to food, medicine and vocational training;
- Reactivate productive workshops and prison farms to achieve self-sufficiency and rationalize expenses;
- Ensure regular maintenance of facilities to reduce expenses on drinking water and electricity;
- Pay special attention to the Kenitra Central Prison, by increasing its budget, given the plight faced by prisoners serving long sentences and having no visits;
- Respect the autonomy of each prison in managing its own budget, and not to force some prisons to cover the expenses of others;
- Regularly check the payment of allowances due to certain inmates.

13 - Inspection

- Activate internal control assigned to the prison administration;
- Take into consideration the observations and recommendations of provincial commissions and the judge in charge of enforcing sentences, the juvenile judge, the CCDH and the human rights organizations concerned;
- Establish an independent body to monitor the situation in prisons.

14 - Civil Society

- Appreciate the significant efforts made by Mohammed VI Foundation to support the actions of the prison administration, and increase partnership agreements with it;
- Appreciate the speedy implementation of the partnership agreement concluded with the Ministry of Culture and that of Employment and Vocational Training;
- Raise the pace of action by the ministries of Justice, National Education and Health, to accommodate the programs laid out in the partnership agreements with Mohammed VI Foundation;
- Simplify and encourage measures for the participation of civil society in activities in prisons, by entrusting wardens to deal with this issue, while informing the central administration thereof;
- Conclude partnerships with the associations interested in supporting prisons.

V - Strengthen CCDH Protection Mechanism regarding Prison Conditions

Proposal

Strengthen the mechanism of special rapporteur on prisons, particularly with regard to administrative structure and channels of communication with the responsible bodies, in order to enable the Working Group on the Protection of Human Rights and Prevention of Violations to follow up the situation in prisons, monitor to what extent the recommendations and proposals made by CCDH are implemented and to what extent the policies and measures taken in the field are applied, and finally to handle protection-related complaints received from detainees.

APPENDIXES

I - Lists of Prisons, Administrative Jails, and Child Protection Centers Visited

1 - List of prisons

LP of Kariat Ba Mohamed	LP of Ben Slimane	CP of Kenitra
PF of Zaio	LP of Ben Ahmed	LP of Ain Ali Moumen (women's wings)
LP of al-Hoceima	LP of Beni Mellal	RRC of Settat
LP of Oued Laou	LP of Berrechid	LP of Salé
P of Tetouan	LP of Mohammedia	RRC of Salé
LP of Asilah	LP of Inezgane	LP of Ain Sebâa
LP of Larache	LP of Ait Melloul	RRC of Ain Sebâa
LP of Ouezzane	PF of Taroudant	PF of Adir
LP of Kenitra	LP of Tiznit	LP of El Jadida
LP of Khemisset	LP of Laayoune	

2 - List of administrative jails

Taounate
Guercif
Sidi Kacem
Rommani
Oued Zem
Fqih Ben Saleh
Guelmime
Tan Tan
Dakhla
Smara

3 - List of child protection centers (CPC)

Girls C	PC of Berrechid
CAS of Fez	PC of Tit Mellil
CPC of Nador	CPC of Agadir
CPC of Larache	CPC of Oujda
CPC of Fqih Ben Saleh	CPC of Mohammed Zerktouni

II - Sample Questionnaires Prepared by the Working Group on the Protection of Human Rights and the Prevention of Violations, and Filled out by Heads of Prisons and Child Protection Centers

1 - Questionnaire specific to prisons

1 Datasheet	1-1 Name of the institution		
	1-2 Category		
	1-3 Phone / fax number	Phone: fax:	
	1-4 Name of Director		
	1-5 Date of construction		
	1-6 Total area		
	1-7 Capacity		
	1-8 Date of last repair		

2 Blocks	2-1 Number of blocks for men		
	2-2 Number of blocks for women		
	2-3 Number of blocks for young offenders		

3 Prison population	3-1				
	3-2 Number of foreign prisoners				
		Male convicts			
		Male remands			
		Female convicts			
		Female remands			
	3-4 Number of young offenders aged under 16	Aged between 12 and 14	Convicts		
			Remands		
		Aged between 14 and 16	Convicts		
			Remands		
	3-5 Number of prisoners aged between 16 and 20	Convicts			
		Remands			
	3-6 Civil prisoners	Men			
		Women			
	3-7 Number of convicted prisoners	Capital punishment			
Life sentence					
More than one year					
Less than one year					
3-8 Number of children accompanying their mothers					
3-9 Number of prisoners aged over 60	Men	Do they have special care?	Food		
			Medical Care		
	Women		Treatment		
			Residence		
3-10 Are convicted prisoners placed with the remands?					
3-11 Are civil prisoners placed with remands and convicts?					

4 Staff	4-1 Number of staff in the prison	Administrative staff		
		Wardens		
		Social workers		

5 Status of personnel	5-1 Junior warden salary		
	5-2 Number of houses for personnel		
	5-3 Number of beneficiaries from housing		
	5-4 Nature of benefits	For married staff	
		For single staff	
5-5 Working hours			

<p style="text-align: center;">6</p> <p>Administrative management</p>	6-1 Does the prison have a telephone switchboard?				
	6-2 Does it have a fax?				
	6-3 Does it have computers		Their number		
	6-4 Number of cars available				
	6-5 Is there a register for complaints and requests for interviews				
	6-6 The budget	Operating budget			
		Equipment budget			
		Food budget			
	6-7 The discipline	Number of violations in the current year			
		Number of prosecutions in the current year			

<p style="text-align: center;">7</p> <p>Medical staff</p>	7-1 Number of permanent doctors				
	7-2 Number of contract doctors				
	7-3 Medical specialists	number			
		Specialty			
	7-5 Number of nurses				

8 Medical care	8-1 Are there rooms for medical visits?			
	8-2 Is there a dentist?			
	8-3 Is there an infirmary?	Number of beds		
	8-4 Are there any infectious diseases?	What are they?		
		number of patients		
	8-5 Number of AIDS cases			
	8-6 Are there cases of mental illness?	What are they?		
		number of patients		
	8-7 Are there cases of chronic diseases (cancer, heart, liver, kidney, etc.)?	Number of patients per category		
	8-8 Are there disabled prisoners?	Number		
8-9 Are there death cases?	Their number in 2002			
	Their number in 2003			
	Natural deaths			
	Deaths due to diseases			
8-10 Are there suicides?	Their number in 2002			
	Their number in 2003			
8-11 Were there investigations into deaths and suicides?				
8-12 What were the conclusions?				

9 Food	9-1 Hours of meal distribution		
	9-2 Are there kitchenettes for heating food?		
	9-3 Are there stoves?		
	9-4 Are there refectories?		
	9-5 Place of taking meals?		
	9-6 Is there a bread-baking oven?		

Dormitories : see Appendix I

Note : An additional page may be added if needed

Isolation cells : see Appendix II

Note : An additional page may be added if needed

10 Baths	10-1 Number of showers		
	10-2 Number of detainees per group		
	10-3 Is hot water available?		
	10-4 The time given to each detainee for the bath		How many times a week?

11 Open-air walk	11-1 Number of spaces for open-air walk		
	11-2 Number of days of open-air walk		
	11-3 The duration of open-air walk per day		

12 The gyms	12-1 Number		
	12-2 Type		

13 Education	Levels of schooling		Number of beneficiaries	%	
		Literacy		%	
		Primary education		%	
		Secondary education		%	
		Higher education		%	
	13-2 Teachers	The number Secoded from the Ministry of Education			
		Prison Administration officials			
		Prisoners			
		Members of associations			
	13-3 Library	Is there a library?	In jails		
		Where is it located?	Outside jails		
		Number of books available			
		Are newspapers permitted?			

14 Vocational training	14-1 Number of workshops			
	14-2 Training subjects			
	14-3 Number of beneficiaries of each workshops	Numbers of men		
		Number of women		
14-4 Number of trainers				

15 Recreation and practicing religion	15-1 Is there an activity room?			
	15-2 Is it equipped with a television?			
	15-3 Its size			
	15-4 Is there a mosque?	Is it accessible?		
Is there a preacher?				
Non-Muslims have the right to services relating to their faith				

16 The work within the institution	16-1 Number of prisoners working within the institution	Chore		
		Other work		
		Daily wage		
		Number of beneficiaries of a daily wage		

17 Contact with the outside world		Direct visit	Is there a parlor for direct visits	Its area	Length		
					Width		
					Height		
17-1 Visit	Number of inmates at each meeting						
	Duration of visit for each inmate						
	Is there a parlor with screen						
	Number of inmates who do not receive visits						
17-2 Intimate marital relations	Number of rooms reserved for them						
	Number of beneficiaries						
	Frequency of relationships						
	Are there any reasons that prevent such visits?						
17-3 Landline phones	Number						
	Frequency of use for each inmate						

18 Number of visits to the institution during the years 2002 and 2003	18-1 The provincial commissions		
	18-2 Civil society associations		
	18-3 Are there any associations that provide assistance to the institution?		
	18-4 The name of the association		
	18-5 Its telephone number		
	18-6 Type of support		
	18-7 Are there philanthropists?		
	18-8 Their name and phone number		
	18-9 Type of support		

If more than one association use additional pages

19 Pardon and parole	19-1 Number of detainees who have never been granted pardon (except on the two occasions of the royal wedding and the birth of the Crown Prince)		
	19-2 The number of beneficiaries of parole		

2 - Questionnaire specific to administrative jails (Reserved for the visiting group)

Datasheet	Name of the jail:			
	Phone:			
	Fax:			
	Name of director:			
	Opening date:			
	Date of last renovation repair:			
	Total area:			
Accommodation capacity:				
Administrative management	Does the prison have a telephone switchboard?			
	Does it have a fax?			
	Does it have computers?			
The prison population	Number of inmates (see details)			
	Number of foreign inmates			
	Number of men	Convicts		
		Remands		
	Number of women	Convicts		
		Remands		
	Number of young offenders aged under 16	Convicts		
		Remands		
	Number of young offenders aged between 16 and 20	Convicts		
		Remands		
	Number of elderly inmates	Convicts		
		Remands		
	Average number of inmates	Per week		
		Per month		
	Average duration of detention	Per year		
Criteria for transferto other prisons				
Is there a block for women?				
Is the guard a man or woman?				

Rooms (see Appendix N° 1)	Their number		

Is there a courtyard for open-air walk?	Its area		
	Duration of the walk		
	Number of times a week		

Food	Frequency	starchy	vegetables	meat	chicken	eggs
		<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
		Once a day				
		Twice a day				
		Three times a day				

Hygiene	Hygiene Is there a shower? A bath?		Number of baths per week	
			Bath duration	

Supervision	Number of officers in the jail	Administrative officers		Their department of origin	Ministry of Interior
		Wardens			Other departments
		Social workers			

Medical coverage	Is there a doctor?		
	Is there a nurse?		
	Is there a nurse's aid?		
	Is there an infirmary?		
	Nature of common diseases	-	
	-		
	-		

Control	Are there inspections?		
	What is the authority that carries out them?		

Contact with the outside world	Are inmates allowed to receive visits?		
	How many times a week?		
	Is there a space reserved for visits?		
	Is the visit direct?		
	Is there a telephone?		
	Is there a radio?		
	Is there a TV?		

Room	Length	Width	Height	Number of toilet blocks	Number of taps	Number of inmates
Dormitory 1						
Number of windows						
Dormitory 2						
Number of windows						
Dormitory 3						
Number of windows						
Dormitory 4						
Number of windows						
Dormitory 5						
Number of windows						
Dormitory 6						
Number of windows						

Dormitory 7							
Number of windows							
Dormitory 8							
Number of windows							
Dormitory 9							
Number of windows							
Dormitory 10							
Number of windows							
Dormitory 11							
Number of windows							

**3 - Questionnaire specific to child protection centers
(Reserved for the visiting group)**

Datasheet	Name of the center		
	Phone:		
	Fax:		
	Name of director		
	Name of bursar		
	Construction date		
	Date of operation		
	Total area		
	Date of last renovation or repair		
	Accommodation capacity		
	Means for transporting residents?		
	What are they?		
	The center's budget		
	Operating budget		
Equipment budget			

Infrastructure	Number of dormitories see Appendix 1			
	State of the building		In good condition?	
			To repair?	
			Type of repair	
	Is there a kitchen?		Refrigerator?	
			Oven?	
			Bread-baking oven?	
	Sewer pipes?		In good condition?	
			To repair?	
	Showers?		Total number	
In good condition: number				
To repair: number				

Hygiene	Is there hot water for bathing?			
	Number of baths per week?			
	Duration of the bath?			
	Number of taps		good condition	
			repair	
	Are there washing machines?			
	Are hygiene products distributed?			
	Are clothes and footwear distributed?			
Frequency of distribution?				

Medical care	Is consultation on arrival effective?		
	Is first aide available?		
	Is there a doctor?		
	Is there a psychologist?		
	Is there a nurse?		
	Are drugs available?		
	Are there any infectious diseases?		- -

Food	Please attach the feeding schedule to this questionnaire
-------------	--

Education	Number of beneficiaries:	Literacy		
		Primary education		
		Secondary education		
		Informal education		
	Is there a library?			
Number of books it contains				

Vocational training	Number of workshops		
	Training areas and number of participants in each workshop		
	Number of trainers		

Activites	Is there a room for entertainment?		
	Its surface area?		
	Are there sports fields?		
	List them		

Visits	Do residents receive visits?		
	What are the visiting days?		
	Do associations visit the center?		
	Do some philanthropists visit the center? (see Appendix 3)		

Supervision	Number of educators		
	Number of men		
	Number of women		
	Their functions	- - - -	
	Work schedules		

Appendix 1

Dormitory	Length	Width	Height	Number of beds	Quality		
					Good	Medium	Poor
Dormitory 1							
Windows							
1							
2							
3							
4							
5							
Dormitory 2							
Windows							
1							
2							
3							
4							
5							
Dormitory 3							
Windows							
1							
2							
3							
4							
5							
Dormitory 4							
Windows							
1							
2							
3							
4							
5							

Name of philanthropist	Type of service offered	Adress	Phone

Comments and suggestions of the center's director:

.....

.....

.....

.....

.....

.....

.....

.....

III - Table on Degree of Implementing Proposals Put Forward by CCDH in its Previous Mandate to Improve the Situation of Prisons and Prisoners

Proposal	Outcome
Revising laws relating to prisons and treatment of prisoners	Implemented
Enforcing Article 661 of the former Criminal Procedure Act concerning the provincial control committee	Partially implemented
Calling for limiting the systematic use of detention pending trial	Partially implemented
Adopting alternatives to imprisonment	Not implemented
Generalizing pardon to some prisoners having spent between 80% and 90% of the sentence	Not implemented
Granting pardon to the elderly and the mentally ill	Not implemented
Calling upon the Board of Pardons to appraise the real situation in prisons, and identify inmates having spent a major part of their sentence, the elderly and the mentally ill to give them priority before drawing up the list of pardon proposals.	Not implemented
Ensuring the right to pardon to all prisoners without exception	Not implemented
Including a physician on the Board of Pardons	Not implemented
Representing the CCDH on the Board of Pardons	Not implemented
Establishing the judge responsible for the enforcement of sentences	Implemented
Immediately providing the administration with the material means to complete the construction of prisons	Implemented
Building small jails	Some prisons have been built
Creating centers for young people under twenty years	Not generally implemented
Equipping prisons with medical diagnostic tools to facilitate urgent care	Not implemented
Improving the quality and quantity of meals	Not implemented

Supporting education and vocational training in prisons	Achieved through the Mohammed VI Foundation for the Reintegration of Prisoners
Allocating blocks for the treatment of mentally-ill prisoners	Not implemented
Placing mentally-ill prisoners in a specialized medical institution	Not implemented
Introducing risk allowances	Implemented but does not cover the real risks
Assigning the responsibility for the management of administrative jails to the Ministry of Justice	Not implemented
Abolishing administrative jails	Implemented at the legislative level

IV - Dates of construction of prisons

1 - Prisons built under the Protectorate

Prison	Date of construction
1 - Ain Ali Moumen Prison Farm	1917
2 - Marrakech Local Prison	1917
3 - Prison farm of Adir	1919
4 - Tetouan Local Prison	1919
5 - Oujda Local Prison	1921
6 - Essaouira Local Prison	1924
7 - Kenitra Local Prison	1927
8 - Oued Laou Prison Farm	1929
9 - Meknes Local Prison	1930
10 - Fez Local Prison	1930
11 - Nador Local Prison	1930
12 - Al-Hoceima Local Prison	1930
13 - Kenitra Central Prison	1936
14 - Ksar El Kebir Local Prison	1947
15 - Outita Prison Farm	1955

2 - Prisons built after independence

NOTE: Some prisons were not built, but converted from their original purpose (e.g. Inezgane prison and the reform and rehabilitation centers of Salé and Casablanca)

Prison	Date of construction	Prison	Date of construction
1 - Khemisset LP	1956	18 - Khenifra LP	1989
2 - Sefrou LP	1957	19 - Salé LP	1989
3 - Asilah LP	1958	20 - Oukacha PC	1991
4 - Beni Mellal LP	1958	21 - Errachidia LP	1991
5 - Berkane LP	1959	22. El Jadida LP	1994
6 - Inezgane LP	1959	23 - Ben Slimane LP	1995
7 - Khouribga LP	1959	24 - Souk el Arba LP	1995
8 - PL Ouezzane	1959	25 - Ouarzazate LP	1995
9 - El Kelaâ Sraghna LP	1960	26 - Fez Bourkaïz LP	1999
10 - Kariat Ba Mohamed LP	1962	27 - Oukacha RRC	1999
11 - Taza LP	1963	28 - Salé RRC	1999
12 - Larache LP	1965	29 - Berrechid LP	2001
13 - Ain Borja LP	1965	30 - Ben Ahmed LP	2001
14 - Laayoune LP	1976	31 - Mohammedia LP	2002
15 - Ben Guerir LP	1982	32 - Ali Moumen RRC	2002
16 - Tangier LP	1982	33 - Taroudant PF	2002
17 - Safi LP	1983		

V - Table of Some Associations Working to Promote Prisoners' Rights and Type of Services they Provide, according to the Questionnaires Used

Name of association	Phone	Prison	Type of service
Touba Women's Association	06 67 76 85 59	Al-Hoceima LP	Supply of food and clothing items for needy inmates
Women's Unity Association	06 63 62 21 77	Ait Melloul LP	Assisting women in difficult circumstances
Moroccan League for Child Protection		Laayoune LP	Training of women prisoners in hairdressing and cooking
AFAQ Association			

Moroccan League for the Fight against Illiteracy	06 64 00 58 59	Tetouan LP	Literacy courses and training women prisoners in hairdressing, sewing and ceramics
Association of Real-estate Developers of Tangier		Asilah LP	Donations of blankets and food
Al Ihsan Association		Larache LP	Financing the purchase of a compressor for the cold storage room
Moroccan Red Crescent		Kenitra LP and Mohammedia LP	- Equipment of classrooms with benches - Provision of library shelves - Equipment of the mosque
Lions International Club of Salé	06 61 39 20 13 06 61 39 20 13	Kenitra LP	Supply of cleaning products
Al Amal Association of Ouled Taima	06 61 14 88 14 06 61 14 88 14	Taroudant PF	Supply of 3 electric beds with remote control
Scheherazade Association		Ain Sebâa RRC	Organizing cultural activities, courses and literary events
La Colombe Association		Ain Sebâa RRC	Organizing cultural and entertainment activities
Baiti Association		Ain Sebâa RRC	
Bouregreg Association Lyon's Club		Salé LP	- Literacy courses - Creating a nursery
Moroccan Prisons Observatory		Ain Sebâa LP	Social action for detainees
Insaf Association		Ain Sebâa LP	Various material donations
Children Without Borders Moroccan Association		Ain Sebâa LP	Cultural activities

Aman Wa Sofouf Achcharq Association		Ain Sebâa LP	
Association of Young Offender Support	05 37 88 09 61 05 37 88 09 61	Sale RRC	- Cultural activities and sports - Legal assistance - Coordination with other associations - Health campaigns
Friends' Association of Reform and Rehabilitation Centers	05 22 54 24 72 05 22 54 24 72	Reform and rehabilitation centers	- Support for infrastructure (construction of a dining hall, infirmary) - Cultural and sports activities - Health campaigns - Legal assistance - Coordination with other organizations - Creation of an office in Ain Sebâa RRC - Creation of an office in Salé RRC
People Rights Center		RRC of Ain Sebâa and Settat	Education in human rights
Women and Feminism Association	06 68 91 01 16 06 68 91 01 16	El Jadida LP	Organizing cultural activities
National Forum		El Jadida LP	

VI - Observations concerning Bibliography

The data and information contained in this report were essentially derived from field observations, as well as official documents obtained during visits or delivered by departments and national and international organizations concerned with prison conditions. Many of these documents have guided the report discussions and drafting. These include:

- The legal texts and regulations published in the Official Gazette;
- The guides and texts circulated by official institutions or NGOs;
- Expertise and research works;
- Periodic reports by national and international prison observatories;
- Reports by parliamentary commissions including those published by the French National Assembly and Senate, or African parliaments.

Other documents mostly obtained through the Internet also helped the visiting group to learn about the methods and approaches used by institutions similar to CCDH in order to assess the situation in prisons. A special acknowledgement should be made here to the contribution of the CCDH during its latest mandate and whose output constitutes a valuable reference in this field.

It should be noted however that while all these cited sources contributed in some way or another to the preparation of this report, the findings and conclusions from field-visits remain the main source in its drafting.

VII - Summary Report on Visits Made by CCDH, after Publication in 2004 of Thematic Report on Prisons

As part of the responsibilities of the CCDH for the follow-up of the situation in prisons and the visits it undertakes to that effect, and in view of the complaints it received from prisoners and the published press articles describing the situation in some prisons and concerning the follow-up of the implementation of the CCDH recommendations contained in its first thematic report on "the situation in prisons" (2004), the Working Group on the Protection of Human Rights and the Prevention of Violations decided to organize follow-up and / or specific visits to some prisons and child protection centers along with the rapporteur in charge of the prison issue, the CCDH members in the ad-hoc working group and some CCDH staff. Representatives of the Prison Administration took part in most visits, of which some were conducted in the presence of the juvenile judge, the prosecutor and a doctor. These visits which were conducted between 2005 and 2007 were suspended in 2008 for the following reasons:

- The CCDH was preparing a guide for visits to detention facilities to strengthen the visiting group's capacities and improve the quality of visits;
- The change introduced to the structure of the Prison Administration, which has now become disengaged from the Ministry of Justice. The new structure is named the "General Delegation of Prisons and Rehabilitation" and consists of two Directorates.

1 - Objective of continued visits

The visits seek primarily to carry on the action initiated by the CCDH and follow up the recommendations contained in the 2004 thematic report, building on the experience accumulated in the field.

To pursue this course of action, it was decided to make targeted visits to prisons chosen based on the following criteria:

- Prisons which have never been visited;
- Prisons from which come a large number of complaints addressed to the CCDH;
- Follow-up of the implementation of the recommendations issued in the above-mentioned thematic report.

2 - Methodology

The visiting groups members were received by the officials in charge of prisons, organization of joint working sessions, visits to all prison services (detention cells, medical and social services), direct contact with prisoners and collection of the prisoners' written requests and complaints in private.

The visits also provided an opportunity to talk with the different officials and staff of these prisons, examine the files of prisoners and settle some pressing issues.

Staff of some prison institutions made complaints to the visiting group concerning their working conditions.

3 - Organizing visits to some prisons

The members of the working group on human rights protection and human rights violations investigation made a number of visits to some prisons. They were accompanied by members and staff of the CCDH, medical experts and prison administration officials.

The visits were conducted either in response to complaints lodged by prisoners or their families, or in light of national press articles on conditions in some prisons.

Since the publication, in 2004, of the thematic report, the CCDH has organized 24 fact-finding and special visits, with the participation of the following persons:

- Aicha KHAMLI, Assia ELOUADIE, Fettouma KOUDAMA, Fouzia GUEDIRA, Saadia BELMIR, Ahmed Chaouki BENYOUB, Abdelkader ALAMI, Hamid RIFAI, Mohamed EL JAOUHARI, Mustapha JALAL, Abdelfettah EL BAGHDADI, and Mustapha RAMID, members of the CCDH, along with Dr Omar BETTAS, medical expert.
- Loubna CHERKAOU, Mohamed HIDARE, Mohammed SABRI, Boujemaa FIGAR, Mourad AFIF, and Ahmed EL HOU (Council's staff).

Several institutions have been visited, including local prisons, prison farms, reform and rehabilitation centers, the central prison of Kenitra, and some child protection centers. Some institutions have been visited twice or several times, with a view to taking stock of the measures introduced in the light of the recommendations concerning them or on account of the difficult conditions or problems that have required the intervention of the CCDH and the organization of special visits.

4 - List of institutions that have been visited since the publication of the thematic report in 2004

Local prisons of Salé, Casablanca, Oued Laou, Kenitra, Oujda, Bouarfa, Bourkaiz-Fes, Ain Borja, El Jadida, Tanger, Khouribga, Safi, Essaouira, Kariat Ba Mohamed, Ben Grir, Toulal-Meknes, Berrechid. Prison Farm, Outita 2. Central prison of Kenitra- Child Protection Centers of Oujda and Marrakech. The Reform and Rehabilitation Center of Salé.

5 - Observations

Visiting teams to the above facilities have made the following observations:

5-1 - Equipment

- Absence of necessary equipment and adequate infrastructure in certain prisons;
- Absence of computer tools for administrative management;
- Absence of space for conjugal privacy in certain prisons;
- Narrow spaces and parlors for family visits and tiny walking areas;
- Difficult conditions of some officers living outside urban areas.

5-2 - Overcrowding

- The infrastructure of some prisons does not have sufficient accommodation capacity, which leads to overcrowding;
- Poor ventilation in detention facilities in some prisons.

5-3 - Categories of inmates

- Lack of separation both between juveniles and adults and between sentenced and untried prisoners.

5-4 - Medical care

- Some prisons suffer a shortage of infirmary equipment, particularly in relation to dentistry;
- Inadequate medical services in some prisons;

- Existence of pathological cases of detainees suffering from dental caries, gingivitis and other chronic ailments.

5-5 - Nutrition

- Malnutrition and small quantity of meals served to inmates;
- Inadequate equipment relating to the preparation of meals.

5-6 - Violations, isolation and discipline

- Signs of torture on the bodies of some prisoners in certain prisons;
- Excessive use of solitary confinement sanctions by certain prison authorities, in without taking into account progressive disciplinary steps. Some cases have been treated in total disregard for the standard prison organization and regulations;
- Changing of some facilities into "disciplinary prisons";
- Isolation of the detainees: Hammadi REDOUANE and Stephane AIT IDDER for over ten years.

6 - Recommendations

The visiting committees put forth a number of recommendations regarding:

6-1 - Prison equipment

- Expediting substitution of some prisons for new facilities, with facilities and equipment that meet the standard accommodation and training requirements and are proportional to the population figures of the region in which they are located;
- Need for maintenance and repair of facilities in some prisons;
- Supplying all prisons with necessary, new computer and office equipment;
- Providing prisons with infirmaries, particularly in dentistry;
- Providing necessary equipment for both vocational training and education facilities and libraries in some prisons;
- Creating, where not yet available, conjugal privacy spaces for detainees;
- Providing official lodging for prison officials living far from urban areas;
- Building more covered shelters for visitors to protect them from the sun and adverse weather conditions while waiting their turn for the visit.

6-2 - Overcrowding

- Finding alternatives to freedom deprivation penalties and enshrining them in relevant laws, in addition to contributing to alleviating overcrowding;
- Expediting sentencing in the cases of untried prisoners;

- Ensuring the separation of categories of prisoners, notably untried prisoners and sentenced prisoners;
- Expediting the processing of parole applications hearing;
- Allowing for the opening of alternative local prisons to contribute to reducing overcrowding in certain prisons.

6-3 - Treatment and discipline

- To have inmates who claim to have been tortured, examined by a doctor in order to assess responsibilities and initiate, where appropriate, prosecution at the competent judicial authorities;
- Avoiding the use of violence or discrimination against inmates;
- Outlawing transfer as a disciplinary measure;
- Adopting the principle of progressive disciplinary sanctions imposed on detainees and respecting the disciplinary procedure stipulated by law;
- Grant exceptional leave;
- Enabling foreign prisoners to integrate inside the prisons.

6-4 - Healthcare

- Improving the means of prevention and access to medical care in prisons;
- Providing all prisons with qualified medical staff, and introducing psychotherapy in prisons to facilitate the reintegration of prisoners;
- Facilitating access by prisoners to public hospital services;
- Transferring prisoners suffering from mental disorder or drug addiction to special medical units.

6-5 - Education, vocational training and supervision

- Encouraging prisoners to benefit from education and responding to requests to pursue studies;
- Responding to the request of all prisoners to benefit from vocational training courses;
- The necessity to offer specialized training to successful candidates in the competitions organized by the prison Administration, and to provide existing staff with in-service training and internships in their field of activity;
- Improving the financial situation of the staff of the prison Administration.

The visiting teams made some observations concerning the failure to implement some recommendations issued by the CCHD during previous visits. They also

observed the lack of expeditiousness in the application of some recommendations, as well as the deterioration of the situation in most prisons due to the multiple factors that have been indicated in the thematic report issued by the Council in 2004. Some of these factors are mentioned above.

7 - Fulfilled proposals

Some of the proposals formulated by the visiting teams have been fulfilled satisfactorily, albeit slowly. These include:

- Closing the prison of Karia Ba Mohamed;
- Opening of the local prison of Taounate;
- Ending solitary confinement of Redouane Hammadi and Stephane Ait Idder;
- Bringing to justice the perpetrators of ill-treatment in the prison of Outita II.

8 - A new administrative structure

The Prison Administration was restructured on April 29th, 2008. Since then, it has gained an autonomous status and is called the “General Delegation of Prisons and Rehabilitation”. A General Delegate was appointed as its head. Two directors were also appointed: one is responsible for the safety of prisoners, persons, detention buildings and facilities; and the other is responsible for social and cultural action for the benefit of prisoners and their rehabilitation.

As part of communication between the CCDH and the General Delegation, the two institutions held a meeting on July 25th, 2008. This first meeting sought to establish contact between the two institutions with a view to setting the modalities for the follow-up of the situation of prisoners in prisons, and defining a working methodology between the two parties to strengthen and develop their future partnership.

During this meeting, the parties agreed to:

- Broaden the scope of their communication and contacts to include representatives of the General Delegation of Prison Administration and Rehabilitation;
- Cooperate towards furthering the role of the CCDH in terms of protection;
- Set a program of visits to the prisons that have already been visited by delegations of the CCDH in order to assess progress in the implementation of the relevant recommendations and complete and contribute to the updating of the CCDH thematic report of 2004;
- Designate contact persons between the two institutions to facilitate joint action;
- Arrange for monthly periodical meetings with the General Delegation, and daily meetings on cases requiring immediate action.

VIII - Total Prison Population and Accommodation Capacity in 2008

INSTITUTION	Accommodation capacity	Number of blocks			Number of inmates	Men		Women		Young offenders				Number of vocational training workshops
		Men		Women		Convicts	Remands	Convicts aged between 12-14	Remands aged between 12-14	Convicts aged between 14-16	Remands aged between 14-16			
		Men	Women	Young offenders								Foreigners		
AZILAL LP	500	3	1	2	585	0	564	7	14	0	0	0	0	0
AIT MELLOUL LP	1343	2	1	1	1500	6	1474	1	25	0	0	0	2	0
TIZNIT LP	243	3	1	1	636	0	583	37	10	5	0	0	0	0
KHOURIBGA LP	150	1	1	0	362	0	23	322	2	15	0	0	0	2
OUTITA PF	1600	8			1574	3	1574							6
FES LP	800	4	1	1	1599	2	782	726	58	31	0	3	1	26
BERRECHID LP	660	1	1	0	504	4	469	11	19	0	0	0	0	0
MARRAKECH LP	800	4	1	1	1623	12	1189	368	47	19	0	0	14	19
ROMMANI LP	650	3	1	0	563	0	557	6	0	0	0	0	0	0
KHEMISSSET LP	360	2	1		400	0	212	155	12	11				0
CASABLANCA RRC	600	0	0	2	785	1	0	0	0	0	0	6	2	71
RRC of AIN ALI MOUMEN in SETTAT	1200	1	1	5	516	2	33	6	1	0	0	0	11	6
LARACHE LP	250	1	1	1	340	4	260	67	7	3	0	0	0	0
FES BOURKAIZ LP	1500	9		4	1235	13	1247	1						11
EL KELAA DES SRAGHNA LP	600	4	1	1	751	1	642	65	24	2				6
MEKNES SIDI SAID LP	1000	4	1	1	1659	6	711	872	42	23	1	2	1	14
KHENIFRA LP	1500	5	1	1	1028	3	937	61	21	9				8
BOUARFA LP	1200	3	1	0	414	3	394	14	1	0	0	0	0	6
KENITRA LP	1200	4	1	1	1403	34	583	536	35	31				3
OUTTA I PF	800	4	0	0	1165	2	1165	0	0	0	0	0	0	1
KSAR EL KEBIR LP	144	1	1	0	191	1	107	67	13	4	0	0	0	1
AL HOCEIMA LP	350	2	1	0	553	5	401	122	29	1	0	0	0	0
LP of AIN ALI MOUMEN in SETTAT	1500	3	0	0	1735	7	1165	569	0	0	0	0	0	3
LP of BOULMANE in MISSOUR	30	0	0	0	8	0	4	4						
NADOR LP	840	5	1	1	959	32	194	733	9	19				6
BENSLIMANE LP	350	1	1	0	335	1	290	17	24	4	0	0	0	0
ZAIO PF	500	3	0	0	440	1	440	0	0	0	0	0	0	4
OUED LAOU LP	800	5	0	0	761	7	761	0	0	0	0	0	0	0
KENITRA CP	1848	11	0	0	1648	12	1648	0	0	0	0	0	0	4
FQIH BEN SALAH PF	340	2	0	0	303	0	267	33	0	0	0	0	0	7

LP of TETOUAN BAB NOUADER	700	2	1	1	795	27	220	519	27	29	0	0	0	1	5	
INEZGANE LP	600	2	1	1	1163	6	196	914	7	46	0	2	1	23	0	
LAAYOUNE LP	300	3	1	1	328	1	203	108	15	2	0	2	0	7	0	
AIN BORJA LP	600	1	1	1	548	0	511	37	0	0	0	0	0	0	0	
BENI MELLAL LP	350	1	1	1	543	0	141	287	36	3	0	0	0	2	0	
TAOUNATE LP	1600	6	1	0	926	4	880	35	8	3	0	0	0	0	0	
MEKNES TOULAL LP	1200	4	0	0	1331	9	1331	0	0	0	0	0	0	0	5	
AIN SEBAA LP	4500	10	2	1	7529	267	1705	5523	103	198	0	2	1	1	14	
EL JADIDA LP	1000	4	1	1	1182	3	647	488	33	14	2	0	4	11	9	
MOHAMMEDIA LP	460	1	1	1	421	12	378	11	31	1			8			
OUIDALP	800	6	1	1	1218	28	522	659	14	23	0	0	0	4	6	
OUARZAZATE LP	740	2	1	1	1015	1	955	29	30	1	0	0	1	0	8	
SAFI LP	400	5	1	1	1701	8	843	830	10	18	0	2	0	6	9	
SEFROU LP	120	1	1	1	129	1	88	29	9	3			1	0	0	
ERRACHIDIA LP	1200	2	1	1	332	1	187	133	7	5	0	1	0	2	7	
BEN AHMED LP	400	2	1	0	422	0	395	2	25	0	0	0	0	0	0	
SOUK EL ARBA GHARB LP	1000	6	1	1	1534	6	985	475	53	21	0	0	1	0	8	
BEN GUERIR LP	120	3	1	0	157		140	12	4	1					0	
SALE LP	3500	8	1	0	4127	99	2743	1233	105	46	0	0	3	2	14	
TAROUDANT PF	424	2	1	1	530	0	465	36	14	0	0	0	0	0	7	
ADIR PF	1500	3	0	0	1418	1	1418	0	0	0	0	0	0	0	2	
ESSAOUIRA LP	600	2	1	1	594		554	23	5	1					2	
TAZA LP	500	4	1	1	1004	7	764	174	30	4	0	1	2	4	13	
TANGIER LP	1600	5	1	2	2718	455	1453	1175	48	42	0	0	1	7	7	
ASILAH LP	80	1	1	1	109	0	101	4	4	0	0	0	0	0	0	
CHAOUEN LP	60	1	1	0	37	0	8	29	0	0	0	0	0	0	0	
SALE RRC	400	2		2							0	4	4	14		
BERKANE RRC	300	3	1	1	288	1	245	29	12	2						
OUEZZANE RRC	265	3	1	0	407	0	283	99	10	4	0	0	0	0	5	
TOTAL	48977	192	46	42	58081	1101	37004	17687	1065	650	4	27	62	233	198	
INSTITUTION	Accommodation capacity	Number of blocks			Number of inmates	Men		Women		Young offenders			Young offenders			Number of vocational training workshops
		Men	Women	Young offenders		Convicts	Remands	Convicts	Remands	Convicts aged between 12-14	Remands aged between 12-14	Convicts aged between 14-16	Remands aged between 14-16			
	48977	280	58081	1101	54691	1715	326	198								

TABLE OF CONTENTS

List of abbreviations	6
Introduction	7
Part One : the Legal and Institutional Framework	11
I - The law on Organization and Management of Prisons:	
Major Safeguards and Rights	12
1 - Non-discrimination between Prisoners	12
2 - Respect for Human Dignity when Dealing with Prisoners.....	12
3 - Right to Present Complaints	12
4 - Appeal against Disciplinary Decisions	13
5 - Right to Healthy and Safe Accommodation.....	13
6 - Right to Educational Programs	14
7 - Right to Recreation.....	14
8 - Right to Exercise of Religious Worship	14
9 - Creation of Centers for Juvenile Delinquents	14
10 - Right to Furloughs	14
11 - Contribution of Civil Society	15
12 - Right to Parole	15
II - Criminal Procedure Act	15
III - Legal Guarantees and Evolution Requirements in Light of Practice ...	16
1 - Reform and Rehabilitation Centers	16
2 - Visits	17
3 - Discipline	17
4 - Classification of Prisoners	19
5 - Treatment of Prisoners	19
6 - Furloughs	19
7 - Human Rights Organizations and Associations	19

8 - Parole	19
9 - Monitoring Execution of Sentences.	20
9-1 - The judge responsible for the execution of sentences	20
9-2 - Parole committee	20
9-3 - Visits by the provincial committee	21
9-4 - Measures for the benefit of minors	21
IV - Penal Code	21
V - Pardon	23
VI - Observations on Course of Justice	24
Part Two: Infrastructure and Equipment	25
I - Buildings	26
II - Categories of prisons	29
1 - Central Prisons	29
2 - Local Prisons	30
3 - Prison Farms.	30
4 - Reform and Rehabilitation Centers	31
5 - Prison Complexes	33
III - Geographical Distribution of Prisons	33
IV - Key Observations relating to Buildings	34
1 - Failure to Comply with Prison Map	34
2 - Construction on Unsuitable Land	34
3 - Construction on Difficult-to-Access Areas	34
4 - Failure to Comply with Safety Requirements	35
5 - Lack of Sewerage System.	35
6 - Inappropriate Prisons	35
7 - Inappropriate Facilities	36
8 - Inadequate Maintenance	37
9 - Insufficient or Absence of Accommodation for Prison Personnel and Failure to Maintain Them.	37
V - Equipment	38
1 - Achievements	38
2 - Weaknesses.	39

Part Three: Accommodation Capacity and Characteristics	
of Prison Population	43
I - Accommodation capacity	44
1 - Accommodation under Moroccan Law and Standard Minimum Rules.	44
2 - Indeterminate Accommodation Capacity	44
II - Overcrowding	48
1 - Field Finding	48
2 - Degree of Overcrowding as Revealed by Questionnaires	
Completed by Wardens	49
3 - Causes of Overcrowding	50
3-1 - Excessive recourse to remand in custody	50
3-2 - Recourse to short-term imprisonment	50
3-3 - Slowness in the trial of cases	50
3-4 - Non application of conditional release (parole)	50
3-5 - Lack of objective eligibility criteria for pardon	51
3-6 - Lack of unified jurisprudence concerning concurrent sentences	
and slowness of relevant judicial decisions	51
3-7 - Failure to allocate prisoners to less crowded prisons	51
4 - Consequences of Overcrowding	51
III - Characteristics of Prison Population	52
1 - Population by Sex	52
2 - Population by Age	52
2-1 - Minors	52
2-2 - Young offenders of less than 20 years	53
2-3 - Prisoners aged between 20 and 35 years (generally less than 50 years)	53
2-4 - Elderly prisoners	53
3 - Criminal Status of Prisoners	54
3-1 - Untried prisoners	54
3-2 - Number and percentage of prisoners sentenced for minor offences	54
3-3 - Number and percentage of prisoners sentenced for offences	
of moderate seriousness	54
3-4 - Prisoners sentenced for serious crimes	55
4 - Characteristics by Professional Occupation	55

Part Four: Prison Staff	57
I - Some Aspects of Progress	58
1 - Staff Training	58
1-1 - Staff Training Center	58
1-2 - Training courses and in-service training	58
1-3 - Firefighting courses	58
1-4 - Partnership with Faculty of Education Sciences	58
1-5 - Training courses abroad	59
2 - Staff Financial Situation	59
2-1 - Risk allowance	59
2-2 - Rent-free housing	59
II - Shortfalls	59
1 - Inadequate Staff	59
1-1 - Understaffing	59
1-2 - Poor staff deployment	59
2 - Poor Training	61
2-1 - Non-generalization of training	61
2-2 - Non-observation of specialization	61
2-3 - Women not included in training	61
2-4 - Lack of training in human rights	62
2-5 - Lack of training in social work	62
2-6 - No staff specialized in rehabilitating juvenile offenders	62
2-7 - No training assessment	62
3 - Harsh Working Conditions	63
3-1 - Ratio of staff to prison population	63
3-2 - Distance from home	63
3-3 - Period of strenuous work	63
3-4 - Risks inherent to profession	63
3-5 - Psychological status and how society and inmates see guards	64
3-6 - Lack of psychological support	64
4 - Officers' Financial Situation	64
4-1 - Pay scales	64
4-2 - Evaluation of officers	64
4-3 - Low risk allowance	65

4-4 - Slowness in organizing competitions and examinations and delay in giving effect to job promotion	65
4-5 - Additional Allowances	65
4-6 - Lack of motivation	65
4-7 - Inadequate on-site housing	65
4-8 - No regulatory framework to address professional issues	66
4-9 - Inadequate right to means of transport	66
5 - Discipline	66
5-1 - Disciplinary transfer	66
5-2 - Appointment in rehabilitation centers as a disciplinary measure . . .	67
Part Five: Service Delivery	69
I - Health	70
1 - Training of Doctors and Male Nurses	70
2 - Administration/Medical Staff Relations	71
3 - Weak Healthcare Structures	71
4 - Lack of Access to Healthcare	71
5 - Weak Specialized Healthcare	72
6 - Endemic Diseases	72
7 - Medicines	73
8 - Contribution of Mohamed VI Foundation to Healthcare	74
II - Hygiene	74
III - Food	75
1 - Food Distribution	75
2 - Bread	75
3 - Quality of Meals	75
Part Six: Contact with the Outside World	77
I - Visit	78
1 - Visiting Rooms	78
2 - Duration of Visits	78
3 - Frequency and Days of Visits	78
4 - Persons Entitled to Visits	78
5 - Supply Basket	79

II - Telephone	79
III - Conjugal or Family Visit	79
IV - Newspapers, Magazines, Radio and Television	80
Part Seven: Reintegration Programs	81
I - Education Programs	82
1 - Religious Guidance	82
2 - Education	83
II - Qualification Programs	83
1 - Literacy	83
2 - Schooling	84
3 - Vocational Training	85
4 - Recreational, Cultural and Sporting Activities	87
5 - Walks	88
6 - Libraries	88
7 - Social Assistance	88
III - Aftercare	89
Part Eight: Treatment of Prisoners	91
I - Progress Achieved	92
1 - In Legislation	92
2 - In Practice	92
II - Deficiencies and Shortcomings	93
1 - Informing Prisoners of their Rights and Obligations	93
2 - Violation of Principle of Non Discrimination	93
3 - Violation of Rules Governing Treatment of Prisoners	93
4 - Heads of Prison Cells	94
5 - Disciplinary Transfers	94
6 - Isolation	94
Part Nine: Remarks on Administrative Organization, Budget, Monies for Prisoners and Inspection	97
Part Ten: Administrative Jails and Child Protection Centers	101
I - Administrative Jails	102

1 - Legal Framework	102
2 - Buildings	102
3 - Equipment	102
4 - Prison Population	103
5 - Services	103
5-1 - Health	103
5-2 - Food	103
5-3 Hygiene	104
6 - Walks	104
7 - Contact with the Outside World	104
7-1 - Visits	104
7-2 - Telephone	104
8 - Treatment	104
9 - Monitoring and Inspection	104
10 - Management	105
II - Child protection centers	105
1 - Legal and Regulatory Framework	105
1-1 - Provisions of the Criminal Procedure Act	105
1-2 - Ministerial regulatory decisions	106
1-2-1 - Observation section	106
1-2-2 - Reeducation section	107
1-2-3 - Social action clubs	107
2 - Weaknesses	107
2-1 - In terms of Criminal Procedure provisions	107
2-2 - In Practice	108
3 - Buildings and Equipment	108
3-1 - Buildings	108
3-2 - Deficiencies	109
4 - Supervision	109
5 - Services	110
5-1 - Food	110
5-2 - Hygiene	110
5-3 - Clothing and bedding	111

5-4 - Literacy	111
5-5 - Education	111
5-6 - Vocational training	111
5-7 - Libraries	112
5-8 - Entertainment	112
5-9 - Visits	113
5-10 - Treatment	113
III - Proposals	113
1 - Administrative Jails	113
2 - Child Protection Centers	114
Part Eleven: Proposals Submitted to CCDH 21st Session	115
I - Statement of Purpose	116
II - On Legislative Level	116
III - Pardons	119
IV - Improvement of Prison Conditions	121
V - Strengthen CCDH Protection Mechanism regarding Prison Conditions	126
APPENDIXES	127
I - Lists of Prisons, Administrative Jails, and Child Protection Centers Visited	128
II - Sample Questionnaires Prepared by the Working Group on the Protection of Human Rights and Prevention of Violations, and Filled out by Heads of Prisons and Child Protection Centers	129
III - Table on Degree of Implementing Proposals Put Forward by CCDH in its Previous Mandate to Improve the Situation of Prisons and Prisoners	147
IV - Dates of Construction of Prisons	148
V - Table of some associations working to Promote Prisoners' Rights and Type of Services they Provide, According to the Questionnaires Used	149
VI - Observations concerning the bibliography	151
VII - Summary report on the Visits Made by CCDH, after Publication in 2004 of Thematic Report on Prisons	152
VIII - Total Prison Population and Accommodation Capacity in 2008	158

Publications of the Advisory Council on Human Rights

2010

Copyright Deposit : 2010 MO 1700

ISBN : 978-9954-1-0037-0

Imprimerie El Maarif Al Jadida - Rabat



Conseil Consultatif des Droits de l'Homme
Place Ach-Chouhada, B.P. 1341, 10 040, Rabat - Maroc
Tél. : + 212 (0) 537 722 218 / 722 207
Fax : + 212 (0) 537 726 856
E-mail : ccdhdh@ccdhdh.org.ma / ccdhdh@menara.ma
Site web : www.ccdhdh.org.ma