



# PROJECT *on* Middle East Democracy

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## “Human Rights and Religious Freedom in Morocco”

*The Tom Lantos Human Rights Commission*

Rayburn House Office Building, Room 2325

June 17, 2010 1 – 3 P.M.

The **Tom Lantos Human Rights Commission** of the U.S. House of Representatives held a hearing on human rights and religious freedom in Morocco, in light of a recent wave of deportations of American and foreign citizens under accusations of religious proselytizing. The Commission—headed by **Co-Chairman Rep. Frank Wolf** (R-VA)—requested the testimony of five individuals: **Katie Zoglin**, Senior Program Manager at Freedom House; **Michael Cloud**, President of Association Nichan; **Herman Boonstra**, leader of the Village of Hope orphanage; **Mr. and Mrs. Eddie and Lynn Padilla**, former foster parents at the Village of Hope; and **Dr. Sandra Bunn-Livingstone, Esq.**, Executive Director of Jus Cogens LLC. **Senator James M. Inhofe** of the Senate Foreign Relations Committee, and **Rachid (Last name redacted)** of Al Hayat Television, also submitted written testimony but did not speak at the hearing.

Rep. Wolf opened the discussion, expressing his concern about the “precarious situation” of the Christian minority in Morocco. Chairman Wolf focused primarily on the **deportation of over 40 American citizens and other foreign nationals from Morocco in recent months on charges of violating Morocco’s law against proselytizing**. Observing that the Moroccan government did not provide documented evidence for the charges or submit to due process of law, Rep. Wolf stated that the action “calls into question” the longstanding friendship between Morocco and the United States.

Commenting that the human rights situation of Morocco's Christian minority also appears “bleak,” he **called for the suspension of the Millennium Challenge Corporation's five-year compact with Morocco**, on the grounds that the North African Kingdom does not qualify for the compact under the MCC's “ruling justly” measures. Rep. Wolf also expressed his disappointment in U.S. State Department officials, who he felt “have not vocally advocated” for the deported U.S. citizens.

**Rep. Joe Pitts** (R-PA) spoke next, stating that the “worsening trend [on human rights] in Morocco is deeply disturbing,” Rep. Pitts noted that the forced expulsions of foreign citizens violated Morocco's 1996 Constitution-- which provides for freedom of worship --as well as the International Covenant on Civil and Political Rights, to which Morocco is a signatory.

**Rep. Chris Smith** (R-NJ) highlighted the importance of the 1998 International Religious Freedom Act in bringing attention to the issue of religious freedom, which he called an “orphaned right” in comparison to other basic human rights. Stating that human beings “cannot be considered free” without the right to practice their religion, Rep. Smith expressed his concern that when violations of religious

freedom occur, "other human rights abuses follow." He commented that **Morocco seems to be moving "backward instead of forward" in its respect for human rights and the rule of law.**

**Rep. Trent Franks (R-AZ)** concurred with this assessment, **arguing that Morocco has taken a "radical departure" from its tradition as a "beacon of respect for freedom and tolerance" in the Middle East.** Rep. Franks questioned why Morocco's proselytism law had not yet been brought into alignment with international standards on religious rights.

**Rep. Anh "Joseph" Cao (R-LA)** called religious freedom a "basic right" in all regions of the world, and stated that if Morocco has "retreated" on its record in this arena, the Commission must address it.

**Katie Zoglin** was the first witness to speak, and largely cited information on Morocco from Freedom House's 2010 report on Freedom in the World. Zoglin noted that **Morocco scored lower in the report than in previous years, and is currently characterized as "partly" free.** She detailed a number of challenges in Morocco on the fronts of human rights and democracy: most political power is held by the king; the political parties are "fragmented" and unable to assert themselves; the judiciary lacks independence; and arbitrary torture and detentions still occur.

Zoglin pointed out that **though the Moroccan Constitution guarantees freedom of expression, assembly, and other fundamental rights, these are sometimes excepted.** She mentioned a restrictive press law used in recent years to punish journalists who publish anti-government commentary; and occasional crackdowns on public demonstrations. Regarding religious freedom, Zoglin presented a mixed picture, indicating that while Muslims are legally permitted to convert, Muslim women may not marry non-Muslim men, and criticism of Islam is criminal.

Zoglin also mentioned some achievements, observing that **Morocco comes behind only Tunisia in the region regarding its progress on women's rights.** In evidence of this, she cited Morocco's 2004 reform of its personal status code (*al-Mudawwana*), and the 12% quota for women candidates instituted in the 2009 local elections.

**Michael Cloud**, one of the American citizens expelled from Morocco, followed Zoglin's comments with a personal testimony of his experience. Cloud, founder and director of 12 centers in Morocco that assist families of children with cerebral palsy, was denied re-entry into Morocco on March 15 and was informed that he and his wife had been placed on a no-entry list due to charges of proselytism. **He indicated that they were not provided documentation, evidence, or a process to appeal the charges.** Cloud concluded that he felt his family had not been treated with human dignity, and accused the U.S. government of being "silent" on the deportation issue.

**Herman Boonstra**, a Dutch citizen who was also deported, followed with more personal testimony regarding his forced expulsion by Moroccan authorities following an investigation of the orphanage and foster care program he directed in Ifrane province. Boonstra reported that **Moroccan police entered foster parents' homes without a warrant** and questioned orphaned children about their religion. According to Boonstra, he and other foreign citizens involved received a letter from the government of Ifrane accusing them of proselytizing and were given two and a half hours to pack and leave the country.

**Mr. and Mrs. Eddie and Lynn Padilla**, former foster parents at the orphanage, reported that they left behind two children they were fostering, ages one and two, following the accusation of proselytizing.

**Dr. Sandra Bunn-Livingstone, Esq.**, an attorney specializing in human rights and religious freedom and whose firm has done pro bono work for the expelled foreign nationals, was the final witness to speak. Livingstone **argued that international law is "very clear" that proselytizing is a right falling under the definition of religious freedom and freedom of expression**, so long as threat, violence, or coercion is not used.

Livingston analyzed Article 220, the Moroccan law against proselytizing, which **forbids "shaking the faith of a Muslim" through "employing seduction or exploitation" or "exploiting his weakness or his needs."** Livingston argued that the law assumes that any non-Muslim providing a charitable service to a Muslim, is "exploiting" his needs and thus proselytizing. She also argued that the deportees should have been provided with due process of law to contest their summary expulsion from the country, an action that is only legal in the case of a national security threat.

Livingston concluded with **four recommendations to U.S. policymakers**: that they request evidence of criminal national security actions justifying the expulsion of foreign nationals; immediately engage with the Moroccan government to review such evidence; **meet with Moroccan officials at the highest levels to discuss international human and religious freedoms**; and demand the reunification of parents with foster children and the restoration of seized assets and personal property belonging to those deported.

Rep. Wolf followed witness testimony with scathing criticism of the U.S. ambassador in Morocco and of State Department leadership, calling their alleged lack of concern with the issue "such a disappointment."

Rep. Smith joined in, commenting that the U.S. embassy in Morocco has been "AWOL" regarding its response to the issue, and tied the problem in Morocco to what he called the **"feckless" and "ineffective" human rights policy of the Obama administration**. Smith said that **the fact that the administration has only recently appointed an Ambassador-at-Large for International Religious Freedom indicates President Obama's "lack of prioritization" regarding these issues**.

Regarding what kind of assistance the deported Americans had received from the U.S. State Department, Cloud indicated that he had not been contacted by **U.S. Ambassador to Morocco Samuel L. Kaplan**, whereas Boonstra stated that Ambassador Kaplan's Dutch counterpart had called him personally on the phone to discuss the deportation.

Rep. Pitt stated that the Moroccan government's actions were reminiscent of "the tactics of the Nazis," and **suggested that officials at the State Department should be fired for their "indifference" toward the issue**.

Livingstone attempted to **shift the focus of the conversation from foreign deportees, to the "plight of Moroccan Christians."** Stating that under the Sharia in Morocco, only Muslims can take in children, she indicated that many Moroccan Christians fear that the expulsion of foreign aid workers is just a precursor, and that they could lose their children as well.

Rep. Wolf indicated his desire to **work closely with the MCC to make sure his concerns regarding the Morocco compact were heard**. Wolf also called on any Moroccan representatives present at the hearing to inform their government of this "opportunity" to let the foreign workers back into the country.