

The Newly Introduced Cultural Liberties in Maghreb Legislations (Algeria–Tunisia–Morocco)

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Abstract:

Cultural Liberties are considered the cornerstone of the second generation of human rights, which are established through both the human right to participate in cultural life and the right to cultural communication. The latter remains a fundamental pillar in defining the national identity of any person in any country and always constitutes a key dimension of sustainable development. The degree of attention given to the cultural aspect as a factor of development and identity can be assessed through a set of determinants and data, most notably the constitution and the legislation that governs it.

The state is the guarantor of the right to culture, which is a two-way right—meaning the right to access cultural content and also the right to produce cultural content. These two dimensions have been manifested in the rest of the Maghreb legislations.

key words: Consolidation; Cultural Liberties; Participation in Cultural Life; Cultural Communication; Maghreb Legislations.

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Introduction:

Cultural Liberties include a set of rights and freedoms mostly intellectual and mental in character. These rights include the right to education and training, which means the government must teach people, help them grow scientifically, literarily, and culturally, expand their knowledge base, and provide access to learning tools.

Maghreb national movements' programs placed these rights and freedoms front and center; they then became one of the main cornerstones around which the people of these nations rallied following independence. Their constitutional founding in Maghreb constitutions, however, has differed in formality from brevity to thorough articulation.

These rights comprise the freedom to study, the right to engage in cultural activity, and the right to cultural exchange.

Cultural Liberties have been confirmed by all modern constitutions and laws and included into their legal and constitutional systems.

These rights comprise the state's dedication to developing people and supporting their scientific, literary, and cultural development, opening the gates of knowledge to them, and enabling access to all tools for obtaining science and knowledge. The authors of the Maghreb constitutions have enshrined constitutional processes satisfying these goals.

Rejecting discrimination between large and small cultures, established global principles affirm the right to preserve a people's own culture and to work on its development.

These principles also acknowledge that all cultures, in their diversity, differences, and mutual influences, are the common heritage of all humanity. Each culture has the right to preserve the core values of its identity, enrich those values, and adapt them to universal values regardless of its size or influence.

Maghreb laws have sought to guarantee the individual's real involvement in the cultural life of their society and the right to gain from scientific advancement.

Legal academics have viewed the protection of literary and artistic property as a major accomplishment for cultural sector creators and producers in this setting since it allows them to protect their rightful entitlements from any kind of infringement.

Many questions and problems on the horizon all relating to the degree to which Maghreb legislations have enshrined Cultural Liberties of modern content within their constitutions and domestic laws based on what has been said and what will be covered in this study.

We have decided to tackle this kind of research subject by means of two primary parts: the enshrinement of Cultural Liberties in Maghreb legislations and the enshrinement of the right to cultural communication in Maghreb legislations in order to address all the above questions and concerns.

Regarding the approach taken for this study, we have used both the descriptive and analytical techniques, deeming them appropriate for this kind of legal research.

Section I: The Enshrinement of Cultural Liberties in Maghreb Legislations

In the wide sense of the term, culture is the prevailing way of life in a given society. It includes elements of this life including customs, traditions, and national folklore spanning many domains.

The broad idea of this right, as enshrined in the Universal Declaration of Human Rights of 1948 and in the Global Covenant on Economic, Social and Cultural Liberties of 1966, also requires states to take the required actions for the preservation and development of science and culture, and to ensure that individuals belonging to minorities can enjoy their own culture, use their language jointly with others, and provide the material means to achieve this.

The Maghreb constitutions, though, vary among themselves in their explicit declaration of the right to engage in cultural activity.

This part will emphasize: the right to engage in cultural life in Algerian law, Cultural Liberties in Tunisian law, and Cultural Liberties in Moroccan law.

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A) Cultural Liberties in Algerian Legislation:

The Algerian constitutional framer established this right as early as the 1976 Constitution, in Article 54, which emphasized the freedom of intellectual, artistic, and scientific innovation for the citizen. Specifically in Articles 38, 8, and 31¹, the 1996 Constitution kept this same language. Added to Article 8 of Chapter Two, "The People," was "The people choose institutions for themselves with the aim of preserving identity and national unity and supporting the social and cultural prosperity of the nation."

By eliminating barriers that impede the growth of the human personality and stop everyone's real involvement in economic, political, social, and cultural life, the institutions seek to ensure equality of all male and female citizens in rights and obligations.

Legislatively, the framer also acknowledged this right as stated in paragraph 21 of Article 122: "Protection and preservation of cultural and historical legacy." The most recent Algerian Constitution, published in 2020, alluded to this kind of rights. The constitutional text read, "The Cultural Liberties is guaranteed."

Every one has the Cultural Liberties on an equal footing with others. The state safeguards the national cultural legacy, both tangible and intangible, and strives to maintain it².

B) Cultural Liberties in Tunisian Legislation:

The June 1st, 1959 Constitution and its many amendments—especially the 2002 amendment—say nothing about Cultural Liberties. Including Cultural Liberties in the new constitution is seen as a

¹- Since its first constitution, Algeria has underlined the "provide of liberty of mental, artistic, and scientific innovation for citizens." Article 8 goes on to say, "The people shall choose organizations whose purpose is to safeguard and advance national identity and solidarity, as well as to support the social and cultural prosperity of the nation." Article 31 also states: "Institutions shall seek to guarantee equality between all male and female citizens in rights and responsibilities by removing barriers impeding the development of the human personality and so preventing each person's active involvement in political, social, and cultural life."

²- This is also affirmed in Article 76 of the new Algerian Constitution issued in 2020.

reflection of the earlier mentioned global texts. The new constitution's Article 49 reads: The Cultural Liberties is guaranteed.

The state supports national culture in its authenticity, diversity, and renewal and guarantees freedom of creativity; it also promotes cultural creativity in a way that strengthens the values of tolerance and rejection of violence across many civilizations.

Regarding the earlier Tunisian constitutions, they were happy to include a clause in the first paragraph of Article 8 (8/1) assuring freedom of thought and publication. The new constitution strengthened this right by designating a separate article expressly acknowledging the "Cultural Liberties".

The government safeguards the cultural legacy and ensures future generations' entitlement to it. This implies that the new constitution guarantees the supply of necessary resources to carry out Cultural Liberties in reality, therefore constitutionalizing them; this responsibility is mostly given to civil society¹.

This constitutional inclusion also shows the wish of the Tunisian framer to encourage cultural expression in all its forms; it must be converted into laws able to promote thought, literature, and the arts in an age when we talk of culture as an industry and as a bridge for communication between peoples and civilizations².

The Cultural Liberties is in line with what the constitution has said about the rights of future generations to appreciate the cultural legacy. This clearly shows how the cultural component relates to the needs of sustainable development. It also suggests that the government will strive to maintain Tunisian uniqueness since the elements of Tunisian society cannot be destroyed.

The second paragraph verified that creative freedom is assured. Though the term "creativity" appears at the start of the paragraph

¹- This is what the outgoing Minister of Culture, Mehdi Mabrouk, stated to Dubai Cultural Magazine: "Affirming cultural rights in the new constitution is a fundamental matter in building the new Tunisia, which holds a legacy of enlightenment in poetry and the arts since ancient times." Quoted from Habib Al-Aswad, Cultural Rights in the New Tunisian Constitution, Dubai Cultural Magazine, Issue 106, March 2014, p. 114.

²- Ghazi Gharairi, interview with Dubai Cultural Magazine, quoted in Habib Al-Aswad, Cultural Rights in the New Tunisian Constitution, Op. Cit., p. 115.

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without clear connection to culture, the article's background suggests that what is meant is cultural creativity.

Guaranteeing this freedom for those who want it is insufficient; the government must also promote cultural creativity.

The state's role in supporting national culture in all its aspects guides its fulfillment of this duty in a manner that strengthens values deemed the basis of every successful societal cultural project—values of tolerance, rejection of violence, openness to the cultural other, and dialogue¹.

Apart from all of this, the state is viewed as the trustee of the cultural legacy, required to safeguard it and stop its loss or extinction, therefore guaranteeing its continuity and safeguarding the rights of next generations².

Among the features of Cultural Liberties, we have to highlight authors' rights, which are "intellectual products that pertain to intangible concerns including industrial property, literary and artistic property" under the framework of intellectual property rights.

The emergence of these rights had a significant impact in confronting those who exploited them and played a major role in protecting inventors, authors, and researchers from the theft and public looting of their rights, which in the past were common and unprotected³.

Thus, to safeguard the rights of creators and, therefore, the rights of writers, intellectual property rights have to be reinforced.

The Tunisian legislator therefore broadened the meaning of authors' rights under Article 1 of the 1994 Law on Literary and Artistic Property⁴. This paper addressed various domains: This article addressed many areas: dance, oil paintings, translations, software programs, engravings, music, cinema, radio work, photography,

¹- Habib Al-Khadr, *Explanation of the Tunisian Constitution*, 1st Edition, Dar Al-Atrash for Specialized Books, Tunisia, 2017, p. 51.

²- Habib Al-Khadr, *Op. Cit.*, p. 52.

³- Mohamed Mohamed Mahboubi, "Development of Intellectual Property Law", Moroccan University, 2005, <https://shorturl.at/94U1D>, (consulted on 14/03/2025).

⁴- Law No. 36 of 1994 dated February 24, 1994, concerning literary and artistic property.

theatre, art, publications, and books¹. Drafted in 1886 and modified many times², the 1994 law is fairly consistent with the Berne Convention (Switzerland)³. Tunisia has ratified most global conventions on literary and intellectual property as well as this one.

Aiming to "broaden the range of protection, add a creativity promotion charge to support the Fund for the Promotion of Literary and Artistic Creativity, and strengthen financial and penal penalties against offenders," a new law on literary and intellectual property was passed in 2009⁴. Tunisia has institutions safeguarding Cultural Liberties including the Tunisian Institution for the Protection of Authors' Rights and a general non-administrative department functioning under the Ministry of Culture and Heritage Preservation.

¹- Copyright includes every original literary or artistic work, regardless of its value, purpose, or the method or form of its expression. It also includes the title of the work. A "work" refers to both the original and derivative forms. Among the works subject to copyright are:

- Written and printed works, including books, publications, and others.
- Works created for theater or broadcast (audio or visual), whether plays accompanied by music or dance, or pantomime performances.
- Musical compositions, whether vocal or instrumental.
- Photographic works and similar visual expressions considered cinematic in nature by this law.
- Oil paintings, drawings, lithographs, etchings (acid or wood), and other similar artistic products.
- Sculptures of all kinds.
- Architectural works, including designs, models, samples, and methods of execution.
- Textiles and embroidery produced by artistic looms and applied arts, including designs, patterns, or the manufactured product itself.
- Maps, as well as technical or artistic drawings, plans, or images.
- Lectures.
- Works inspired by folklore.
- Software programs.
- Translations, adaptations, or modifications derived from the aforementioned works.

²- It was amended in Paris in May 1896, in Berlin on November 13, 1908, in Bern in March 1914, in Rome in June 1928, in Brussels in June 1948, in Stockholm in July 1967, and again in Paris on July 24, 1971, with the most recent amendment in Paris in September 1979.

³- Republic of Tunisia, Ministry of Tunisian Culture, "Statement on Ways to Protect Literary and Artistic Property", <https://shorturl.at/QS2HS>, (consulted on 14/03/2025).

⁴- Republic of Tunisia, Tunisian Ministry of Culture, Op. Cit..

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The government has strived since independence to guarantee people's involvement in active cultural life in a way that lets them expand their knowledge, hone their skills, and open frontiers for invention and creativity in response to what Article 27 of the Universal Declaration of Human Rights underlined—that everyone has the right to freely participate in the cultural life of the community, enjoy the arts, and contribute to scientific progress and its benefits—as well as what the relevant global instruments confirmed.

The public authorities have devised a comprehensive plan to bolster the cultural sector and enhance opportunities for those working within it. Key initiatives include allocating 1% of the state budget to culture, supporting artists, and improving legislative frameworks to foster cultural development. The plan also emphasizes promoting cultural outreach, innovation, and the preservation of cultural heritage through increased art acquisitions, recognition of cultural figures, and facilitating access to funding for large-scale projects in theater, cinema, and landmark preservation.¹

The legislative framework supporting Cultural Liberties has been strengthened through several key legal texts. Notably, Law No. 36 of 1994 addresses literary property rights, while Law No. 104 of 2002 provides social security protections for artists, creators, and intellectuals. Additionally, Decree No. 894 of 2003 details the procedures for implementing these laws, and Law No. 57 of 2006 establishes a system of creative leave licenses for public sector employees, further promoting cultural development and protection².

C) Cultural Liberties in Moroccan Legislation

Concerning the Kingdom of Morocco, the new Moroccan Constitution of 2011 contains various constitutional provisions assuring freedom of creativity and publication. It also calls on public

¹ - Reda Khmakhem, Building the National Human Rights System, Journal of Justice and Legislation, Ministry of Justice and Human Rights, Tunisia, 2008, p. 122.

² - Amina Boulkourat, The Treatment of Public Freedoms in the Maghreb Constitutions: Algeria – Morocco – Tunisia, Master's thesis in law, Faculty of Law, University of Algiers 01, 2016, p. 133.

For further reading on the right to participate in cultural life, see: "Cultural Diversity and Cultural Rights", proceedings of the symposium jointly organized by the Arab Institute for Human Rights and the International Organization of La Francophonie in Tunis (Tunisia), held on September 21, 22, and 23, 2002.

authorities to help cultural creativity grow and to act to enable young people's access to knowledge and culture.

Article 25 of the Moroccan Constitution states: "All forms of freedom of believed, opinion, and expression are guaranteed. Freedom of presentation, publication, and creativity in the fields of literature, art, and research in science and technology is guaranteed.

Public authorities shall help by appropriate means the development of cultural and artistic talent as well as research in science and technology and the promotion of sports, according to Article 26.

They also want to develop and coordinate these areas independently and on the basis of well defined democratic as well as professional values. Furthermore, Articles 33, paragraphs one and three state: "Public authorities shall take suitable steps to achieve the following:

- Broaden and generalize the involvement of young people in the country's social, economic, social, and political development.
- Facilitate youth access to culture, technological advances, art, sports, and leisure activities, while providing ideal circumstances for the blossoming of their innovative and imaginative energies in all these fields."

Section II: Consolidating the Right to Cultural Communication in Maghreb Legislations

Among the criteria for a people's sovereignty over their land is the sovereignty of their languages, which creates a basic starting point for reconciliation with the self and a national demand deriving its legitimacy from many sources, including the historical reference, the communicative reference, the legal reference, global treaties, contractual bodies, and the appeals and recommendations of national and global human rights and cultural organizations. It is also one of the legal bases of linguistic and Cultural Liberties under the global human rights charter¹.

¹- We find:

- Article 2 of the Universal Declaration of Human Rights: " Without distinction of any kind—such as race, color, sex, language, religion, political or other

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A major aspect of sustainable development and a basic pillar for defining the national identity of any nation is the right to cultural communication. A set of indicators and data—most notably the constitution, the highest law of the state and the main expression of its political, social, and cultural particularities—allows one to infer the degree of interest in the cultural aspect, in terms of development and identity¹.

Many definitions have been offered for the right to cultural communication; perhaps the most thorough is Professor Maxime Laguerre's, who called it "a process of forming and enriching thought through the use of language²."

The broad idea of this right calls for allowing people from minorities to enjoy their own culture and use their language in conjunction with others, and to provide the means to accomplish this³. Article 27 of the Global Covenant on Civil and Political Rights specified this.

The Maghreb constitutions, on the other hand, have made the right to communication a one-dimensional, limited idea stressing Arabization as a verified civilizational right and need. Still, this does not rule out openness to all streams of national culture, including foreign languages and civilizations.

Recent constitutional lawmakers have handled this since the most recent constitutions reflect the reality of linguistic diversity in these nations.

While previous Maghreb constitutions did not reflect the linguistic and cultural diversity experienced globally and unanimously considered Arabization a confirmed civilizational right and demand — both in their preambles and in their core texts — making national identity appear as a closed right, the latest constitutions do reflect this reality.

opinion, national or social origin, property, birth or other status—everyone is entitled to all the rights and freedoms set forth in this Declaration."

¹- El-Hachem Amskouri, Culture in the Moroccan Constitution, Journal of Jurisprudence and Law, Rabat, Issue No. 14, December 2013, p. 169.

²- Quoted in Amina Boulkourat, Op. Cit., p. 134.

³- See Article 27 of the International Covenant on Civil and Political Rights, Op. Cit..

This section of the paper will concentrate on: the right to cultural communication in Algerian law, the right to cultural communication in Tunisian law, and the right to cultural communication in Moroccan law.

A) The Right to Cultural Communication in Algerian Legislation

The Algerian constitutional legislator has determined that Islam, Arabism, and Amazighity are the essential components of national identity with regard to the promotion of the elements of national culture, particularly the Arabic and Amazigh languages. All of these factors work together to influence an Algerian citizen's identity¹.

As the state's official language, Arabic enjoys a distinguished position and is widely used in many different fields. The efforts of the High Council of the Arabic Language, which was founded specifically for this purpose, lend support to this².

Article 4 of the Constitution, which made Amazigh a national and official language and established an Academy for the Amazigh language under the direction of the President of the Republic, was a major step forward³.

¹- Nebbali Fetta, *The Role of the Constitutional Council in the Protection of Public Rights and Freedoms: A Broad Field and a Limited Scope*, Doctoral Thesis in Law, Faculty of Law, Mouloud Mammeri University, Tizi Ouzou, 2010, p. 113.

²- The 2020 Algerian Constitution, Article 03, reads: "Arabic is the national and language of government.

The official language of the State shall remain Arabic.

Under the President of the Republic's authority, a High Council for the Arabic Language shall be formed. Working toward the growth of the Arabic language, its broad use in scientific and technical domains, and promoting translation into Arabic for this goal, the Supreme Council for the Arabic Language is particularly in charge of

³- The 2020 Algerian Constitution, Article 04, says: "Tamazight also serves as a national and recognized language.

The State shall seek to promote the growth of it in all its linguistic forms used across the national territory.

Under the authority of the President of the Republic, an Algerian Academy for the Tamazight The use of language shall be founded.

The Academy shall rely on the work of experts and be responsible for providing the necessary conditions for the promotion of Tamazight in order to realize its official status in the future. The methods of implementing this article shall be determined by an organic law."

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It is important to note that Arabic's status as the nation's official language is unaffected by the constitutional recognition of Tamazight in all of its dialectal variations throughout the country¹. According to the preamble of the Constitution and the general principles guiding Algerian society, Arabic continues to be a fundamental component of national identity².

The 2002³ constitutional revision in Algeria marked a significant change by reaffirming Arabic as the official language and emphasizing its importance in scientific and technological communication, supported by the High Council of the Arabic Language. Additionally, the 1996 constitutional amendment introduced Article 3 bis, which officially recognized Amazigh culture as a key component of Algerian identity.

These amendments collectively reflect a move towards embracing cultural diversity and promoting linguistic and cultural communication within the country⁴.

The right to cultural exchange among Algerians had been disregarded by previous constitutions. By focusing on Islam, the Arabic language, historical heritage, and the defense of socialist ideals as the main pillars to counter foreign influence, secularism, and atheistic philosophies that had gained traction globally after World War II, they neglected to recognize the linguistic and cultural plurality of the Algerian Republic.

¹- See Paragraph 13 of the Preamble to the 2020 Algerian Constitution, Op. Cit..

²- See Article 03 of the 2020 Algerian Constitution, same reference.

³- See Article 3 bis introduced by Law No. 02-03 dated April 13, 2002, Official Gazette No. 25 dated April 14, 2002.

⁴- Amina Boulkourat, Op. Cit., p. 134. For further reading on the topic of the right to cultural communication, see:

- Imane Henshiri, Algerian Cultural Heritage (Reality and Prospects), *Dirasat Journal*, Amar Telidji University of Laghouat, Issue No. 51, February 2017, p. 306 and following.
- Amira Ouchrif and Yousra Ouchrif, Challenges of Algerian Cultural Identity in the Context of Globalization of Media and Communication (An Analytical Survey Study), *Journal of Legal and Political Sciences*, Faculty of Law and Political Sciences, University of Martyr Hama Lakhdar El Oued, Issue No. 15, January 2017, p. 242 and following.

Nonetheless, attempts were made to close this gap beginning with the 2002 constitutional amendment and continuing until the current 2020 Constitution. By including specific clauses designating Tamazight as a national language, these more recent constitutions strengthened the right to cultural communication.

In all of its linguistic forms spoken across the country, the state is dedicated to advancing and growing it. The Amazigh culture was thus formally acknowledged as an essential part of Algerian identity.

B) The Right to Cultural Communication in Tunisian Legislation

Although Article 1 of the 1959 Constitution was kept in the current Tunisian Constitution, the Amazigh language is not specifically constitutionalized. This article demonstrates a strong dedication to the Arabic language and has been confirmed as unamendable. "Tunisia is part of the Arab nation, and its official language is Arabic," reads Article 5 of the 2022 Constitution.

Additionally, Article 44 highlights the following: "The Arabic language shall be consolidated, supported, and its use generalized, and the Arab-Islamic identity and national belonging shall be entrenched." Additionally, the state must encourage tolerance for other languages, human civilizations, and the spread of human rights culture.

The new Constitution upholds the preservation of cultural heritage and the entitlement of future generations to enjoy its benefits within the same framework.

Essentially, the Tunisian Constitution does not specifically acknowledge or guarantee the linguistic rights of Amazigh speakers, even though it emphasizes Arabic as the cornerstone of national identity and communication. It does, however, support tolerance for other languages and cultures, which promotes some level of intercultural dialogue and diversity¹.

C) The Right to Cultural Communication in Moroccan Legislation

The 2011 Moroccan Constitution tackled cultural issues² from a number of perspectives, which can be summed up under a few main

¹- See the third paragraph of Article 49 of the 2022 Tunisian Constitution, Op. Cit..

²- When we search for the word "culture" in the 2011 Moroccan Constitution, we find that it appears twenty times. Simply reflecting on this number reveals a

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themes: linguistic and cultural pluralism, culture as a component of national identity, and culture as a development dimension. The Moroccan Constitution of 2011 placed a high value on the nation's cultural identity¹.

The 2011 Constitution replaced the term “Arab Maghreb” with “Greater Maghreb” and similarly adopted the term “Maghreb Union,” which encompasses all the cultural components of the region², as affirmed in the Constitution, in an effort to enshrine cultural plurality and move away from the idea of exclusivity—which no longer corresponds with the historical, social, and cultural realities of Morocco and the larger North African region³.

By clearly expressing Morocco's intention to "strengthen cooperation and solidarity with African peoples and countries, particularly with countries of the Sahel and Sahara," the Constitution further highlights African belonging⁴. This demonstrates Moroccan culture's global reach and openness. In addition, Morocco promised to "expand and diversify its relations of friendship and human, economic, scientific, technical, and cultural exchanges with all countries."

It is clear from considering the identity-related paragraph in the Constitution's preamble that it is an implementation of the March 9,

significant evolution and improvement in the constitutional treatment of the cultural issue. It also reflects the intention to move forward in the direction of promoting and giving greater importance to culture within the framework of comprehensive development. For more information, see El-Hashemi Amskouri, *Op. Cit.*, pp. 169–170.

¹- The preamble of the Constitution describes the identity of the Moroccan state as "The Kingdom of Morocco is an Islamic state with full independence, dedicated to its national and exclusive unity, and to safeguarding the cohesion of its united national identity, mixing all its Arab-Islamic, Amazigh, and Saharan-Hassani parts, enhanced by its African, Andalusian, Hebrew, and Mediterranean tributaries." Islam's major impact on the Moroccan identity sets it apart as does the Moroccan people's commitment to the values of openness, moderation, tolerance, dialogue, and collaboration among all human societies and cultures.

²- See El-Hashemi Amskouri, *Op. Cit.*, p. 170.

³- "The Kingdom of Morocco, a unified state with full sovereignty and a member of the Greater Maghreb, affirms and commits to: working toward the construction of the Maghreb Union as a strategic choice."

⁴- See El-Hashemi Amskouri, *Op. Cit.*, p. 170.

2011, royal speech that set the stage for the July 2011 comprehensive constitutional reform. Identity was one of the speech's main tenets¹.

In contrast to the royal address, which positioned Amazigh culture at the center of a single Moroccan identity, the constitutional wording demonstrated a retreat and a change in substance. The Constitution's preamble, on the other hand, placed Amazigh identity in a more neutral position, coming before Saharan Hassani culture and after Arab-Islamic identity².

Regarding linguistic and cultural diversity, the 2011 Constitution's recognition of the Amazigh language as an official Moroccan language alongside Arabic is one of the most important changes³.

The Amazigh language's legal status as an official state language is unaffected by the fact that it was mentioned after Arabic and that the adoption of an organic law was required for its implementation. The current sociolinguistic state of the Amazigh in Morocco necessitates special measures to restore its value and guarantee its generalization and successful implementation, which is why such a law is necessary⁴. As backed by the efforts of the Royal Institute of Amazigh Culture,

¹- This is what the constitutional paragraph affirms: "The constitutional consecration of the pluralistic nature of the unified Moroccan identity, enriched by the diversity of its tributaries, with Amazigh at its core as a heritage shared by all Moroccans."

²- See El-Hashemi Amskouri, *Op. Cit.*, p. 171. For further insights into the field of Moroccan cultural identity, see: Hassan ZOUAOUI, Kamel KAJJA, *La véritable religieuse et l'étude de l'autorisation arabo-islamique – étude de cas: Maroc et Arabie Saoudite*, Cahier de politique et de droit, Kasdi Merbah University – Ouargla, No. 05, June 2011, p. 12.

³- Article 5 of the Constitution states: "Amazigh is also a recognized language of the state, as it is an ancestral language for all Moroccans without exception. So that it may play its role as an official language in the future, an organic law shall specify the procedures for implementing the official status of Amazigh and how to include it into education and priority sectors of public life."

⁴- In fact, the demand to constitutionalize the Amazigh language was one of the core—if not the most important—demands raised by the Amazigh movement since the issuance of the Agadir Charter in 1991, along with other demands covering various aspects of public life. Meeting this demand represents a continuation of the process of reconciliation with Amazigh culture and the reinforcement of Morocco's linguistic and cultural plurality. This process began in 2001 with the Throne Speech of that year and the establishment of the Royal Institute of Amazigh Culture, following the speech of October 17, 2001. For further details, see El-Hashemi Amskouri, *Op. Cit.*, p. 171.

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the official recognition of Amazigh also represents a step toward promoting a single, distinctive language¹.

This means that, similar to how the Hassani dialect is acknowledged as a component of the Arabic language system, the different Amazigh dialects spoken in various regions are categorized under cultural expressions and dialects, separate from the Amazigh language as a single linguistic system in the constitutional text. Being receptive to other languages is also necessary for this recognition².

This new strategy for dealing with the linguistic and cultural problem shows a strong desire to create a clear policy in this area. The state's responsibility to maintain the consistency of national linguistic and cultural policy makes this clear.

The National Council for Moroccan Languages and Culture was created in order to formalize cultural policy. Its main goal is to preserve and advance the Arabic and Amazigh languages as well as the diverse Moroccan cultural expressions, both as modern inventions and as ancestors' traditions³.

The goal of fostering the diverse Moroccan cultural expressions should be extended to the regional and local levels, even though the Council's central duties include preserving and advancing the Arabic and Amazigh languages. Given that culture is regarded as a fundamental component of the second generation of human rights, this creates the potential for the establishment of regional branches of the National Council for Moroccan Languages and Culture, akin to the regional commissions of the National Human Rights Council. The

¹- Article 5 also states that: "The state is committed to preserving the Hassani culture, as an integral part of the unified Moroccan cultural identity, and to protecting the dialects and cultural expressions used in Morocco."

²- The Moroccan Constitution also stipulates "the necessity of learning and mastering the world's most widely spoken foreign languages, as they serve as tools for communication, integration, and interaction within the knowledge society, and for openness to various cultures and the civilization of the present age."

³- In reality, this council is particularly concerned with the protection and development of the Arabic and Amazigh languages, as well as the various Moroccan cultural expressions.

Regional Cultural Councils, which formerly split off from the Higher Council of Culture, could be seen as a resurgence of this¹.

In conclusion, Morocco's current Constitution (2011) has addressed the issue of the right to cultural communication and enshrined the openness and diversity of Moroccan identity, including its Arab-Islamic, Amazigh, Saharan Hassani, African, Hebrew, and Mediterranean roots.

The Constitution requires that Amazigh be regulated by organic law since it acknowledges them as an integral component of Moroccan identity². The Constitution also ensures that regional dialects and cultural expressions used in Morocco will be protected, that the Hassani culture will be preserved as a component of the unified Moroccan cultural identity, and that learning widely spoken foreign languages will be facilitated as a means of communication³.

In contrast to earlier Moroccan constitutions that only stated in the preamble that Morocco is an Islamic state with Arabic as its official language, which made national identity seem like a closed system, the current Constitution has corrected this and affirms Morocco's identity as rich, diverse, and open⁴.

In addition, a linguistic contract that supports plurality and openness forms the foundation of the Constitution. By establishing a logical and proactive linguistic and cultural policy aimed at preserving and advancing national and official languages and promoting the acquisition of foreign languages to promote openness and integration,

¹- It is worth noting that these councils were unable to fulfill their duties due to the circumstances surrounding their establishment during the second half of the 1990s. Therefore, these regional branches of the council could take on the task of formulating cultural policy at the regional level. See El-Hashemi Amskouri, *Op. Cit.*, p. 172.

²- This is unlike the other Maghreb constitutions, which did not include any provision for their regulation, whether by ordinary or organic law.

³- Amine Boulekouirat, *Op. Cit.*, p. 134.

⁴- The preamble of the Constitution states that: "The Kingdom of Morocco is an Islamic state with sovereignty, committed to the values of openness, moderation, tolerance, and dialogue for mutual understanding among various Islamic civilizations. It is a unified nation based on the diversity of the components of its national identity and the fusion of all its constituent elements and tributaries: Arab, Islamic, Amazigh, Saharan Hassani, African, Andalusian, Hebrew, and Mediterranean."

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it enshrines the official status of Arabic and supports the phased implementation of Amazigh¹. "Citizens have the right to be educated in a way that strengthens attachment to Moroccan identity and its deeply rooted national constants," according to Article 31.

For a long time, the Moroccan Organization for Human Rights has advocated for the enjoyment of Cultural Liberties. On many times, it has condemned government actions barring lawful meetings².

The National Office of the Moroccan Organization for Human Rights also denounces all infringements on the exercise of free expression and the enjoyment of all Cultural Liberties. It reminds the authorities of the principles set out in Article 15 of the Global Covenant on Economic, Social and Cultural Liberties, which obliges state parties to acknowledge everyone's right to engage in cultural life and to gain from the protection of the moral and material interests flowing from any scientific, literary, or artistic production of which they are the author.

Conclusion

According to the findings of this study, Cultural Liberties continue to fall short of their stated goals in a number of human rights

¹ - According to Article 5, "The official language of the state shall remain the Arabic language. The government shall strive to safeguard, foster, and encourage its use. Amazigh shall also be the official language of the state, as a shared legacy for all Moroccans without exception. The stages of carrying out the official status of Amazigh shall be set by an organic law... The government shall strive to maintain the Hassani culture as a fundamental component of the unified Moroccan cultural identity... and to safeguard the dialects and cultural expressions used in Morocco. It shall guarantee the consistency of the national linguistic and cultural policy, and encourage the learning and mastery of the world's most widely spoken foreign languages as tools for communication, integration, and interaction with the knowledge society, and for openness to different cultures and the civilization of the age. This paper also calls for the establishment of a National Council for Moroccan Languages and Culture, especially in charge of safeguarding and promoting the Arabic and Amazigh languages as well as Morocco's many cultural manifestations.

² - On every occasion, the organization called on public authorities to comply with the provisions of the aforementioned International Covenant, which Morocco has ratified, and to put an end to all measures that restrict the development and promotion of culture. For more information, refer to the publications of the Moroccan Organization for Human Rights, May 1991, National Office, Rabat, 1992, p.13.

texts, especially when it comes to fostering the creative and intellectual advancement that is essential to the advancement of both the domestic and global communities.

Despite being one of the most important human rights, this shortfall is caused by a number of factors, such as the high rates of illiteracy in Maghreb societies, the inability of educational programs to meet the needs of these societies today, and the lack of funding for this crucial area.

The individual is deprived of all facets of humanity in the absence of Cultural Liberties. A constitutional guarantee of educational freedom and the modernization of the educational system to adapt to cultural changes are necessary because this situation directly affects the right to education, upbringing, and training. In keeping with the UN and its specialized agencies' efforts to maintain world peace, education should support respect for human rights and fundamental freedoms and work to fully develop the human personality in a way that promotes tolerance and friendship between nations and religions.

The following principles must underpin the legal and political framework for all protective laws and initiatives aimed at bolstering the right to cultural participation:

- Recognition of the right to cultural pluralism and the interconnectedness of cultures in building social unity.
- Continuous development of the legal system related to the protection of national historical sites and artifacts.
- Ensuring the independence of cultural associations and preventing the politicization of their work.
- Establishing and generalizing a social security system for creators and artists.

These are the fundamental elements that enable national culture to spread knowledge, play a positive role in civilization, and keep intellectuals and creators from being marginalized in their fields.

It goes without saying that "this issue is more acute in developing societies, where a repressed people and silenced intellectuals cannot be creative or influential." The protection of

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human rights is one of the most important prerequisites for attaining development.

It is impossible to enjoy civil and political rights as well as economic, social, and Cultural Liberties without guaranteeing a cultural space for them, since human rights are inseparable because of the implicit, necessary, and interwoven relationships between them.

In other words, one cannot fully exercise their rights to employment or health without also exercising their rights to culture and participation, which depend on cross-cultural dialogue and interaction.

A notable imbalance can be seen in the Maghreb legislators' emphasis on ensuring economic and social rights while willfully ignoring Cultural Liberties, which are intrinsically linked to the interplay between authority and freedom.

On the other hand, regardless of their diversity, Cultural Liberties ought to be regarded as the foundation of all other rights, including the right to information and communication as well as the right to education. They are closely related to social, political, and economic rights and act as a conduit for communication between people and their communities.

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