

**To President  
of the Committee on Legal Affairs  
and Human Rights  
Mr. James CLAPPISON**

**Dear Mr. President**

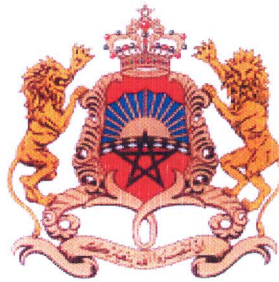
**Subject:** Revocation the Convention on social security, concluded with Morocco, unilaterally.

The government of the Netherlands announced via the Deputy Prime Minister and Minister of Labor and Social Affairs, that he decided to revoke the Convention on social security, concluded with Morocco, in 1972, unilaterally.

The agreement defines the rights and obligations of both-parties towards the citizens of each party. It states that the Moroccan immigrants living in the Netherlands would enjoy, in terms of wages and labor law and social security, the same rights as their fellow Dutch citizens.

And as the Moroccan immigrants, in the field of labor and social security are obliged to respect their duties as their fellow Dutch citizens towards insurances, and payment of taxes , and they are also subject to legal deductions applicable to other citizens on the same criteria, something which requires that they should be treated equally with others at the level of rights.

And then, the indemnities that an immigrant, resident in the Netherlands, should get, for one boy or that a person becomes sick or has been victim of a work accident, that caused him physical incapacity, got an



indemnity for his joblessness for a long time, has nothing to do with the minimum wage in his native country, Morocco in this case.

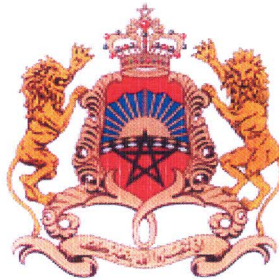
And as the revocation of the, mentioned, agreement caused prejudice to the principle of equality in social rights among moroccan workers, or those of moroccan origin as to their Dutch colleagues who have contributed equally in the funds that pay social charges.

And as the Moroccan and Dutch civil societies and Dutch human rights bodies attest, through their statements, that the current Dutch government's program contains a number of points that represent an enormous regression in terms of the rights of foreign communities living in the country, particularly the Moroccan community ; among these points, subjecting a number of indemnities paid to their beneficiaries in Morocco to the standard of living in the country of residence.

And taking into account that the Moroccan government has refused to introduce any amendment to the social security agreement that would cause prejudice to the acquired rights of Moroccan immigrants in the Netherlands, and to accept any form of discrimination against them, something that pushed the Dutch government to bring out another bill to prohibit the transfer of all indemnities outside the EU's borders.

And as the Dutch justice has considered, at the level of the first instance court and the court of appeal, that the reduction of the indemnities is illegal and asked him to continue giving them their full financial remunerations, on the basis that the decision of reducing them is a breach made by the Dutch government to the bilateral Convention with Morocco; an agreement that does not refer in any way to the indemnities on the basis of the living standard of the country of residence.

And as the Dutch government had, unfortunately, continued to ignore his obligations with regard to the implementation of judicial decisions; and he has implemented the old cases concerning widows and children, while the new cases concerning widows residing in Morocco, have been informed, that their indemnities have been reduced in accordance with the principle of the standard of living in the country of residence without respect for the decision of the justice that gave them right.



On the basis of all this, we, as representatives of Moroccan citizens both of them immigrants or residents in Morocco, emphasize on the following:

We consider that the revocation of the existing convention between Morocco and the Netherlands, is a contradiction and a rejection of the equitable decision of the justice after the failure of negotiations with the Moroccan government; and we express our refusal of the unilateral aspect of the decision made by the Dutch authorities; and we also call for the promotion of dialogue, with respect of the provisions of the bilateral agreement in 1972 and good relations that link the two countries.

We confirm our attachment to the acquired rights of Moroccan immigrants in the Netherlands and their right-holders in accordance with the principle of equality in the acquired social rights.

We call on your committee to exhort the Dutch government and our colleagues in the Dutch parliament, by taking into account the great heritage of the Dutch people in the field of respect of human rights and protecting that heritage, especially with regard to the rights of foreign communities in the Netherlands, to bring justice to the Moroccan immigrants in the Netherlands, and we are confident that this heritage will not permit to fall into the nets of some trends that seek to transform the severe economic crisis into a human rights crisis, the first victim of which will be the weakest link, who are the foreign workers in this continent.

We ask you to programming this issue in the Commission's work program and to discuss and adopt the allowed legal mechanisms to urge the Dutch government to withdraw his decision related to the Revocation the Convention on social security, concluded with Morocco, unilaterally.

Signatory:

**Mrs. Nezha ELOUAFI**

*Member of the Moroccan Delegation*

*of the Parliamentary Assembly of the Council of Europe*



A handwritten signature in blue ink, consisting of a stylized 'N' followed by a horizontal line.