

CONTENT

MOROCCAN LAW ON THE LEGAL STATUS OF ARTISTS AND ARTISTIC PROFESSIONS

As already mentioned in Newsletter N° XII , the Law of Morocco on the artists' status and artistic professions is recognized by Unesco as the most complete and protective in the matter.

1. Voted in 2016, modified in 2019 by two decrees, this law takes into account the legal status of all categories of artists and culture professionals.

After an infinite time of research with numbers of official international and national institutions, all stopped by the Covid crisis, here is finally the text of this law in its original version, French version only.

The legal style being highly specific, it will be necessary for each national Committee to try a translation with Google Drive, and to ask a lawyer to review the text so that the turns of legal style specific to each native language be respected.

2. The items of this text are more precisely :

« The artists' status law aims to benefit artists from the adequate working conditions and social protection provided for by the Moroccan labor code, and by the disposals of law N° N° 1-72-184 relative to the social security scheme. It particularly allows all other stakeholders in the sector , technicians, mediators, artistic directors, etc... to access social benefits, and thus to contribute to reduce the precariousness that most of these professionals are confronted with in the art sector.

The law also tends towards to guarantee freedom of creation, the promotion of work and investment in the artistic field, aims for the development of the creative industry, and the adhesion of men and women of art to protection and valuation of the Moroccan cultural expression as well as its promotion on a global scale.

Nature of this measure :

Legislative, financial, regulatory

Main characteristics of this measure :

This measure aims to support cultural and artistic creation and the development of the policy of its support in order to ensure Moroccan creators and artists a legal status which makes it possible to preserve their dignity, to organize their areas of activity, and to promote their financial, social, and professional situations.

The law on the status of the artist and the artistic professions particularly refers to :

- the regulatory way with regard to the fixing of the list of artistic professions according to the branches
- conditions for issuing the card of artist or art professional
- the definition of the artistic institution
- disposals relative to the artistic contracts (conclusion, content, termination, compensation

- in the event of rupture, salary)
- disposals relative to the artists' salary (freedom subject in compliance with minimum wage, payment period, payment receipt, privileges)
- disposals relative to the social protection of the artists
- advantages granted to artists (priority of employment up to 60%, priority to obtain public subsidies)
- disposals relative to the employment of children and people with disabilities (parental authorization for those under 18 years old, prohibition to entrust dangerous jobs to minors under 18 years old, ban on employment for disable people in jobs/works exposing them to danger or undermining their image)
- disposals relative to the employment of foreign artists (assimilation of residents to Moroccan artists, possibility of work for a fixed period with an authorization, etc)
- artists' rights to found or belong to a professional body
- law of the most representative artistic organizations to conclude collective agreements
- conditions of payment of subsidies to artistic organizations
- disposals relative to collective negotiations

Expected results

The expected results of this law present themselves as following :

- . favourable conditions to the work of the artists
- . means of action and support, reception and training structures available
- . appropriate social protection ensured
- . moral status of highlighting pioneers
- . support to any artist in a difficult situation guaranteed
- . freedom of artistic creation, in all its forms, guaranteed
- . total independence of the artists in the realization of their insured creative works, in accordance with institutional disposals and legislative texts guaranteeing individual and collective freedoms to all (Moroccans)
- . right to constitute and join the professional organizations of insured artists
- . recognition granted to professional organizations of artists
- . work and investment promoted in the artistic sector for artists in order to defend the professional , heritage, economic and social rights to its members
- . foreign artists in residency being able to benefit of the artistic card and treated like the Moroccan artists
- . rights of the handicapped children and people « .

3. REMINDER

Once more, it should be reminded that Unesco has no vocation for voting laws, but only Recommendations. The functioning of Unesco is not the functioning of UN and cannot be confused with it.

The vocation of Unesco is respect for ethics, as established in the Recommendations, the verification of its implementations, and its merits. cannot impose the Recommendations to the member states.

This amounts to say that it is up to each national Committee to propose law texts to its Parliament, each country being free to set up the jurisdiction of its choice. What Costa Rica made in association with several cultural associations.

In 1980, following the work of professional artists undertaken for years, the Recommendation on the status of the artist was promulgated and spread to all the

member states. This text constitutes the ethical – *but not legal* – basis of the rules to be taken into consideration, and to apply in order to protect the artists and the artistic creation. It gives the arguments to be highlighted during the discussions with the executive power of each country for the vote of laws concerning the status and social protection of artists. These Recommendations do not have an obligation statute.

This law of Morocco can therefore serve as a model, as a canvas, for the initiatives of the National Committees which want either :

- propose law projects on the status and social protection of artists and artists-interpreters (For instance, Canada has no law regarding this category of artists)
- add changes to the already existing texts

As an exxample, from May 2022 to May 2023, taking this law as a model, Tunisia will study the finalization of its law on the artists'status and the development of its applications.

Since the promulgation of theis law, n 2019, Morocco ruled on the methods of application of the compulsory health insurance plan and the pension plan for the categories of independant artists.

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