

## MOROCCO'S REVIEW IN THE WORKING GROUP

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### PRESENTATION BY MOROCCO

Morocco opened by affirming the participatory approach of their government in preparing their report, in particular involving all stakeholders. They stated at the outset their recommendation that a Standing Consultation Committee be established which will bring together government representatives, NGOs and other stakeholders. The report of Morocco, as stated by their delegation, focused on achievements, prospects for the future and an explanation of their implementation of human rights. The three elements of the report were in the context of their response to questions asked by other States.

#### Morocco's achievements:

1. Participation and membership of the Human Rights Council (HRC).
2. Joint sponsorship of a Resolution concerning the Elaboration of the Declaration on Human Rights Education and Training.
3. Human Rights national approach, concerning all ministers rather than one ministerial department. Section in the ministry to deal with human rights in addition to state policy.
4. Creation of the CCDH, the Moroccan National Human Rights Institution in conformity with the Paris Principles.
5. Morocco particularly concerned with Womens Rights, Rights of the Child, and Rights of persons with Disabilities.
6. Womens Rights: National Strategy for integration of gender persepective and taken into consideration in the state budget. National list of female candidates introduced to increase reputation of women in parliament (37 women are parliamentarians), 7 women are members of Morocco government at ministerial level, steps taken to develop women's entrepreneurship and status of women in rural areas.
7. Rights of the Child: Campaign launched bz government titled 'Is Morocco worthy of its children' to improve indicators relating to children's rights, violence against children and also all forms of abuse to which they would be subjected.
8. Economic, Social and Cultural Rights: approach is based on restoring regional balances, protecting property rights, promoting income-generating activities, purchasing power, and raising the living standards of all citizens, and sector-based facilities and generalise schooling, upgrade and bring together social services. Consistent with the approach of sustainable development where ambitions are limited by the means of the national economy.
9. Actions of Morocco in terms of HR follow a progressive and continuous course. Framework of Rule of Law and respect of Human Rights means a vast process of transitional justice, setting up of commission for truth, justice and reconciliation. Mechanism for resolution of past serious HR violations made possible to achieve the 4 strategic goals of transitional justice.

#### Implementation of Human Rights

1. Constitutionalisation of human rights to enhance the pace of implementation.
2. Institutions concerning protection and promotion of human rights: Administrative Courts of Appeal, advisory council of HR, the ombudsmans office and so on.
3. The CCDH has opened regional offices. Harmonizing of domestic legislation with international standards: new code of criminal procedure and new family code, for example.
4. Morocco gives due importance to cases referred to by special procedures.
5. Criminal Code: criminalization of torture, this is an occasion to devote in particular new attention to new orientations of their penal property. Consolidation of democratic practices. The Criminal and Family Code have been enacted with additional

measures to put in new institutions responsible for organising training and awareness campaigns.

6. Reform of communal charter to strengthen local democracy. Amendments to code of civil liberties means a wide scope to improve freedoms and anchor democratic practices in their society.
7. Freedom of Press: New Press Code developed via stakeholders to meet international standards and the will to maximise the balance between dignity and freedom of expression. Draft is already the subject of consensus on several provisions and main point of discussion is related to imprisonment sentences, which are very limited in the draft.
8. Economic, Social and Cultural Rights: Reforms in Morocco have focused on protecting Economic, Social and Cultural Rights.
9. Lifting reservations on certain provisions of CEDAW and adherence to the Optional Protocols of ICESCR, CEDAW and CAT.
10. The King of Morocco has announced a National Charter of Justice.
11. Similarly, the establishment of a truth, justice and reconciliation commission, which has, inter alia, four goals:
  - establishment of the truth on the serious violations of the past
  - compensation for the damages: financial compensation, medical coverage and medical rehabilitation, social reinsertion and Community reparation;
  - process of reconciliation through public debate on various aspects of past violations and the restorations of confidence in the rule of law.
  - recommendations of constitutional, legislative and institutional reforms in order to guarantee the conditions of non-repetition and the fight against impunity.

#### Prospects for the Future

1. Increased number of associations and rallies indicating the strengthening of the right to freedom of association in Morocco.
2. Harmonisation of legislation with international standards
3. Self-Evaluation and critical approach to their human rights standards marked the report of the 50<sup>th</sup> Anniversary of Morocco's independence.
4. Global approach to human rights: noting best practices to follow and acting responsibly.

## **INTERACTIVE DIALOGUE**

### **The Troika**

The troika for Morocco's review are: Romania, Madagascar and France. The troika presented their questions within the time allocated for the interactive dialogue between member and observer States and the State under Review. Notably, France stated in their intervention that they were a troika member for this review whereas neither Romania or Madagascar took the floor.

### **Right of the Child**

Kuwait: What is the basis of the National Plan of Action for Children and how is Morocco working to improve the Rights of the Child?

Bangladesh: Wants an elaboration of measures put in place to protect the Rights of the Child.

Mali: Wanted a similar elaboration of measures taken to protect the Rights of the Child.

Bahrain: What steps have been taken to adopt national legislation to the Convention on the Rights of the Child?

*Morocco: We have a budget allocated to it (the National Plan of Action for Children). The National Plan of Action for Children (NPAC) was adopted in conformity with international commitments. We are amending the legislation on child labour and we have developed*

*programmes to make sure children do not stay in the streets. We made a reference plan which led to a national strategy. In regards to trafficking of children, Morocco withdrew their reservation under the CRC.*

### **Women's Rights**

Russia: Wanted to have more detailed information on the technology of gender budgeting.

Chad: Raised a similar question, wanting to have information on the integration of gender into Morocco's State Budget.

Senegal: Information is requested on the latest efforts of the government towards promoting women's rights.

Mauritius: More information requested on the new bill concerning women, especially information regarding domestic violence and the protection of victims of domestic violence.

Mauritania: In regards to the Commission for Equity and Reconciliation, what measures are being taken to combat violence against women? Furthermore, what measures are being taken by the government to disseminate information on the reforms to the Family Code?

Brazil: Morocco has promoted programs for women's rights and gender equality in general, to foster a legal culture of promoting and protecting women's rights and non-discrimination, how will the government assess the concrete results of the *implementation* of these initiatives to ensure women's rights?

India: What has made the improvement of the level of representation of women in parliament and in the judiciary system possible?

Slovenia: *Recommends* Firstly, Resolution 5/1 concerning gender perspective, what has the state done to achieve this in their report, including how Morocco plans to implement gender into the outcome of the review? Secondly, Morocco's withdrawal of their reservations to CEDAW, these withdrawals have not been formally communicated to the depository of the convention, they should do so. Thirdly, concrete steps towards the withdrawal of reservation of OP to CEDAW and how far along is Morocco to ratifying the OP to CEDAW?

### **Answer:**

Government has produced a special budget to assure equality between men and women

### **Rights of Migrants**

Palestine: How is Morocco interacting with the country of origin and destination of illegal immigrations that enter and pass through Morocco.

*Morocco: We have an integrated approach based on partnership with countries from north and south. We are in favour of migrants rights. Moroccan was the first to initiate dialogue between European country and African country.*

### **Implementation**

Syria: Requested more information on steps taken by Morocco to establish a human rights culture, especially within their institutional framework (such as the CCDH). Further, Syria *Recommended* that Firstly, Morocco pursue aims at disseminating a culture of Human Rights.

Wanted more information on steps taken by Morocco in the filed in setting the basis of the human rights culture especially with their institutional framework. Secondly, that they disseminate information to promote a human rights culture.

France: in their capacity as a troika member asked what were Morocco's needs for technical cooperation?

India: How is the mandate of the ombudsman different from the NHRI in regards to the protection and prevention of human rights violations?

Bahrain: How will the CCDG implement human rights standards, more information requested.

Bosnia and Herzegovina: How is Morocco conforming their national legislation with treaties entered into, especially CEDAW with the reservations that have been removed.

Slovenia: Process for the preparation of the national report it is mentioned that the NGOs stressed a need for standing consultation and dialogue mechanism, how will they follow up on this suggestion, and what role will be rewarded to such mechanism for drawing up the report.

Sri Lanka: How will Morocco implement their mandate of implementation of human rights according to Resolution 60/251?

Australia: Provide more information on the role of NHRI in protecting human rights in Morocco.

Guinea: Would like more information on the new Commission on Truth and Reconciliation for strengthening peace and human rights.

*Morocco: Created National programme in 1994. we aim to raise awareness on certain manners. We pay great attention to this and put importance on the implementation of the law. There is an inter-ministerial committee looking at conventions not yet ratified and Morocco is look at ratification of OP CAT. Morocco also stated that in order to implement human rights further their country would need technical assistance. The national consultative body is a national body, pluralist and representative of all in conformity with the Paris Principles.*

### **Terrorism**

Pakistan: What steps have been taken to oppose and fight terrorism through an early warning system?

Sweden: Would like Morocco to share its legal reasoning behind balancing terrorism with their human rights obligations, especially with regards to detention of persons and terrorism under their 2003 Anti-Terrorism Laws?

*Morocco: The law to combat terrorism is no different form other laws apart from certain aspects such as the right to inspect, the right to confiscate property. It is based on international texts and is thus in conformity with other states anti-terrorism laws.*

### **Judicial Reform and Impunity**

Yemen: In regards to the Institution for truth and reconciliation, what kind of compensation has been initiated?

Germany: What are the achievements of the truth and reconciliation Commission and could Morocco provide information about the CCHD, what will be the follow up of Morocco to these recommendations?

Belgium: What measures have been taken to raise awareness to the judiciary about the content of the new family code?

Switzerland: *Recommends* that regarding the fight against impunity Morocco should guarantee an access to justice for victims and further *recommends* the ratification of the International Criminal Court/Rome Statute.

Mexico: What will Morocco do to overcome the difficulties faced by the Commission on Truth and Reconciliation to bring to justice perpetrators of past crimes, especially enforced disappearances and torture.

Cote d'Ivoire: How are the victims of violations followed up?

### **Answer:**

There are only 29 cases of missing persons to which the fate is not known in Morocco. Financial compensation is provided in regards to these cases. In addition a system of archive exists in the region where problems happened. Concerning reparations, there are initiatives and specific bodies set up to implement programs concerning reparations and has a legal basis. Compensation has been given to over 4 000 cases of enforced disappearances. Judges are trained especially in Family Law.

### **Development**

Saudi Arabia: *recommends* that more information on the initiatives to promote development be provided and the measures to promote Economic, Social and Cultural Rights and the Right to Development be included.

United Arab Emirates: More information on national initiatives to promote human development.

Democratic Republic of Congo: What global strategies and human materials are used to achieve objectives of development? What measures have been introduced to reduce the gap between rural and urban areas? And how has the Moroccan Diaspora contributed to development? What global strategies and human materials are used to achieve these objectives?

*Morocco: There is a national initiative for human development and this has a participative approach. For example improving slums through a budget allocation of several millions of dollars in order to improve housing conditions and provide housing for poor people in Morocco.*

### **Human Rights Education**

Oman: Would like more information about the joint Switzerland initiative on education, in particular local measures linked to the education of human rights initiative.

Jordan: What measures are in the school curriculum concerning human rights education?

Switzerland: *recommends* Morocco should continue to train law enforcement officials in human rights education.

Lebanon: would like a clarification of how people in rural areas are receiving human rights education?

*Morocco has undertaken an ambitious program of human rights training. To improve human rights education in their country (and in general, based on elaboration of human rights education) would involve identifying their needs, the elaboration of a training program on human rights to ensure the education is appropriately implemented and also support for the publication and dissemination of documents concerning human rights.*

### **Freedom of Opinion and Expression**

United Kingdom: What steps is Morocco taken to ensure freedom of speech and expression in regards to censorship?

Norway: Observed that Morocco suspended recently the media and also prosecuted several journalists, will the reformed press code provide a greater freedom of press?

Canada: Would like more information about the reformed press code, referenced the NGOs statement of this in the stakeholders report.

Sweden: What are the governments plans regarding its new legislation concerning freedom of press?

*Morocco: There is a code of the press guaranteeing freedom of expression. It is, however, criminalised in order to punish abuses (for example defamation). Journalistic Union or a Commission to review the morality of their profession. Journalists are not prosecuted for their opinion, only when using this profession to commit crimes. Furthermore, there is no censorship in Morocco.*

### **Prison Conditions and Torture**

United Kingdom: What measures are being taken to deal with the unsanitary and overcrowded prison conditions?

Sweden: What are the governments plans for future reform of prison legislation?

Zambia: *Recommends* that the issue of torture raised in the report of the stakeholders be dealt with and put in the report on the final report of the Working Group and in the periodic report of the Committee Against Torture.

Answer: Torture and ill treatment are prohibited in Morocco. Workers in prison are trained with the help by foreign countries. Morocco acknowledged having the problem of overcrowding but also acknowledged that this could be resolved with financial resources and also searching out other measures. There have been 6 cases brought against prison workers in the past 3 years.

**States that spoke but did not raise questions/issues/recommendations**

Sudan, Nigeria, Tunisia, Libya, Djibouti, Benin, Egypt, Ghana, Malaysia

**Issues mentioned in he NGOs reports but not raised during the Working Group**

Death Penalty, Arbitrary Detention, Health, Indigenous Peoples, Internal Displacement, Minorities, Racism, Self-Determination, Sexual Orientation, Transnational Corporations.

**Issues mentioned in the Working Group but which did not bring a response or an extensive response by Morocco**

Special Rapporteurs (by Netherlands), Terrorism (not in regards to their early warning system).

*Disclaimer: this summary is by no means exhaustive as it is just an indication of the discussion that took place during the review and should therefore not be quoted as an official document of the UPR process.*