



## Fourth Cycle of the Universal Periodic Review Report of the National Human Rights Council of Morocco

March 2022

### Overview of CNDH

The National Human Rights Council of Morocco (CNDH) is a constitutional institution for the promotion and protection of human rights. It was established in 1990 and has been accredited to “A” status since 1999, testifying to its full compliance with the Paris Principles of 1993. The CNDH has 12 Regional Human Rights Commissions (CRDH), which cover the entire national territory. CRDH members, composed mainly of civil society representatives and local human rights defenders, have been installed in September and October 2020. These commissions are those of Rabat-Salé-Kenitra, Fez-Meknes, Marrakech-Safi, Casablanca-Settat, Draa-Tafilalet, Oriental, Beni Mellal-Khenifra, Tangier-Tetouan-Al Hoceima, Guelmim-Oued Noun, Souss-Massa, Laayoune-Sakia El Hamra and Dakhla-Oued Eddahab.

A new law 76.15 reforming the CNDH<sup>1</sup> was adopted unanimously by the Parliament in February 2018. This law considerably broadens the protection mandate of the CNDH, particularly by entrusting it with the mandate of three mechanisms provided for by international human rights standards. These are the National Preventive Mechanism against Torture (NPM), in line with OPCAT, National Child Redress Mechanism, in line with General Comment 2 of the Committee on the Rights of the Child, and National Monitoring Mechanism for Persons with Disabilities, in line with Article 33.2 of the Convention on the Rights of Persons with Disabilities.

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<sup>1</sup> [https://www.cndh.org.ma/sites/default/files/loi\\_76-15\\_relative\\_a\\_la\\_reorganisation\\_du\\_cndh\\_1.pdf](https://www.cndh.org.ma/sites/default/files/loi_76-15_relative_a_la_reorganisation_du_cndh_1.pdf)

## I. Introduction

1. This report was prepared by the CNDH in consultation with its 12 regional human rights commissions (CRDH). The CNDH also organized several meetings with various stakeholders, especially youth human rights defenders (HRD) from 12 regions of Morocco and discussed several human rights issues and recommendations that the government should implement so that it complies with its international commitments.
2. With a view to encouraging the participation of youth in this process, the CNDH and other stakeholders (UNFPA-Morocco, UPR-Info and Prometheus Institute for Democracy and Human Rights<sup>2</sup>) organized two training sessions for 18 youngsters on the international human rights system, including the engagement of CSO with the UPR. Following these trainings, these youth HRD constituted a coordinating group called "*Collective Union of Moroccan Youth for Protection of Human Rights*", who submitted a joint submission as part of the 4<sup>th</sup> cycle of UPR.
3. The CNDH is contributing to the elaboration of the national report and is taking part in the consultations that are being held nationally and locally by the government with various stakeholders from March to June 2022. The CNDH also participated in the workshop on the forthcoming UPR-Morocco, organized by OHCHR on 3 March and attended mainly by CSO. Besides, the CNDH engaged with the Parliament with a view to mainstreaming the UPR recommendations in legislation. In this regard, a workshop on the implementation of the recommendations was held in December 2019 and an MoU with the Parliament was updated and signed in June 2021<sup>3</sup>.
4. The CNDH used the recommendations contained in the third UPR report in its various publications, including its three annual reports from 2019 to 2021<sup>4</sup>, thematic reports<sup>5</sup> and memorandums and advisory opinions<sup>6</sup>. The CNDH also contributed to a study on emerging good practices from the UPR, commissioned by OHCHR<sup>7</sup>.
5. This report includes an overview of key human rights developments due to limited word count. For detailed information about the human rights situation, the CNDH refers to its publications mentioned in paragraph 4.

## II. Progress made in the implementation of previous recommendations related to the CNDH

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<sup>2</sup> An NGO of the youth, who concluded a partnership agreement with CNDH in 2021 : <http://prometheus.ma/>

<sup>3</sup> <https://www.cndh.org.ma/an/article/amendment-and-updating-memorandum-understanding-between-cndh-and-house-representatives>  
<http://www.cndh.ma/an/article/cndh-and-house-councilors-sign-memorandum-understanding>

<sup>4</sup> CNDH annual report of 2020: [Arabic version](#) , [Summary-French](#) , [English overview](#); CNDH annual report of 2019: [CNDH annual report](#)

<sup>5</sup> CNDH' thematic reports:

- Report on the Observation of the Legislative, Regional and Communal Elections: [Arabic version](#) , [Amazigh version](#) , [English overview](#)
- CNDH report on Al Hoceima protests: [Arabic version](#) , [Amazigh version](#) , [French version](#)
- CNDH report on Jerada protest: Arabic [version](#) , [English overview](#)

<sup>6</sup> Memorandums :

- CNDH memorandum on the amendment of the Penal Code: [French version](#)
- CNDH memorandum on the development model: [Arabic version](#); [Summary Amazigh version](#),
- CNDH advisory opinion on Draft Law No. 46.19 on the National Authority for Integrity, Prevention and the Fight against Corruption: [Arabic version](#),

<sup>7</sup>Available here: [https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Emerging\\_UPR\\_GoodPractices.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/Emerging_UPR_GoodPractices.pdf)

6. The CNDH welcomes the efforts made by the public authorities to implement CNDH-related recommendations. Therefore, concerning the recommendations on its mandate (Recommendations 33, 46, 56, 57 & 60), a new law was adopted in 2018 that considerably broadens the protection mandate of the CNDH and its regional commissions. The CNDH was particularly entrusted with the mandate of three mechanisms provided for by international human rights standards. These are the National Preventive Mechanism against Torture (NPM), in line with OPCAT, National Child Redress Mechanism, in line with General Comment 2 of the Committee on the Rights of the Child, and National Monitoring Mechanism for Persons with Disabilities, in line with Article 33.2 of the Convention on the Rights of Persons with Disabilities. All regional commissions fulfil the mandate of protection, promotion and prevention entrusted to the CNDH, but at the local level. Accordingly, sufficient budgetary funds were allocated to the CNDH and all its regional commissions (Recommendation 62).
7. Concerning the recommendations focusing on the commissions of the southern provinces (Recommendations 46, 56, 82, 244), these commissions continued to protect and promote human rights in the region, especially in light of the repercussions caused by Covid-19. To this end, each of the three commissions established three working groups on promotion, protection and assessment of public policies. Concerning complaint handling, between 2018 to March 2022, the three commissions received and handled 1,104 complaints and took the necessary measures to resolve the admissible complaints. They also carried out 94 visits to places of deprivation of liberty, conducted mediation initiatives, advised complainants on the relevant procedures in force and monitored protests. The three commissions made recommendations and approached the public authorities to resolve cases. They also formalized their relations with various stakeholders (CSO, associations of lawyers, academia) through partnerships aiming at promotional activities, such as trainings, joint workshops, awareness raising and human rights education.
8. Concerning recommendations on the NPM (48, 49, 50, 51, 52), an NPM was established by Law 76.15 and started to fulfil its mandate following the designation of its members in September 2019. Accordingly, Morocco was rated “A” by the UN Human Rights Committee for the adoption of the CNDH law, designating it as the operative body<sup>8</sup>. Since its establishment, the NPM has conducted 25 preventive and follow-up visits to nine places of detention (prisons, police stations, gendarmerie royale stations, psychiatric hospitals, elderly centers, child protection centers, court jails, airport places of detention) throughout Morocco (Tangier, Fes, Rabat, Casablanca, Laayoune, Guelmim, Dakhla, Settat, Tetouane, Marrakech). The NPM conclusions and general recommendations have been published in the CNDH annual reports<sup>9</sup>. Specific recommendations have been also sent to relevant authorities. The NPM has issued a guide on procedures related to regular and preventive visits to places of deprivation of liberty. Members of the NPM participated in a number of national and international seminars and trainings. The CNDH/NPM continues to engage with the SPT through joint events and regular exchange of information. It also entered in partnerships with the

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<sup>8</sup> More information available on OHCHR website: <https://www.ohchr.org/en/stories/2019/12/human-rights-committee-gives-top-grades-follow-five-countries#:~:text=Morocco%20was%20rated%20'A'%20for,Council%20as%20the%20operative%20body>.

<sup>9</sup> CNDH annual report of 2020: [Arabic version](#) , [Summary-French](#) , [English overview](#); CNDH annual report of 2019: [CNDH annual report](#)

European Union, Council of Europe, Association for the Prevention of Torture, Dignity-Danish Institute against Torture.

9. Concerning the recommendations relating to the establishment of a child redress mechanism (227 and 222), a National Redress Mechanism for Children Victims of Human Rights Violations was also established within the CNDH. Since its establishment, the Mechanism has received 31 complaints, including on school dropout, physical and psychological violations, access to education due to disability, etc. The members of the mechanism conducted, on their own initiative, field visits to child protection centers in order to hold hearings with children placed in these centers. The mechanism also made recommendations following their visits.
10. Concerning the recommendations relating to the establishment of a disability rights mechanism (53, 54 and 57), the CNDH was designated in 2018 as the National Mechanism for the Protection of the Rights of Persons with Disabilities. Since its establishment in 2019, the mechanism has organized several activities, including two online campaigns<sup>10</sup> to combat discrimination against women with disabilities (2020) and promote the participation of women with disabilities in political and social life (2021). Each campaign lasted 8 weeks where Arabic, Amazigh and sign languages were used. Over the last two years, this mechanism handled 69 individual complaints and cases. The mechanism engaged with relevant authorities to resolve these cases.
11. Regarding the recommendations on the human rights culture (63, 64, 65, 66, 172, 174, 217, 228, 238,) Rabat - Driss Benzekri - Institute for Human Rights was restructured in May 2019. More than 100 trainings on a wide range of rights were organized by CNDH in the reporting period to build the capacities of different stakeholders, including law enforcement officials, staff of parliament, civil society and human rights defenders. Focus was put on violence against women, women's political representation, minor girls, the youth, persons deprived of their liberty, climate change and migrants, as well as on international and African human rights system. The CNDH also offered its training premises to CSO, who organized trainings at this Institute.
12. Since 2019, the CNDH organizes a one-year national campaign to promote and advocate for a specific topic. Accordingly, the CNDH organized in 2019 a national campaign on "*Marriage of Minor Girls: Abolish the Exception... Restore the Norm*". In 2020, the CNDH focused on the "*effectiveness of the right to health in Morocco: Towards a health system based on a human rights approach*" which resulted in a thematic report on the subject to be released soon. In 2021, the CNDH one-year campaign was entitled "*Speak out against gender-based violence*" aiming at encouraging victims of gender-based violence to report such crimes and fighting impunity. At these campaigns, consultative meetings were held at the Moroccan regions and attended by various stakeholders, including public authorities, CNDH regional commissions, CSO, human rights defenders and experts.

### **III. Human rights developments and recommendations to the government**

#### **A. Ratifications and cooperation with the UN System**

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<sup>10</sup> <https://www.youtube.com/watch?v=isaWxFfO2c0&feature=youtu.be>

13. The CNDH welcomes the ratification of the Migration for Employment Convention No.97, the Social Security Convention No.102, and the Promotional Framework for Occupational Safety and Health Convention No.187 on 14 June 2019.
14. However, the CNDH notes that Morocco has not completed the ratification procedure for three protocols to core conventions, on which the Parliament had already adopted laws approving their ratification<sup>11</sup>. These are the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure<sup>12</sup>, Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women<sup>13</sup> and Optional Protocol to the International Covenant on Civil and Political Rights<sup>14</sup>. The CNDH notes that the government has not taken any measure regarding the ratification of the Second Optional Protocol to ICCPR aiming at the abolition of the death penalty and Optional Protocol to CESCR.
15. The CNDH considers that cooperation with the UN human rights system is of great importance to the human rights reforms agenda. Recommendations made by treaty bodies, special procedures and Universal Periodic Report and accepted by the government can provide a road map for reinforcing such reforms. The CNDH welcomes the adoption of the simplified procedure in reporting to the CMW and the submission of three reports to CERD in September 2020, CED in September 2021 and CEDAW in January 2020. The CNDH notes that there is a significant delay in submitting the fifth report to CAT, which was due in 2015.

### ***Recommendations***

- Complete the ratification procedure for the first Optional Protocol to ICCPR, third Optional Protocol to CRC and to Optional Protocol to CEDAW;
- Accede to the Second Optional Protocol to ICCPR aiming at the abolition of the death penalty and to the Optional Protocol to CESCR;
- Accede to ILO Convention No. 87 regarding Freedom of Association and Protection of the Right to Organize and to the Convention 190 regarding Violence and Harassment;
- Accede to the Rome Statute of the International Criminal Court;
- Accede to the African Charter on Human and Peoples' Rights;
- Continue to take steps towards making the declarations provided for in articles 76 and 77 of the CMW;
- Submit the fifth report to CAT as soon as practicable;
- Made public the SPT report following its visit to Morocco in 2017, given the importance it has in furthering the protection of human rights and prevention of violations;
- Address standing invitations to special procedures mandate holders.

### **B. Legal framework**

<sup>12</sup> Law No. 59.12 approving the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, Official bulletin No. 6140 dated April 4, 2013.

<sup>13</sup> Law No. 125.12 approving the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Official bulletin No. 6387 dated August 17, 2015.

<sup>14</sup> Law No. 126.12 approving the Optional Protocol to the International Covenant on Civil and Political Rights, Official bulletin No. 6387 dated August 17, 2015.

16. The CNDH welcomes the adoption of several laws with direct link to human rights, on which it elaborated recommendations from a human rights perspective<sup>15</sup>. More particularly, the CNDH elaborated a memorandum on the draft penal code<sup>16</sup>, containing recommendations to bring domestic legislation into compliance with international standards, including with regard to individual freedoms, torture, abortion, enforced disappearances, alternative sentences, death penalty, trafficking in migrants, etc. The CNDH is preparing advisory opinions on three key draft laws: draft penal procedure law, draft civil procedure law and press and publishing law.
17. Some key laws are yet to be adopted, such as the Organic Law 97.15 on setting out conditions and modalities of exercising the right to strike and the organic law relating to the exception of unconstitutionality.

### ***Recommendations***

- Amend the Penal Code, while bringing both laws into compliance with the Constitution and international human rights instruments ratified by Morocco;
- Amend the Penal Procedure Code, with a focus on guaranteeing access to lawyers of a suspect's own choosing from the moment of apprehension, without the presence of an investigator and without requiring the authorization of the prosecutor, using audio-visual recording during interrogations and conducting medical expertise before and after custody in case of allegations of torture;
- Amend the Family Code, especially abrogating article 20 authorizing child marriages;
- Harmonize Law 103.13 on combating violence against women with international norms, by providing for the criminalization of marital rape;
- Accelerate the adoption of the draft law 72.17 on the entry and stay of foreigners as well as migration, while taking account of international standards, including those provided for in Global Compact for Migration;
- Accelerate the adoption of the draft law 66.17 on asylum and its conditions, while taking into account relevant constitutional provisions and international norms;
- Establish a legal framework for older persons in line with the relevant international standards, mainly the 1991 United Nations Principles for Older Persons;
- Review the legal provisions relating to freedom of association and assembly, while taking into consideration the new challenges posed by digital space and in such a manner as to expand civic space and reinforce the enabling environment for the work of human rights defenders.

### **C. Institutional framework**

18. While the CNDH welcomes the establishment of human rights and governance institutions by virtue of laws adopted for the first time or reviewed, it notes that four

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<sup>15</sup> Law 103.13 on combating violence against women, Law 46.19 on the national integrity and anti-corruption body, Framework Law 09.21 on social security, Law 72.18 on the system related to targeting beneficiaries of social support programs and the establishment of the National Register Agency, Law 77.17 on exercising forensics in 2020, Organic Law 04.16 on the national council for languages and Moroccan culture, Law 56.20 on museums, etc.

<sup>16</sup> Available here : [https://www.cndh.org.ma/sites/default/files/cndh\\_-\\_memo\\_code\\_penal\\_vf\\_5mai.pdf](https://www.cndh.org.ma/sites/default/files/cndh_-_memo_code_penal_vf_5mai.pdf)

institutions of these have not been operational, namely the Authority in charge of parity and combating all forms of discrimination, Advisory Council for the Family and Children, and Advisory Council for Youth and Civil Society Action and National Council for Languages and Moroccan Culture.

### **Recommendations**

- Operationalize the Authority in charge of parity and combating all forms of discrimination, Advisory Council for Family and Children, Advisory Council for Youth and Civil Society Action and National Council for Languages and Moroccan Culture.

### **D. Policy framework and human rights practices**

19. The CNDH notes that several actions included in the National Action Plan for Democracy and Human Rights have been implemented. It also notes the engagement of the new government to update this policy framework. The CNDH also welcomes the report of the Special Commission on the Development Model and believes that the proper implementation of its outcome would guarantee the enjoyment of human rights, mainly economic, social, cultural and environmental rights, narrow disparities, reinforce the implementation of sustainable development goals and provide a tool to leave no one behind. In addition, the CNDH notes with satisfaction the national policies on social security and migration as well as the efforts deployed towards combating the effects of climate change on human rights, mainly Green Generation Plan, National Water Plan and the National Sustainable Development Strategy. In this regard and on the sidelines of COP26, the CNDH engaged with the youth who made a declaration entitled “Moroccan youth committed to fight climate change” and addressed to COP26 summit, following a meeting organized in Rabat on 30 October 2021.
20. However, several challenges still hinder the enjoyment by all of their human rights, especially regarding access to the highest attainable standard of health, quality and equal education and right to employment. Business and human rights is also an emerging issue, addressed by the CNDH and posed significantly within the context of Covid-19<sup>17</sup>. The digital space also contains several challenges, such as online hate speech, fake news, artificial intelligence, access to information, rights to private life, etc. All of these challenges have been addressed in the CNDH annual reports<sup>18</sup>.

### **Recommendations**

- Ensure that the human rights-based approach is mainstreamed in the implementation of the new development model policies;
- Implement the government commitment to updating the national action plan for democracy and human rights, while taking into account the recommendations made by the international human rights system and the National Human Rights Council;
- Adopt a stand-alone national action plan on business and human rights to protect against adverse human rights impacts by business enterprises in conformity with the

<sup>17</sup> Call by CNDH : <https://cndh.ma/an/highlights/cndh-call-commitment-human-rights-world-labour-after-lockdown-diligent-companies>

<sup>18</sup> CNDH annual report of 2020: [Arabic version](#) , [Summary-French](#), [English overview](#); CNDH annual report of 2019: [CNDH annual report](#)

UN Guiding Principles on Business and Human Rights;

- Continue to mainstream international human rights standards by courts, and ensure the supremacy of these standards over domestic law;
- Increase the budget allocated to the health sector, in such a manner as to allow an increase in the number of healthcare workers, better working conditions and rehabilitation of health infrastructure;
- Continue to take measures guaranteeing equality and quality in private and public education, ensuring enrolment, especially of girls in rural areas, and combating school dropouts;
- Abolish the death penalty in law and in practice
- Respond to the complaints filed by the CNDH within the legal deadline provided for in the CNDH enabling law of 2018.