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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Morocco**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedure, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR) other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. The information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most of the documents used as reference are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have also been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty, and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/ reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	18 Dec. 1970	Art. 22	Individual complaints (art. 14): Yes
ICESCR	3 May 1979	None	-
ICCPR	3 May 1979	None	Inter-State complaints (art. 41): No
CEDAW	21 June 1993	Arts. 2, 9 (2), 15 (4), 16, and 29	-
CAT	21 June 1993	Art. 30 (1)	Inter-State complaints (art. 21): No Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
CRC	21 June 1993	None	-
CRC OP-AC	22 May 2002	None	-
CRC OP-SC	2 Oct. 2001	None	-
ICRMW	21 June 1993	Art. 92 (1)	Inter-State complaints (art. 76): No Individual complaints (art. 77): No
<i>Core treaties to which Morocco is not a party: ICCPR-OP1, ICCPR-OP2, OP-CAT, OP-CEDAW, CPD (signature only, 2007), CPD-OP and CED (signature only, 2007).</i>			
<i>Other main relevant international instruments</i>			<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide			Yes
Rome Statute of the International Criminal Court			No
Palermo Protocol <sup>3</sup>			No
Refugees and stateless persons <sup>4</sup>			Yes, except 1954 and 1961 Conventions
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup>			Yes, except the three Protocols
ILO fundamental conventions <sup>6</sup>			Yes, except Convention No. 87
UNESCO Convention against Discrimination in Education			Yes

1. In 2004, Morocco expressed its intention to accede to ICCPR-OP1,<sup>7</sup> and in 2006 it pledged to ensure the ratification or adherence to the international instruments to which it has not yet become a party, including CPD and CED.<sup>8</sup> It participated actively in the drafting and adoption of ICRMW,<sup>9</sup> and was encouraged to ratify CPD and CED.<sup>10</sup> Morocco was also encouraged to recognize the competence of the Committee against Torture (CAT) to receive inter-State and individual complaints, and to accept inquiry procedures.<sup>11</sup> Some of these recommendations were adopted by Morocco. The Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern that the withdrawal of reservations to article 9, paragraph 2, article 16, subparagraph 1 (e) and article 16, paragraph 2, as well as of its declaration on article 15, paragraph 4, which had been announced by Morocco, had not been formally communicated to the depositary of the Convention. The Committee called upon Morocco to notify the Secretary-General of the withdrawal of those reservations and declarations as soon as possible. It also encouraged Morocco to continue to take the necessary steps for the withdrawal of all its remaining declarations and reservations to articles 2 and 16 which, in the opinion of the Committee, are contrary to the object and purpose of the Convention.<sup>12</sup>

## **B. Constitutional and legislative framework**

2. CEDAW noted that Morocco acknowledged the precedence of some international instruments over national legislation but remained concerned that the status of international instruments vis-à-vis national law had not been clarified.<sup>13</sup> It was also concerned that although the Constitution guarantees equality before the law, the legislation does not contain an explicit definition of the principle of equality between women and men or of discrimination on the basis of sex.<sup>14</sup> The Committee on the Rights of the Child (CRC) welcomed the incorporation of CRC OP-SC into domestic law in March 2004.<sup>15</sup>

## **C. Institutional and human rights structure**

3. The national human rights institution (*Conseil Consultatif des Droits de l'Homme - CCDH*) was granted "A" status in 2001, reconfirmed in 2007.<sup>16</sup> CAT, CEDAW and the Committee on Economic, Social and Cultural Rights (CESCR) welcomed the restructuring and the broadening of the mandate of CCDH.<sup>17</sup> The Committee on the Elimination of Racial Discrimination (CERD) noted with interest that the efficiency and independence of this institution were enhanced.<sup>18</sup> CESCR observed, however, that it was connected to the Ministry of Justice, which could impede its independence.<sup>19</sup>

4. CESCR, CAT and CEDAW welcomed the establishment of the Office of the Ombudsman (*Diwan Al Madhalim*) responsible for considering cases of human rights violations.<sup>20</sup> Both CAT and CERD welcomed the establishment, with the support of OHCHR, of the Human Rights Documentation, Information and Training Centre.<sup>21</sup>

## **D. Policy measures**

5. To implement the World Programme for Human Rights Education, Morocco established on 11 November 2004 the *Commission Centrale des Droits Humains et de la Citoyenneté*, which coordinated a national strategy and plan of action on human rights education for the first phase (2005-2007).<sup>22</sup> CAT, CERD and CESCR welcomed Morocco's continued efforts to promote the culture of human rights, and CRC expressed appreciation for Morocco's efforts to raise awareness among the public about the provisions of the CRC-OP-SC and to develop training.<sup>23</sup>

6. CRC welcomed a number of policy measures taken by Morocco to combat the sexual exploitation of children, inter alia the launching of a campaign in 2003 and 2004, and noted the elaboration of a National Plan of Action for Children (PANE) for the period 2005 to 2015. The Committee further noted that Morocco had initiated projects aimed at reducing poverty in cooperation with UNDP-Morocco and civil society.<sup>24</sup> CESCR encouraged Morocco to ensure that PANE emphasized the reintegration of street children in society and to take tougher action against child abandonment.<sup>25</sup>

7. UNICEF and UN-Habitat submitted that to respond to the situation of over 5 million Moroccans suffering from extreme poverty in rural communities and urban and semi-urban sites, Morocco launched, in May 2005, the National Initiative for Human Development (INDH).<sup>26</sup> UN-Habitat also referred to the programme *Villes sans bidonvilles* for the period 2004-2010, which concerns 70 towns and 218,000 families.<sup>27</sup>

8. The Special Rapporteur on the human rights of migrants welcomed the creation, within the Ministry of the Interior, of a migration observatory with the responsibility for formulating a national migration strategy and centralizing all information on migration.<sup>28</sup> During her visit, the Special Rapporteur also learned about the establishment of the Department of Migration and Border Surveillance, which is mainly responsible for border surveillance and for the operationalization of the strategy to combat migrant trafficking networks.<sup>29</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body</i> <sup>30</sup>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2002	Mar. 2003	-	Seventeenth and eighteenth reports overdue since 2006
CESCR	2004	May 2006	-	Fourth report due in 2009
HR Committee	2004	Nov. 2004	February 2005 and January 2006	Sixth report due in 2008
CEDAW	2006	Jan. 2008	-	Fifth and sixth reports due in 2014
CAT	2003	Nov. 2003	November 2004, July and October 2006	Fourth report overdue since 2006
CRC	2000	June 2003	-	Third and fourth reports due in 2009
CRC-OP-AC	-	-	-	Initial report overdue since 2004
CRC-OP-SC	2004	Jan. 2006	-	Second report due in 2009
CMW	-	-	-	Initial report overdue since 2004

9. CAT, CERD and CEDAW welcomed the frank and constructive dialogue with the delegation of Morocco during the consideration of its reports.<sup>31</sup> CRC welcomed the frank and open dialogue and appreciated the written replies to its list of issues.<sup>32</sup> CESCR noted with satisfaction the written replies to its list of issues and welcomed the constructive dialogue.<sup>33</sup> CAT noted that the third report was not completely consistent with the general guidelines, in particular because it did not devote a section to measures taken to comply with the conclusions and recommendations previously addressed to it by the Committee,<sup>34</sup> but also noted that it had received assurances from Morocco that it would act on them.<sup>35</sup>

## 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits accomplished</i>	Special Rapporteur on the sale of children, child prostitution and child pornography (28 February-3 March 2000). <sup>36</sup> Special Rapporteur on the human rights of migrants (2004). <sup>37</sup> Special Rapporteur on the right to education (27 November-5 December 2006). <sup>38</sup>
<i>Visits agreed upon in principle</i>	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (date to be determined).
<i>Visits requested and not yet agreed upon</i>	No
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on the human rights of migrants thanked the Government for its help and assistance before and during the visit. <sup>39</sup>
<i>Follow-up to visits</i>	No
<i>Responses to letters of allegation and urgent appeals</i>	Between 1 January 2004 and 31 December 2007, a total of 42 communications (letters of allegation and urgent appeals) were sent to Morocco. In addition to communications sent for particular groups (migrants and minorities), 86 individuals were covered by these communications, including 10 women. In the same period, Morocco replied to 27 communications (65 per cent).
<i>Responses to questionnaires on thematic issues<sup>40</sup></i>	Morocco responded to 4 of the 12 questionnaires sent by special procedures mandate-holders <sup>41</sup> between 1 January 2004 and 31 December 2007, within the deadlines. <sup>42</sup>

## 3. Cooperation with the Office of the High Commissioner for Human Rights

10. In recent years, Morocco has regularly made voluntary contributions to OHCHR, as well as to the United Nations Voluntary Fund for Victims of Torture. In partnership with OHCHR, Morocco established, in 2000, the Human Rights Training, Information and Documentation Centre, which organizes training sessions for, inter alia, prison officials, judges and NGO leaders and develops related materials. OHCHR provided support to this project until 2004.<sup>43</sup>

### B. Implementation of international human rights obligations

#### 1. Equality and non-discrimination

11. CEDAW expressed concern that traditional discriminatory practices and strong stereotypical attitudes persist with regard to the roles and responsibilities of women and men in family and society, negatively affecting women's enjoyment of their rights and impeding the full implementation of the Convention.<sup>44</sup> The Committee called upon Morocco to increase its efforts to design and implement awareness-raising programmes with a view to changing stereotypical attitudes and negative cultural norms regarding responsibilities and roles of women and men in family and society. Morocco was also urged to prohibit polygamy. CEDAW was also concerned that members of the judiciary do not apply the Family Code in all regions of the country.<sup>45</sup>

#### 2. Right to life, liberty and security of the person

12. The Special Rapporteur on the human rights of migrants expressed deep concern at reports on the deaths of migrants of sub-Saharan origin on the border between the Spanish enclaves of Ceuta

and Melilla and Morocco, for which security forces policing the border were reportedly responsible. He also noted that many migrants of sub-Saharan origin who had attempted to cross the border with Spain in Ceuta and Melilla were being deported and left on the southern border in the Sahara desert without water or food.<sup>46</sup>

13. While welcoming the State practice since 1994 of commuting death sentences, the HR Committee in 2004 expressed concern that the number of offences punishable by the death penalty had risen since the previous periodic report, and recommended that the number of such offences be reduced to a minimum, with a view to abolishing capital punishment, and to commute the sentences of all persons sentenced to death.<sup>47</sup>

14. In relation to disappeared persons, the HR Committee remained concerned that those responsible for disappearances had still not been identified, tried and punished, and recommended that Morocco conduct the necessary investigations to identify, try and punish those responsible for such crimes.<sup>48</sup>

15. The Special Representative of the Secretary-General on the situation of human rights defenders, together with the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment stressed the vulnerability of human rights defenders through widespread repression, arrest and detention. Most of those arrested were reportedly held by the security forces, and in some cases, the judicial authorities refuse to grant medical examinations in spite of the defendants' allegations of torture or ill-treatment during questioning.<sup>49</sup>

16. In reply to a communication sent by the Special Rapporteur on the human rights of migrants concerning the criminal proceedings against a migrant related to the death of another migrant, the Government replied that the Criminal Investigation Department had carried out an investigation into that death, and that there was no truth to allegations that the defendant had been convicted on the basis of statements that had been extracted from him using the threat of violence, without giving him the opportunity to read the record of the interview, which had been written in a language he did not understand, and without the assistance of an interpreter.<sup>50</sup>

17. CAT in 2003 expressed concern at the increase in the number of allegations of torture and cruel, inhuman or degrading treatment or punishment involving the National Surveillance Directorate (DST).<sup>51</sup> The HR Committee expressed similar concerns, noting also that officials who were found guilty of such acts were generally liable to disciplinary action only.<sup>52</sup> CAT requested Morocco to take all necessary measures to eliminate impunity and to ensure that appropriate penalties were imposed.<sup>53</sup> In its reply, Morocco stated that the courts have heard numerous cases against public officials for acts of violence against, or arbitrary detention of, persons. The officials in question were convicted and the victims compensated.<sup>54</sup>

18. CEDAW expressed concern about the lack of specific legislation on violence against women and girls,<sup>55</sup> and urged Morocco to enact legislation in this regard, including on domestic violence, and to take steps to protect domestic workers.<sup>56</sup>

19. While noting the release of political prisoners, including that of a group of 56 prisoners in November 2002, and the compensation of victims, CAT in 2003 expressed concern at the increase, according to some information, in the number of arrests for political reasons and of detainees and prisoners in general.<sup>57</sup>

20. Concern was also expressed by CAT about overcrowding of prisons and allegations of beatings and inter-prisoner violence.<sup>58</sup> In this context, HR Committee in 2004 expressed concern about reports of poor conditions in prisons, particularly the shortage of medical care, and the lack of rehabilitation programmes and visiting areas.<sup>59</sup>

21. The Special Rapporteur on the human rights of migrants recommended that measures be taken aimed at avoiding the prolonged and indefinite periods of detention of migrants.<sup>60</sup> She also recommended that training be provided to ensure the compliance of detention centres with international standards providing minimum guarantees for persons in custody.<sup>61</sup>

22. The Special Rapporteur on the sale of children, jointly with the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons, especially women and children, expressed concern about the abuse of children working as domestic workers. Their conditions of employment fall far short of minimum requirements; authorities rarely punish employers who abuse child domestic workers, and labour inspectors are not authorized to enter private homes.<sup>62</sup>

23. CRC expressed concern about the difficult situation of certain groups of children, such as street children, working children, domestic maids, migrant and trafficked children, who are particularly vulnerable to all forms of exploitation.<sup>63</sup> The Committee reiterated its previous recommendations,<sup>64</sup> inter alia, to continue strengthening Morocco's integrated strategy to fight all forms of economic exploitation of children and to bring existing laws into full compliance with ILO Conventions Nos. 138 and 182.<sup>65</sup> The HR Committee noted that child labour was still widespread, even though the new Labour Code prohibits work by children under the age of 15.<sup>66</sup>

### **3. Administration of justice and the rule of law**

24. In January 2006, Morocco sent the final report of the Equity and Reconciliation Commission (IER), which had investigated allegations of human rights violations from independence in 1956 until 1999, to the HR Committee<sup>67</sup> and to the Special Rapporteur on the independence of judges and lawyers.<sup>68</sup> The Special Rapporteur thanked Morocco for the information, in particular in light of resolution 2005/66 of the Commission on Human Rights on the right to the truth, and requested to be kept updated on any follow-up and recommendations to that report.<sup>69</sup> A 2006 UNDP report also noted the IER final report and its recommendations.<sup>70</sup>

### **4. Freedom of movement**

25. The Special Representative of the Secretary-General on the situation of human rights defenders expressed concerns about the confiscation of the passports of 14 activists who were stopped from travelling to Geneva to attend international conferences. Morocco replied that the travel ban and confiscation of their passports were due to the fact that the persons concerned were going to Geneva to take part in activities hostile to the territorial integrity of Morocco (advocating independence for the Western Sahara).<sup>71</sup>

### **5. Freedoms of religion and belief, expression, association and peaceful assembly, and right to participate in public and political life**

26. The HR Committee expressed concerns at the harassment of journalists in Morocco.<sup>72</sup> The Special Rapporteur on freedom of opinion and expression cited cases of prosecution of independent weeklies and court convictions resulting in heavy fines and prison sentences against journalists. Journalists faced criminal charges of libel, for publishing false news, for insulting authorities and for undermining the institutions of the country. The Special Rapporteur was concerned at, inter alia:

control of print and broadcast media; judicial harassment of a privately owned weekly; the kidnapping of media professionals by unidentified men; the use of force against participants in, and journalists covering, political and/or protest demonstrations; reports of incommunicado detention, torture and ill-treatment of journalists charged with, among other things, “dishonouring national symbols”; and the arrest of journalists following publication of an article on the abuse of power by public officials.<sup>73</sup>

27. In its replies, Morocco denied allegations of harassment and assault of journalists on charges alleged by the Special Rapporteur, and referred to charges for criminal activities not related to their professional activities.<sup>74</sup>

28. A 2006 UNDP report noted regarding the quota system, that the percentage of women in parliament increased from 1 per cent in 1995 to 11 per cent in 2003 and that the number of women parliamentarians rose from 2 to 35 in the 2002 elections.<sup>75</sup> It also noted that the number of women in the judiciary reached 50 per cent.<sup>76</sup> However, CEDAW remained concerned about the low rate of women in decision-making positions in all spheres,<sup>77</sup> and requested Morocco to take effective and sustained measures to increase the political representation of women at all levels, as well as to adopt temporary special measures to increase women’s representation in decision-making positions in all spheres.<sup>78</sup> The Committee also expressed concern at the persistence of a wage gap between women and men<sup>79</sup> and urged Morocco to narrow and close this gap.<sup>80</sup>

## **6. Right to work and to just and favourable conditions of work**

29. While acknowledging the measures taken to promote employment, CESCR expressed concern at the alarmingly and persistently high level of unemployment, in particular among young people.<sup>81</sup> It also noted with concern that domestic and agricultural workers are not protected by the 2003 Labour Code<sup>82</sup> and the lack of effective remedies for workers.<sup>83</sup>

30. A 2006 ILO country brief noted that women in Morocco face wage discrimination, reduced access to training and poor working conditions.<sup>84</sup>

## **7. Right to social security and to an adequate standard of living**

31. CESCR reiterated its concern at the fact that, despite Morocco’s efforts to reduce poverty, 17 per cent of the population was still living in poverty and 70 per cent of the poor lived in rural areas.<sup>85</sup> The Committee also expressed concern about the privatization of public services such as water and electricity in urban centres, which represents an additional economic burden on families living in shantytowns and thus aggravates their poverty.<sup>86</sup>

32. CEDAW noted with concern the difficulties of rural women in accessing government services.<sup>87</sup> A 2006 WHO report mentioned that public health expenditures largely favour urban areas.<sup>88</sup> CESCR expressed concern about the rate of maternal mortality, which remained persistently high despite Morocco’s efforts.<sup>89</sup>

## **8. Right to education and to participate in the cultural life of the community**

33. CESCR noted with concern that Morocco has a two-speed education system with a striking difference in quality between public and private education, which denies equal opportunities to low-income sectors of society, and expressed concern at the disparities in school enrolment rates between girls and boys and between rural and urban areas.<sup>90</sup> UNICEF noted that the goal of achieving universal preschool education by 2004 was not met, only 50.1 per cent enrolment was achieved, and with important geographical and gender disparities.<sup>91</sup> A 2006 UNIFEM report noted



that in rural areas illiteracy is more widespread, affecting three out four women.<sup>92</sup> CESCR also noted that primary and secondary education is provided in Arabic, whereas higher education in scientific subjects is available only in French.<sup>93</sup> The Committee encouraged Morocco to take the necessary steps to ensure that higher education in scientific subjects is also available in Arabic.<sup>94</sup>

### **9. Minorities and indigenous peoples**

34. CESCR took note of action taken by Morocco to promote Amazigh culture, but was nevertheless concerned that Amazigh names are not accepted by municipal registry offices. It also observed that since Arabic is the only official language in Morocco, the Amazigh population, which makes up a large part of the Moroccan population, is denied the right to use its mother tongue in official business, and that the right of the Amazigh to their cultural identity is not fully respected. CESCR and CERD invited Morocco to review the situation of the Amazigh in keeping with international human rights agreements so as to ensure that members of the Amazigh community could preserve and develop their cultural identity.<sup>95</sup> CERD was also concerned about reports that members of Amazigh associations had suffered violations of the right to freedom of assembly and association.<sup>96</sup>

### **10. Migrants, refugees and asylum-seekers**

35. CEDAW was concerned at the situation of migrants, refugees and asylum-seekers, and that this phenomenon has increased since Morocco was not only a country of origin and transit of migrants but was also becoming a country of destination. It requested Morocco to continue to strengthen its cooperation with UNHCR, to adopt a national refugee legislation, to allow refugees and asylum-seekers to access public services, and to ensure their right to security, especially for women and children.<sup>97</sup>

36. The Special Rapporteur on the human rights of migrants drew attention to the situation of irregular sub-Saharan migrants and stressed that the detention of migrants should under no circumstances be punitive in nature,<sup>98</sup> as highlighted also by UNHCR.<sup>99</sup>

37. The Special Rapporteur also invited Morocco to ensure that the law does not allow the detention of unaccompanied migrant minors and that the detention of migrant children is authorized only as a last resort and only in the best interests of the child.<sup>100</sup> CESCR noted with concern the situation of unaccompanied migrant children who were repatriated, and recommended that they be adequately assisted, rehabilitated and protected.<sup>101</sup>

38. In an official response to the concerns raised by the Special Rapporteur on the human rights of migrants, Morocco stated that it was aware of the existence of the difficulties to be faced with the influx of clandestine migrants. In this context, it worked on specific legislative and administrative instructions to provide clandestine migrants with all legal guarantees, including deportation to their countries of origin. Morocco added that investigations had been carried out and that deportation processes were undertaken in a normal manner.<sup>102</sup>

### **11. Human rights and counter-terrorism**

39. The Special Rapporteur on the promotion and protection of human rights while countering terrorism wrote to the Government with regard to the Act on Counter-Terrorism of 29 May 2003,<sup>103</sup> requesting information regarding legislative modifications it brought about, including the definition of terrorist acts and procedural guarantees such as length of detention, presentation before a judge

and access to a lawyer or a doctor. Morocco informed the Special Rapporteur that the Counter-Terrorism Act is in fact an extension of the Criminal Code as far as some particular provisions regarding terrorist crimes are concerned. The definition of a terrorist crime is taken from the Arab Convention for the Suppression of Terrorism and from some comparable laws of democratic States<sup>104</sup>

## **12. Situation in or in relation to specific regions or territories**

40. The Working Group on Enforced and Involuntary Disappearances noted that the majority of the cases that it had transmitted to the Government concerned persons who reportedly disappeared because they or their relatives were known or suspected supporters of the Polisario Front. The disappeared persons were reportedly confined in secret detention centres. Cells in some police stations or military barracks and secret villas in the Rabat suburbs were also allegedly used to hide the disappeared persons.<sup>105</sup>

41. Serious concerns were also raised by the Special Representative of the Secretary-General on the situation of human rights defenders regarding the situation of human rights defenders operating in the context of Western Sahara, most notably with regard to the restrictions on freedom of assembly and association.<sup>106</sup>

42. The question of Western Sahara is regularly examined by the General Assembly and the Security Council. In his latest report to the Security Council for example, the Secretary-General recommended to the parties to remain engaged in continuous and constructive dialogue with OHCHR with a view to ensuring respect for the human rights of the people of Western Sahara.<sup>107</sup>

43. The HR Committee remained concerned about the lack of progress on the question of the realization of the right to self-determination for the people of Western Sahara. The Committee recommended that Morocco make every effort to permit the population groups concerned to enjoy fully the rights recognized in article 1 of the Covenant.<sup>108</sup> CESCR expressed concerns, as highlighted also by UNHCR,<sup>109</sup> about reports of the straitened circumstances endured by people displaced by the conflict in Western Sahara, and encouraged Morocco to protect the rights of these persons and to ensure their safety.<sup>110</sup>

## **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

44. CAT welcomed the release of political prisoners, including the group of 56 in November 2002, as well as the compensation of victims.<sup>111</sup> The Working Group on Enforced or Involuntary Disappearances noted that out of 248 cases it had transmitted, 105 have been clarified on the basis of information provided by the Government. It further expressed its appreciation to Morocco for the information it provided and for its efforts to investigate the fate and whereabouts of persons reported to have disappeared in the past.<sup>112</sup>

## **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

### **A. Pledges by the State**

45. At the fourth session of the Human Rights Council, Morocco acknowledged the importance of the human rights of migrants and stated that it is preparing a flexible framework which deals with migration and development in the spirit of partnership with international bodies.<sup>113</sup>

## B. Specific recommendations for follow-up

46. In 2003, CAT requested Morocco to provide within one year information on the action it has taken on the Committee's recommendations related to the length and procedural guarantees during police custody; investigations into allegations of torture and impartial enquiries into all deaths in detention centres.<sup>114</sup> Morocco provided detailed replies in November 2004, providing also additional information and data on the investigation of complaints and prosecutions.<sup>115</sup> In May 2006, the Rapporteur for Follow-up of CAT requested additional information, which was provided by Morocco in July and October 2006.<sup>116</sup> Morocco also cooperated with the follow-up procedure of the HR Committee, providing in February 2005 and January 2006 additional information on the legislative framework and the administrative procedures protecting the relevant rights.<sup>117</sup> The Committee examined this information and decided that no further action was required.<sup>118</sup>

47. The Special Rapporteur on the independence of judges and lawyers requested to be updated on any follow-up and recommendations to the report of Morocco's Equity and Reconciliation Commission (IER).<sup>119</sup>

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

48. In 2005 and 2006, the United Nations Country Team supported a range of human rights activities, for example with regard to gender mainstreaming,<sup>120</sup> assistance to family courts and the fight against gender-based violence,<sup>121</sup> the right to health, anti-poverty initiatives and sustainable development,<sup>122</sup> good governance,<sup>123</sup> implementation of ILO conventions on discrimination,<sup>124</sup> access to basic services for people in vulnerable situations, education and training activities, and support to the Human Rights Documentation, Information and Training Centre.<sup>125</sup>

49. In 2006, CRC encouraged Morocco to establish Child Protection Units throughout the country and to continue its cooperation with United Nations agencies such as UNICEF and international NGOs to reform the relevant legislation and bring it into compliance with CRC-OP-SC.<sup>126</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of the instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities

OP-CPD                      Optional Protocol to Convention on the Rights of Persons with Disabilities  
CED                            International Convention on the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at: <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

<sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>7</sup> Concluding observations of the Human Rights Committee (CCPR/CO/82/MAR), para. 4.

<sup>8</sup> Note verbale dated 17 April 2006 from the Permanent Mission of the Kingdom of Morocco to the United Nations, presenting Morocco's candidature to the Human Rights Council (hereafter "note verbale"), para. 17 (a). The note verbale is available at <http://www.un.org/ga/60/elect/hrc/morocco.pdf>.

<sup>9</sup> E/CN.4/2004/76/Add.3, para. 8.

<sup>10</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), (CEDAW/C/MAR/CO/4) para. 51.

<sup>11</sup> Concluding observations of the Committee against Torture (CAT/C/CR/31/2), para. 6 (i).

<sup>12</sup> CEDAW/C/MAR/CO/4, paras. 14 and 15.

<sup>13</sup> Ibid., paras. 12 and 13.

<sup>14</sup> Ibid., para. 10.

<sup>15</sup> CRC/C/OPSC/MAR/CO/1, para. 4 (c).

<sup>16</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.

<sup>17</sup> See E/C.12/MAR/CO/3, para. 5; CAT/C/CR/31/2, para. 4, and CEDAW/C/MAR/CO/4., para. 6.

<sup>18</sup> CERD/C/62/CO/5, para. 5.

<sup>19</sup> E/C.12/MAR/CO/3, para. 12.

<sup>20</sup> See *ibid.*, para. 5; CAT/C/CR/31/2, para. 4, and CEDAW/C/MAR/CO/4, para. 6.

<sup>21</sup> CAT/C/CR/31/2, para. 4, and CERD/C/62/CO/5, para. 4.

<sup>22</sup> Letter from the Government of Morocco dated on 23 March 2006, and letters from the High Commissioner for Human Rights dated on 9 January 2006 and 10 December 2007.

<sup>23</sup> See CAT/C/CR/31/2, para. 4; CERD/C/62/CO/5, para. 3; E/C.12/MAR/CO/3, para. 9 and CRC/C/OPSC/MAR/CO/1, para. 9.

<sup>24</sup> See CRC/C/OPSC/MAR/CO/1, paras. 4 (b), 7 and 34.

<sup>25</sup> E/C.12/MAR/CO/3, para. 47.

<sup>26</sup> UNICEF, submission to UPR on Morocco, p. 1., full text available at:  
[http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/MA/UNICEF\\_MAR\\_UPR\\_S1\\_2008\\_UnitedNationsChildrensFund\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/MA/UNICEF_MAR_UPR_S1_2008_UnitedNationsChildrensFund_uprsubmission.pdf);

UN-HABITAT, submission to UPR on Morocco, p. 2 full text available at:  
[http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/MA/UNH\\_MAR\\_UPR\\_S1\\_2008\\_UnitedNationsHabitat\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/MA/UNH_MAR_UPR_S1_2008_UnitedNationsHabitat_uprsubmission.pdf).

<sup>27</sup> UN-HABITAT submission to UPR, p. 2.

<sup>28</sup> E/CN.4/2004/76/Add.3, para. 12.

<sup>29</sup> Ibid., para. 13.

<sup>30</sup> The following abbreviations have been used in this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

<sup>31</sup> CAT/C/CR/31/2, para. 2; CERD/C/62/CO/5, para. 2; E/C.12/MAR/CO/3, para. 3; CEDAW/MAR/CO/4, para. 3.

<sup>32</sup> CRC/C/OPSC/MAR/CO/1, para. 2.

<sup>33</sup> E/C.12/MAR/CO/3, para. 2.

<sup>34</sup> CAT/C/CR/31/2, para. 3.

<sup>35</sup> Ibid., para. 4 (g).

<sup>36</sup> E/CN.4/2001/78/Add.1.

<sup>37</sup> E/CN.4/2004/76/Add.3.

<sup>38</sup> A/HRC/4/29/Add.2.

<sup>39</sup> E/CN.4/2004/76/Add.3, para. 3.

<sup>40</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

<sup>41</sup> See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006;

(ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in September 2006;

(iii) report of the Special Rapporteur on the human rights aspects of victims of trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, sent in July 2006;

(iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005;

(v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous peoples sent in August 2007;

(vi) report of the Special Rapporteur on trafficking in persons, especially women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005;

(vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005;

(viii) report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/61/341), questionnaire concerning its mandate and activities sent in November 2005;

(ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006;

(x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004;

(xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003;

(xii) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprise (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

<sup>42</sup> Questionnaire on the right to education of persons with disabilities (see A/HRC/4/29, para. 47), questionnaire on the impact of certain laws and administrative measures on migrants (A/HRC/4/24, para. 9), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (E/CN.4/2006/95/Add.5), and questionnaire of the Working Group on the use of mercenaries concerning its mandate and activities sent in November 2005 (A/61/341, para. 47).

<sup>43</sup> OHCHR, *Annual Report 2005*, p. 166.

<sup>44</sup> CEDAW/C/MAR/CO/4, para. 18.

<sup>45</sup> See *ibid.*, paras. 16, 19 and 37.

<sup>46</sup> Press release of 12 October 2005, available at <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/45946F1E318D8B95C12570980031B24A?opendocument>.

<sup>47</sup> CCPR/CO/82/MAR, paras. 5 and 11.

<sup>48</sup> CCPR/CO/82/MAR, para. 12.

<sup>49</sup> E/CN.4/2006/95/Add.1, para. 346.

<sup>50</sup> E/CN.4/2005/85/Add.1, paras. 165 and 167.

<sup>51</sup> CAT/C/CR/31/2, para. 5 (d).

<sup>52</sup> CCPR/CO/82/MAR, para. 14. See also comments by the Government on concluding observations of CAT, CAT/C/CR/31/0002/Add.1, paras. 10-20.

<sup>53</sup> CAT/C/CR/31/2, para. 6 (e) and (f).

<sup>54</sup> Comments by the Government of Morocco, CAT/C/CR/31/2/Add.1, para. 12.

<sup>55</sup> CEDAW/C/MAR/CO/4, para. 20.

<sup>56</sup> *Ibid.*, para. 21.

<sup>57</sup> CAT/C/CR/31/2, para. 5 (d).

<sup>58</sup> *Ibid.*, para. 5 (i).

<sup>59</sup> CAT/C/CR/31/0002/Add.1, para. 17.

<sup>60</sup> E/CN.4/2004/76/Add.3, paras. 82 and 83.

<sup>61</sup> *Ibid.*

- <sup>62</sup> See A/HRC/4/31/Add.1, paras. 158-165.
- <sup>63</sup> CRC/C/OPSC/MAR/CO/1, para. 33.
- <sup>64</sup> Ibid., para. 34.
- <sup>65</sup> CRC/C/15/Add.211, para. 61 (a) and (b).
- <sup>66</sup> CCPR/CO/82/MAR, para. 31.
- <sup>67</sup> See CCPR/CO/82/MAR/Add.2.
- <sup>68</sup> A/HRC/4/25/Add.1, para. 263.
- <sup>69</sup> Ibid., para. 264.
- <sup>70</sup> UNDP *Arab Human Development Report 2005*, New York, 2006, pp. 49-50.
- <sup>71</sup> See E/CN.4/2004/94/Add.3, paras. 343 and 346.
- <sup>72</sup> CCPR/CO/82/MAR, para. 23.
- <sup>73</sup> E/CN.4/2006/55/Add.1, paras. 584-599.
- <sup>74</sup> See *ibid.*
- <sup>75</sup> UNDP *Arab Human Development Report 2005*, p. 93.
- <sup>76</sup> Ibid., p. 97.
- <sup>77</sup> CEDAW/C/MAR/CO/4, para. 24.
- <sup>78</sup> Ibid., para. 25.
- <sup>79</sup> Ibid., para. 28.
- <sup>80</sup> Ibid., 29.
- <sup>81</sup> E/C.12/MAR/CO/3, para. 18.
- <sup>82</sup> Ibid., para. 17.
- <sup>83</sup> Ibid., para. 19.
- <sup>84</sup> See ILO, Decent Work Pilot Programme, *Country Brief on Morocco* (2006), pp. 4-5, available at <http://www.ilo.org/public/english/bureau/dwpp/download/morocco/countrybriefmo.pdf>.
- <sup>85</sup> E/C.12/MAR/CO/3, para. 28.
- <sup>86</sup> Ibid., paras. 26 and 53. The Committee also recommended to take due account of its general comments No. 3, No. 7, and No. 15.
- <sup>87</sup> CEDAW/C/MAR/CO/4, para. 32.
- <sup>88</sup> WHO, *Country Cooperation Strategy for WHO and Morocco*, Cairo, 2006, p. 12, available at [http://www.who.int/country/focus/cooperation\\_strategy/ccs\\_mar\\_en.pdf](http://www.who.int/country/focus/cooperation_strategy/ccs_mar_en.pdf).
- <sup>89</sup> E/C.12/MAR/CO/3, para. 13 (f).
- <sup>90</sup> Ibid., para. 30.
- <sup>91</sup> UNICEF submission to UPR on Morocco, p. 2.
- <sup>92</sup> UNIFEM, *Annual Report 2005-2006*, New York, 2006, p. 12.
- <sup>93</sup> E/C.12/MAR/CO/3, para. 30.
- <sup>94</sup> Ibid., para. 57.
- <sup>95</sup> See E/C.12/MAR/CO/3, paras. 32 and 59, and CERD/C/62/CO/5, para. 14.
- <sup>96</sup> CERD/C/62/CO/5, para. 16
- <sup>97</sup> CEDAW/C/MAR/CO/4, paras. 44 and 45.

<sup>98</sup> E/CN.4/2004/76/Add.3, paras. 61 and 76.

<sup>99</sup> UNHCR submission to UPR on Morocco, pp. 2-3, citing *ibid.*, paras. 39, 61 and 76.

<sup>100</sup> *Ibid.*, para. 81.

<sup>101</sup> E/C.12/MAR/CO/3, paras. 25 and 48.

<sup>102</sup> E/CN.4/2006/73/Add.1, paras. 214-215.

<sup>103</sup> *Ibid.*

<sup>104</sup> *Ibid.*, para. 47.

<sup>105</sup> *Ibid.*

<sup>106</sup> A/HRC/4/37/Add.1, para. 467.

<sup>107</sup> S/2007/619, para. 67.

<sup>108</sup> CCPR/CO/82/MAR, para. 8.

<sup>109</sup> UNHCR submission to UPR on Morocco, p. 1, citing CESCR/12/MAR/CO/2, para. 13 (b).

<sup>110</sup> E/C.12/MAR/CO/3, paras. 13 and 35.

<sup>111</sup> CAT/C/CR/31/2, para. 4 (a).

<sup>112</sup> A/HRC/4/41, paras. 276 and 277.

<sup>113</sup> Oral statement made by the delegation of Morocco at the fourth session of the Human Rights Council, on 20 March 2007, available at [http://portal.ohchr.org/portal/page/portal/HRCExtrant/4th session/oral statements/200307/Morocco](http://portal.ohchr.org/portal/page/portal/HRCExtrant/4th%20session/oral%20statements/200307/Morocco).

<sup>114</sup> CAT/C/CR/31/2, para. 8.

<sup>115</sup> Comments by the Government of Morocco to the conclusions and recommendations of CAT (CAT/C/CR/31/2/Add.1), and letter sent by the Rapporteur for Follow-up, Conclusions and Recommendations for the Committee against Torture dated 10 May 2006.

<sup>116</sup> Letters of the Permanent Mission of the Kingdom of Morocco dated 31 July 2006 and 26 October 2006. See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 44 (A/62/44)*, chapter IV.

<sup>117</sup> Comments by Morocco to the concluding observations of the HR Committee, CCPR/CO/82/MAR/Add.1 and CCPR/CO/82/MAR/Add.2.

<sup>118</sup> Letter from Rafael Rivas Posada, Special Rapporteur on Follow-up on Concluding Observations, addressed to the Permanent Mission of the Kingdom of Morocco, dated 12 October 2005. See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 40 (A/60/40)*, vol. I, chapter VII.

<sup>119</sup> A/HRC/4/25/Add.1, para. 264.

<sup>120</sup> UNIFEM, *Annual Report 2006-2007*, p. 24.

<sup>121</sup> *Ibid.*

<sup>122</sup> UNDP, *Annual Report 2006*.

<sup>123</sup> See UNDP, *Morocco Activity Report 2006-2007*, available at <http://www.pnud.org.ma/pdf/Rapport2006.pdf>.

<sup>124</sup> See ILO, Decent Work Pilot Programme, *Country Brief on Morocco*, p. 5. See also ILO, Decent Work Pilot Programme to Promote Decent Work in Morocco's Textile and Garment Sector Information Bulletin No. 1, (July 2004). For more information on the ILO Decent Work Pilot Programme, see [www.ilo.org/public/english/bureau/dwpp/countries/morocco/index.htm](http://www.ilo.org/public/english/bureau/dwpp/countries/morocco/index.htm).

<sup>125</sup> OHCHR, *Annual Report 2005*, UNDP Annual Report 2006.

<sup>126</sup> CRC/C/OPSC/MAR/CO/1, paras. 26 and 37.