

Universal Periodic Review

Morocco - September

Adala Association for the Right to a Fair Trial

Founded in October 2005, the NGO Adala Association joined the Moroccan civil society fabric to contribute in particular, alongside national and international bodies, to ensuring the right to a fair trial and advocating for the independence of the judiciary, at the initiative of a number of players who are concerned about the issues of justice and the judiciary in Morocco.

Member NGOs of the Monitoring Body

✓ Moroccan Human Rights Organization contact.omdh@gmail.com	✓ National Federation of Amazigh Associations http://fnaa.ma
✓ Maghreb Mashreq Civil Society Portal http://www.e-joussour.net	✓ National Association of Young Lawyers associationangam@gmail.com
✓ Union of Women's Action uaf@mtds.com	✓ Network of NGOs Working in the field of Disability in Northern Morocco reseauhandicap@gmail.com
✓ Collectif Autisme Maroc http://www.collectifauti/sme.ma	✓ Associative Fabric for Development & Democracy razded@yahoo.fr
✓ Democratic Association of Moroccan Women http://www.adfm.ma	✓ Network of development associations in the Oases of South-East Morocco http://www.radose.ma
✓ Forum of Alternatives Morocco http://www.forumalternatives.org/ar	✓ Tinghir Associative Network for Development and Democracy ratded@yahoo.fr
✓ Moroccan Observatory for Public Liberties	✓ Amazigh Network for Citizenship http://www.reseauamazigh.org/rubrique45.html
✓ Moroccan Prisons Observatory omdp@menatr.ma	✓ Federation of the Democratic League for Women's Rights http://fdldf.org/portail

Joint NGO Submission



The Situation of Human Rights in Morocco

Coordination and supervision by Adala Association for the
Right to a Fair Trial

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Moroccan NGOs Joint Submission
As part of the Universal Periodic Review of 2017
In Parallel to the Submission by the Moroccan Government of
its Third Report
"Promoting Treaty Implementation"

Introduction

1. This report deals with the situation of human rights in Morocco from 2012 to 2016. It covers the period since the submission by the Moroccan government of its second national report in May 2012, under the second UPR, until the submission of the third national report in May 2017.
2. This report seeks to assess the implementation by Morocco of its voluntary commitments through accession to and ratification of international conventions and related protocols, and also to assess the extent to which the Kingdom implemented the recommendations (140 recommendations)¹ which it has endorsed and approved before the UN Human Rights Council in Geneva, on the occasion of Morocco's second national submission, or those recommendations it declared were in the process of implementation. This report also addresses some recommendations that did not enjoy the support of Morocco (6 recommendations).
3. In assessing the human rights situation in Morocco, this submission also relies on the international conventions that our country ratified, the internationally recognized human rights standards and principles, the best practices, the reports issued by treaty monitoring bodies, in addition to special procedures, reports from Moroccan national institutions, relevant recommendations of the Equity and Reconciliation Commission, and finally the national legislation, mainly the Constitution of 2011, the related laws, and the UPR mid-term report that was submitted by Morocco to the Human Rights Council in 2014.
4. To attain the sought objectives, *Adala* [Justice] Association and its partners organized, with support from the German Friedrich-Ebert Foundation, three regional events in the cities of Rabat, Tangier, and Zagora, addressing various topics related to the overall human rights situation in Morocco.
5. *Adala* Association also adopted a participatory approach in the diagnosis of the human rights situation in Morocco, by taking note of the achievements, monitoring disruptions, and putting forward recommendations in relation to treaty practices and the legislative and institutional frameworks, through the gathering of information and resources that we managed to obtain in spite of the difficulties to access information.
6. This shadow report was prepared and discussed by representatives of more than 137 NGOs working on human rights issues, development, and democracy, and 11 regional, provincial, and thematic networks.

¹ Morocco supported 128 recommendations, including 12 recommendations which it declared as implemented or in the process of being implemented.

Part I: Reform of the Justice System

I.A Achievements

I.A.1 Treaty Practice

7. During the period from 2012 to 2016, Morocco received both the UN Special Rapporteur on Torture (15 to 22 September 2012), and the Working Group on Arbitrary Detention (9 to 18 December 2013). Morocco also ratified the Optional Protocol to the Convention against Torture on November 24, 2014.

I.A.2 Legislative and Institutional Framework

8. During the period under review, the Government established the High Authority for National Dialogue to Reform the Justice System on May 8, 2012. It promulgated the Law No. 100.03 of the Supreme Judiciary Council and the Law No. 106.13 on the Statute of Judges. Besides, the Government submitted a bill regulating the practice of forensic medicine, and introduced the bill No. 38.15 on the organization of the judiciary.

I.B Shortcomings

I.B.1 Treaty Practice

9. Failure to set up the national mechanism for the prevention of torture, and to ratify the Rome Statute of 1998, establishing the International Criminal Court.

I.B.2 Legislative and Institutional Framework

10. The Ministry of Justice and Liberties continues to supervise the judicial administration of courts². There are ongoing restrictions to the freedom of judges to set up civil and human rights associations, in addition to undermining their right to individual and collective expression, in accordance with Article 97 of the Statute of Judges. Worthy of mention also is the failure to adopt legislation to regulate the judicial organization and the principle of the right of appeal. Besides, the Government derogated from the judicial specialization system (conversion of administrative and commercial courts into chambers and sections), in addition to the continuing weakness of the measures and mechanisms meant to promote access to justice, especially for vulnerable groups.

I.C Recommendations

11. **a)** speed up the ratification of the Rome Statute of 1998, establishing the International Criminal Court; **b)** accelerate the establishment of the national mechanism for the prevention of torture; **c)** set up the State Council to strengthen the dual judicial system of Morocco which is vested with the authority to monitor the legality and appropriateness of all administrative decisions, including the decisions of the Supreme Council of the Judiciary; **d)** recognize the right of judges to form associations, assemble and demonstrate peacefully, pursuant to Article 111 of Constitution³; **e)** make mandatory the immediate submission to medical expertise of any person alleging torture while in custody or during the investigation

² Article 31 of the Judicial Organization Law provides for the government authority in charge of justice to oversee the financial and administrative management of courts.

³ Article 111 of the 2011 Constitution states that "judges shall enjoy freedom of expression, without prejudice to the duty to observe discretion and judicial ethical standards. Judges may belong to associations or set up professional associations. They must observe the obligation of impartiality and judicial independence and comply with the relevant legal provisions."

stage, and promote specialization and training for forensic physicians; **f)** strengthen the role of the defence in the pre-trial stage and upon the arrest of any person, as a core actor in terms of ensuring a fair trial; **g)** promote the right to access justice for the benefit of vulnerable groups⁴; **h)** review the role of the public prosecutor in judicial case management, while expanding the sphere of alternative methods.

Part II: Fundamental Rights of Prisoners

II.A Achievements

II.A.1 Treaty Practice

12. The achievements mentioned in I.A.1 above (Reform of justice) apply under this heading.

II.A.2 Legislative and Institutional Framework

13. A bill was drafted to review the law governing the detention institutions (Law 23/98) and the related implementing decrees. Also, a draft law No. 71.13 was elaborated to fight mental disorders and to protect the rights of persons living with such disorders.

II.B Shortcomings

II.B.1 Treaty Practice

14. Morocco's failure to make publicly known the areas of competence of the Committee on Enforced Disappearances⁵, as required by Article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance which provides for receiving and considering complaints from or on behalf of individuals. Moreover, Morocco has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and voted no to the United Nations General Assembly resolution on a moratorium on the death penalty with a view to its future abolition.

II.B.2 Legislative and Institutional Framework

15. Morocco failed to review the law governing prisons for more than 15 years now. There is also a lack of material, human and medical means in prisons, and the continuing violations of the prisoners' right to health⁶, in addition to the dire conditions of the mentally and psychologically ill in penitentiary institutions.
16. There are 120 people sentenced to death in Moroccan prisons, including one woman⁷. Prisons are overcrowded because of unrationalized pre-trial policy, denial of the principle of proportionality and failure to adopt alternatives to pre-trial arrest⁸.
17. Furthermore, there is a need for a criminal protective policy that takes into account the specificity of women inmates. Worthy of note is also the absence of effective protective

⁴ To provide them with legal and judicial assistance.

⁵ Ratified by Morocco in June 2012.

⁶ Report of the National Human Rights Council on prisons in Morocco: "The prison crisis is a shared responsibility," 2012.

⁷ Statement of the Secretary General of the National Human Rights Council at the semi-annual panel on the sidelines of the 28th session of the UN Human Rights Council in Geneva, on March 5, 2015. The woman sentenced to death recently was pardoned recently.

⁸ Annual report of the Moroccan Observatory of Prisons for the year 2015, presented on July 28, 2015.

safeguards, as there are growing numbers of torture allegations⁹, in addition to the failure to allocate special wings for offender girls within the penitentiary institutions.

II.C Recommendations

18. **a)** make public the areas of competence of the Committee on Enforced Disappearances, as required by Article 31 of the relevant Convention; **b)** ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; **c)** bring national laws into line with the international law governing the rights of children in conflict with the law; **d)** amend the legal framework governing prisons and bring it in line with the Constitution and modern international standards; **e)** amend the Royal Decree on the prevention and treatment of mental illness and the protection of people with mental health, and launch public debate and consultations among all those involved in mental and psychological health, with the need for positive interaction with the thematic report published by the National Human Rights Council on this issue; **f)** abolish the death penalty from the Penal Code; **g)** put into action para-legal measures for pre-trial custody; **h)** adopt various measures in coping with juveniles in conflict with the law, in accordance with the provisions of the Criminal Procedure Code and the Penal Code¹⁰, while establishing protective mechanisms for reintegration; **i)** enact legislative and regulatory measures that take into account the specificities of women and girls in prisons; **j)** provide for the mandatory support and reintegration of released prisoners.

Part III: The Fundamental Rights of Women

III.A Achievements

III.A.1 Treaty Practice

19. **a)** lifting the most significant reservations to the CEDAW; **b)** receiving the UN Working Group on the issue of discrimination against women in law and in practice during the period from 13 to 20 February 2012; **c)** visit of the Special Rapporteur on trafficking in persons, especially women and children during the period from 17 to 21 June 2013.

III.A.2 Legislative and Institutional Framework

20. **a)** promulgation of electoral laws in 2015 which contributed to the increase in women's representativeness in collective and provincial councils from 12% to 27%, and in regional councils to one third; **b)** promulgation of the law setting up the National Council for the Family and Children; **c)** promulgation of the law on domestic workers; **d)** drafting of a law providing for the establishment of a body in charge of parity and combating all forms of discrimination; **e)** submitting a draft law on combating violence against women under No. 103.13; **f)** launch of the 2012–2016 Plan for Equality (*IKRAM*) in order to further institutionalize the concept of parity.

⁹ The Moroccan Association for Human Rights (AMDH) monitored more than 60 allegation cases of torture, cruel, inhuman or degrading treatment, in its annual report for the year 2015.

¹⁰ Provisions of Book III of the Code of Criminal Procedure.

III.B Shortcomings

III.B.1 Treaty Practice

21. **a)** failure to operationalize the recommendations set forth by the UN Working Group on the issue of discrimination against women in law and in practice and the Special Rapporteur on trafficking in persons, especially women and children, in addition to the non-implementation by the government of its voluntary commitments in this area¹¹; **b)** maintaining the interpretative declaration of Articles 2 and 15 of the CEDAW; **c)** inadequacy of the Moroccan Penal Code and all laws with international standards, and the lack of human rights protection based on gender.

III.B.2 Legislative and Institutional Framework

22. **a)** delay in the inauguration of the body in charge of parity and combating all forms of discrimination, and the Advisory Council for the Family and Children; **b)** failure to abolish polygamy and the marriage of juveniles from the Family Code; **c)** continuing discrimination between men and women with respect to inheritance and the right to transmit nationality; **d)** continued criminalization of medical abortion and confining it to limited cases which affect women's over their own body; **e)** failure to criminalize marital rape; **f)** failure to consider the crimes of rape and sexual harassment as crimes that affect human dignity and the physical integrity of women; **g)** inadequacy of the draft law on combating violence against women with reference bases and national and international obligations; **h)** continued gender stereotyping which prevents women from fully enjoying their economic, social, cultural, environmental, civil and political rights; **i)** absence of an integrated vision for operationalizing and institutionalizing the political representation for women within all the electoral system components; **j)** refrain from imposing legal measures on the failure to apply representative quotas.

III.C Recommendations

23. **a)** complete the ratification of the Conventions and lift the interpretation of Articles 2 and 15 of the CEDAW; **b)** bring the legal provisions on Moroccan women's rights into line with the Constitution and international conventions; **c)** review the Family Code by forbidding polygamy and preventing child marriage; **d)** repeal all provisions that deny women their right to legal guardianship of minor children, and recognize equality between women and men in the right to marry non-Muslims; **e)** criminalize the expulsion from the marital home and make alimony a responsibility of both spouses according to income or as agreed between them in case one of them has no income, while considering housework, child care and management of family matters as a woman's contribution to the home budget and to the wealth accumulating after marriage; **f)** abolish the discriminatory legal provisions between women and men with regard to inheritance and the transfer of nationality in case of marriage, as well as in the area of the Penal Code and the Labour Code; **g)** criminalize marital rape and decriminalize medical abortion; **h)** promulgate a law to eliminate violence against women, in compliance with international standards of prevention, protection and social assistance to women survivors of violence, in addition to deterrence measures and compensation for

¹¹ Recommendations 91 c and d, and recommendations 92 e and g of the report submitted by the Working Group on the issue of discrimination against women in law and in practice.

damage; i) adopt a new law governing *sulali* lands (ancestral tribal lands) and *guich* lands¹², to solve the problem of gender discrimination and deprivation which is imposed on women's rights to own such lands.

Part IV: Freedom of Association, Peaceful Assembly & Demonstration

IV.A Achievements

IV.A.1 Treaty Practice

24. Morocco has provided support to the Human Rights Council in establishing many special procedures, particularly the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association¹³.

IV.A.2 Legislative and Institutional Framework

25. **a)** granting legal depository receipts in March 2015 to 32 associations¹⁴, including the Sahrawi Association of Victims of Grave Violations of Human Rights Committed by the Moroccan State (ASVDH); **b)** regularization of the situation for 24 associations of migrants residing in Morocco¹⁵.

IV.B Shortcomings

IV.B.1 Treaty Practice

26. Lack of response to written requests by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association to visit Morocco, the last of which dates back to 2013.

IV.B.2 Legislative and Institutional Framework

27. **a)** lack of consistency between the laws relating to freedom of association and freedom of peaceful assembly and demonstration, on the one hand, and the 2011 Constitution and Morocco's international commitments, on the other hand; **b)** failure to motivate the decisions of the administrative authorities when banning events, in addition to many cases of non-delivery of written decisions to supervisors of NGO demonstrations to enable them to exercise their right to appeal before courts. Sometimes the authorities do not apply the required procedures before breaking up gatherings, and in some cases they resort to violence and disproportionate force; **c)** lack of proactive use of dialogue and mediation mechanisms; **d)** public authorities resort sometimes to "negative neutrality" towards some demonstrations

¹² These were military lands that had been given out by the Makhzen to tribal groups, in exchange for providing troops.

¹³ Paragraph 12 of the Note verbale, dated 6 May 2013, from the Permanent Mission of Morocco to the United Nations addressed to the Secretary-General, on the occasion of elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council:

http://www.un.org/fr/documents/view_doc.asp?symbol=A/68/83&TYPE=&referer=http://www.ohchr.org/FR/Countries/MENARegion/Pages/MAIndex.aspx&Lang=E

¹⁴ The administrative authorities granted authorizations to a group of associations in May 2016, following mediation by the National Human Rights Council, including the Sahrawi Association of Victims of Grave Violations of Human Rights Committed by the Moroccan State (ASVDH).

¹⁵ Statement of the President of the National Human Rights Council at the third session of the Annual Migration Forum, March 14, 2016.

and counter-demonstrations, as they refrain from intervening to protect this right¹⁶; **e)** cases of arbitrariness on the part of the competent administrative authorities towards associations seeking incorporation, by requiring them to submit documents not provided for by law or delaying the delivery of the provisional or final deposit receipts. There are even cases where some associations were permanently deprived of their right to incorporation or renewal receipts¹⁷; **f)** administrative authorities continue to ban many activities of some associations without any legal justification¹⁸.

IV.C Recommendations

28. **a)** accept the request made by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association to visit Morocco; **b)** reform the laws relating to the right to form associations, to assemble and demonstrate peacefully, in accordance with the Constitution and international standards, and linking responsibility to accountability with regard to the lack of law enforcement; **c)** build mechanisms for dialogue, mediation and proactive intervention in social tensions; **d)** enforce law with respect to the creation of associations in accordance with the declaration system and not the prior authorization system; **e)** limit restrictions on rallies and demonstrations only to cases of explicit call to violence, hatred, racism or ethnic discrimination; **f)** adopt the jurisprudence of administrative justice within the context of the amendment of Law No. 75.00 regulating the freedom of association.

Part V: Freedom of Expression and the Right to Access Information

V.A Achievements

V.A.1 Treaty Practice

29. The Moroccan government announced on July 20, 2015 that it scheduled the visit of the Special Rapporteur on the promotion and protection of the freedom of opinion and expression.

V.A.2 Legislative and Institutional Framework

30. **a)** Law No. 90.13 on establishing the National Press Council; **b)** Law No. 89.13 standing as Statute for Professional Journalists; **c)** Law No. 88.13 on Press and Publishing; **d)** the setting up of the Higher Institute for Audio-Visual and Cinema Professions to train and build the capacities of professionals; **e)** Amendment to the Law 77.03 on Audiovisual Communication; **f)** Amendment of the Organic Law of the High Authority of Audiovisual Communication; **g)** Submission of the draft law No. 31.13 on the right to information.

¹⁶ Shadow report of the Mediator for Democracy and Human Rights, to the sixth periodic report of Morocco on the implementation of the International Covenant on Civil and Political Rights, submitted on February 12, 2016.

¹⁷ Examples: the Moroccan Association for Human Rights (AMDH), Tanger section, Cultural Alternative Association, Kenitra, ATTAC Morocco Association.

¹⁸ Amnesty International was prevented from organizing a summer camp in September 2014; many events of the Moroccan Association for Human Rights were banned; the Moroccan Human Rights Forum was banned from organizing a training course in March 2016.

V.B Shortcomings

V.B.1 Treaty Practice

31. Despite declaring its willingness, Morocco has failed so far to invite the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

V.B.2 Legislative and Institutional Framework

32. The main shortcomings: **a)** overt non-compliance of the press and publishing laws with the requirements of the Constitution and international standards; **b)** failure to approve the principle of good faith as the basic foundation in publishing; **c)** failure to specify exclusive exceptions with respect to the breach of the confidentiality of the news; **d)** failure to require the administration in the press law to explicitly facilitate the journalist's mission of accessing information, and the lack of specifying deadlines for the administration to provide journalists with the requested information; **e)** failure to take into account the specific features of the electronic media as regards the conditions of release and publishing; **f)** lack of legal recognition of the right of associations to set up radio stations; **g)** continuing resort to custodial sanctions when it comes to press and publication issues, through the enforcement of other laws not related to the press, especially the Penal Code; **h)** the ongoing use of broad terms to refer to the "national constants" (i.e. Islam, the monarchy, and territorial unity) which are subject to multiple interpretations; **i)** continuing crack-down on journalists while performing their duties, sometimes making use of the judiciary; **j)** preventing the entry of some foreign newspapers into Morocco by administrative decisions.

V.C Recommendations

33. **a)** invite, the soonest possible, the Special Rapporteur on the promotion and protection of the freedom of opinion and expression for a visit to Morocco; **b)** bring the legal provisions on freedom of expression and the press, and the right to access information into line with international standards; **c)** define the concept of public order in the area of freedom of expression and provide for safeguards and review procedures to face any form of abuse of freedom of expression by the State organs; **d)** speed up the promulgation of the law on the right to access information and bring it into line with international standards; **e)** provide explicitly for the non-implementation of custodial penalties in any press and publishing case, while refraining from referring to other laws; **f)** establish specialized courts for dealing with press and publishing issues; **g)** recognize explicitly the principle of good faith in the press and publishing issues; **h)** promulgate a special law for radio stations of associations.

Part VI: Cultural, Linguistic and Amazigh Rights

VI.A Achievements

VI.A.1 Treaty Practice

34. The following achievements were registered: **a)** visit by the independent expert on the cultural issue to Morocco during the period from 5 to 16 September 2011, and the publication of her report on May 2, 2012; **b)** publication of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, as ratified by Morocco in issue 6247 of the Official Gazette on April 14, 2014.

VI.A.2 *Legislative and Institutional Framework*

35. Major achievements: **a)** creation of a Committee in charge of preparing the organizational law relating to the National Council for Morocco's languages and culture on November 10, 2015; **b)** submission of the draft organizational law on the stages of operationalizing the official character of the Amazigh language, on July 27, 2016 under No. 26.16; **c)** submission of the draft organic law No. 26.04 relating to the National Council for Morocco's Languages and Culture.

VI.B Shortcomings

VI.B.1 *Treaty Practice*

36. Failure to publish in the Official Gazette the Moroccan State's declaration on the competence of the Committee on the Elimination of All Forms of Racial Discrimination to receive and consider communications from individuals or groups of individuals within the jurisdiction of this State party claiming to be victims of a violation by that State.
37. Failure to operationalize the requirements of the second paragraph of Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, ratified by Morocco on 18 December 1970.

VI.B.2 *Legislative and Institutional Framework*

38. Shortcomings: **a)** delays in operationalizing Article 5 of the Constitution which enshrines Tamazight as an official language, and in the creation of the National Council for Morocco's Languages and Culture; **b)** delays in establishing the protective mechanism against racial discrimination; **c)** making use of Bill No. 26.16 on defining the stages for operationalizing the official character of the Amazigh language, with the view to distinguish between the two official languages, in addition to the ambiguity of some provisions; **d)** operationalizing the Tamazight language in stages for up to 15 years; **e)** the government drew back from generalizing the teaching of Tamazight; **f)** the government authorities continue to ban Amazigh names; **g)** Failure to operationalize the provisions of Articles 5 and 86 of the Constitution concerning the promulgation of the draft Organic Law relating to the official character of Tamazight, and also the delay in promulgating the organizational law for the creation of the National Council for Languages and the Moroccan Culture.

VI.C Recommendations

39. **a)** establish the protective mechanism against racial discrimination in accordance with internationally recognized standards and Paris Declaration of Principles; **b)** publish the statement on the competence of the Committee against Racial Discrimination in the Official Gazette; **c)** operationalize the provisions of the second paragraph of Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, ratified by Morocco on 18 December 1970; **d)** prohibit all forms of discrimination, especially when based on language, including sign language; **e)** compulsory teaching of the uniform Amazigh language, civilization and culture at all levels of education; **f)** recognize the right to public, free and independent Amazigh audiovisual media, taking into account the principle of plurality, diversity and equality between languages and cultures; **g)** incorporate and promote sign language in the public media, and train qualified interpreters.

Part VII: The Fundamental Rights of Persons with Disabilities

VII.A Achievements

VII.A.1 Treaty Practice

40. Morocco submitted its first national report to the Committee on the Rights of Persons with Disabilities, pursuant to article 35 of the Convention on March 17, 2014.

VII.A.2 Legislative and Institutional Framework

41. Achievements: **a)** draft framework law No. 13-97 for persons with disabilities; **b)** an integrated public policy on disability for 2015-2016; **c)** setting up an inter-ministerial committee in charge of disability; **d)** preparing and publishing a national survey on disability (2014-2016).

VII.B Shortcomings

VII.B.1 Treaty Practice

42. Shortcomings: **a)** the government delayed the adoption of the protective mechanism as approved by the International Convention for People with Disabilities; **b)** no visit of the Special Rapporteur on Disability.

VII.B.2 Legislative and Institutional Framework

43. Shortcomings: **a)** Failure to adopt a participatory approach in the preparation of the draft framework law No. 97.13 on persons with disabilities; **b)** poor outcome from the 2009-2015 Disability Prevention Strategy, as it was dominated by the charity approach and short-term sectoral policies¹⁹; **c)** delayed elaboration of the integrated public policy on disability; **d)** delay in making publicly known the national survey on disability; **e)** delays in preparing the first report on people with disabilities; **f)** limited efficiency and effectiveness of the Ministerial Committee on Disability; **g)** double and multiple discrimination is continuing against women with disabilities; **h)** continued lack of facilities for the disabled in most public institutions, roads and means of transportation; **i)** lack of the right to education or failure to provide guarantees for its continuation for some groups who are affected by internal or mental disabilities (for instance autism).

VII.C Recommendations

44. **a)** comply with the deadlines set forth in all the international treaty mechanisms, and open up to the special procedures system, especially the Special Rapporteur on the Rights of Persons with Disabilities; **b)** set up the protective mechanism for people with disabilities, in line with international standards; **c)** promulgate the law for persons with disabilities in accordance with international standards and the voluntary commitments of Morocco towards treaty bodies; **d)** amend the law and make existing facilities compliant with accessibility; **e)** promote the political participation of people with disabilities through the quota system, taking the disability index as a basis for determining the financial support to political parties.

¹⁹ Memorandum of the White Dove Association in Tetouan, presented during the third regional meeting held by *Adala* Association for the right to a fair trial on 21 and 22 November 2015 in Tangier.

Part VIII: The Fundamental Rights of Children

VIII.A Achievements

VIII.A.1 Treaty Practice

45. **a)** signing of the Third Optional Protocol to the International Convention on the Rights of the Child, Communications Procedure, in April 2015; **b)** submission of the third and fourth reports on the implementation of the Convention on the Rights of the Child before the relevant Committee on May 30, 2012; **c)** submission of the report on the implementation of the Optional Protocol to the Convention on the Rights of the Child regarding the involvement of children in armed conflicts; **d)** ratification of the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse, the European Convention on the exercise of children's rights, and the Council of Europe Convention on Contact concerning Children.

VIII.A.2 Legislative and Institutional Framework

46. **a)** drawing up a National Plan of Action for Children (2006-2015); **b)** devising an integrated public policy to protect children; **c)** promulgating the law on the creation of the Advisory Council for the Family and Children; **d)** submitting a bill on the prohibition and punishment of sexual exploitation and abuse of children on July 20, 2015.

VIII.B Shortcomings

VIII.B.1 Treaty Practice

47. **a)** delays in submitting reports on children's rights to the Committee on the Rights of the Child; **b)** maintaining the interpretative declaration regarding paragraph 1 of Article 14 of the Convention on the Rights of the Child; **c)** failure to establish the national mechanism for reporting and appeal against instances of child maltreatment.

VIII.B.2 Legislative and Institutional Framework

48. **a)** the National Childhood Plan for 2006-2015 failed to incorporate all the core areas of the Convention on the Rights of the Child; **b)** lack of legal protection for children born out of wedlock; **c)** limited enforcement of Morocco's international commitments at the level of the judiciary and institutions.

VIII.C Recommendations

49. **a)** expedite the adoption of the legal framework for the centres in charge of child protection; **b)** withdraw the interpretative declaration to paragraph 1 of Article 14 of the Convention on the Rights of the Child; **c)** file promptly the instrument of ratification with the United Nations Secretary General regarding the Third Optional Protocol to the International Convention on the Rights of the Child; **d)** ratify the ILO Convention No. 189 on decent work for domestic workers and the 1961 Convention on the Reduction of Statelessness; **e)** raise the age of employment to 18 years in all relevant laws, particularly the law on domestic workers; **f)** amend paragraph 7 of Article 16 of Law No. 37-99, remove any reference in identity documents indicating the birth out of wedlock; **g)** speed up the promulgation of the proposed law on the prohibition and punishment of sexual exploitation and abuse of children; **h)** expedite the creation of the national mechanism for reporting and appeal against instances

of child maltreatment; i) increase the budget allocated to the integrated public policy for child protection; j) establish courts specialized in juveniles in conflict with the law.

Part IX: The Fundamental Rights of Migrants and Refugees

IX.A Achievements

IX.A.1 Treaty Practice

50. a) submitting its first report on the operationalization of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families on 10 and 11 September 2013; b) ratification in June 2014 of the ILO Convention No. 97 on Migration for Employment.

IX.A.2 Legislative and Institutional Framework

51. a) adopted during 2015 a new public policy based on the approach of humanizing immigration, targeting immigrants in an illegal situation through the elaboration of exceptional legal measures to regularize their situation (18,600 out of 28,000 applications); b) adopted the Law No. 27.14 on the Prevention of Human Trafficking.

IX.B Shortcomings

IX.B.1 Treaty Practice

52. Morocco failed to ratify the Protocol to the Convention against Transnational Organized Crime, intended to fight the smuggling of migrants.

IX.B.2 Legislative and Institutional Framework

53. a) the slow pace of promulgating the legislative framework of the three focus areas of the immigration and asylum policy; b) failure to provide the necessary protection against trafficking in human beings, especially Moroccan female and male workers in the Gulf States; c) lack of legislative guarantees to prevent exposing deported immigrants to degrading, cruel, and inhuman treatment.

IX.C Recommendations

54. a) amend the Law No. 02.03 to bring it into line with the International Labour Organization Convention and the international standards related to the protection of migrant workers and members of their families; b) adopt a law on migration and asylum that must be compliant, in letter and spirit, with Morocco's international commitments in the field of human rights; c) take legislative measures to prevent trafficking in human beings; d) develop a mechanism to identify victims of human trafficking among sub-Saharan citizens and provide them with protection and assistance.

Part X: Economic, Social and Environmental Rights

X.A Achievements

X.A.1 Treaty Practice

55. Morocco submitted its fourth periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights, on 30 September 2015.

X.A.2 Legislative and Institutional Framework

56. Achievements: **a)** promulgating a set of laws relating to the establishment of governance and human rights institutions in charge of Economic, Social and Cultural Rights (Economic, Social and Environmental Council; Mediator Institution of the Kingdom; Competition Council; Supreme Council for Education, Training and Scientific Research; National Authority for Integrity and the Prevention and Combating of Corruption); **b)** submitting draft law No. 47.14 on medical assistance to procreate; **c)** adopting national programs for education, health and housing, and the launch of the renewable energies project; **d)** issuing the framework agreement of the National Environment Charter.

X.B Shortcomings

X.B.1 Treaty Practice

57. Morocco has not ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

X.B.2 Legislative and Institutional Framework

58. Shortcomings: **a)** continued prevalence of maternal and child mortality, high dropout and illiteracy rates, especially among women in rural areas; **b)** absence of territorial justice in the distribution of housing, in addition to the lack of a clear overall strategy to protect and assist poor families; **d)** complexity of procedures for enjoying economic rights and inadequacy of laws with the specificity of some regions; **e)** failure on the part of the government to operationalize the legislation and implementing decrees relating to the right to live in a healthy environment, as enshrined in the Constitution of 2011; **f)** failure to operationalize the National Observatory for Environment and the Regional Observatories for Environment and Sustainable Development, in addition to the limited intervention of the High Commissioner for Water and Forests in forests, especially in upper wadis; **g)** continuing high rates of school dropouts in the context of privatizing education; **h)** children in urban areas enjoy greater opportunities for education, in comparison with those in rural areas²⁰; **i)** failure the operationalize the legal system relating to consumer protection.

X.C Recommendations

59. **a)** ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; **b)** carry on efforts to combat school dropouts, increase the resources allocated to this sector, and review the curricula to make them compliant with the specificities of each region; **c)** operationalize the provisions of the Charter of the 2015-2030 Strategic Plan for Education Reform with respect to the curricula; **d)** continue rationalizing social housing, and provide decent housing for the rural population; **e)** promulgate and implement environment laws and make them compliant with international conventions with the view to exploit collective lands and oasis areas to promote investment; **f)** continue efforts in the protection of oases and expedite the adoption of a strategy for mountainous areas; **g)** operationalize the National Observatory for the Environment and the regional relevant observatories; **h)** amend Article 288 of the Penal Code, which criminalizes hindrance to freedom of work.

²⁰ Report of the Mediator for Democracy and Human Rights "Our opinion on the sub-budget of the National Education Ministry for the year 2012, in light of the objectives set forth in the Government programme", May 2012.

Part XI: Freedom of Belief

XI.A Achievements

XI.A.1 Treaty Practice

60. Together with 60 countries, Morocco submitted in March 2014 a draft resolution to the UN Human Rights Council at its 25th session on the freedom of religion and belief, which was adopted without a vote²¹.

XI.B Shortcomings

XI.B.1 Treaty Practice

61. Non-compliance of Moroccan laws with the provisions of Article 18 of the International Covenant on Civil and Political Rights, and General Observation No. 22 of the Human Rights Commission.

XI.B.2 Legislative and Institutional Framework

62. Continued criminalization in the Penal Code (Articles 222 and 220 respectively) of the freedom to break the fasting of Ramadan in public, and the use of temptation to undermine the doctrine of a Muslim or to convert him/her to another religion.
63. Continued adoption of the unity of faith and the unity of doctrine by the Moroccan State in all spheres of public life.

XI.C Recommendations

64. **a)** make Moroccan laws compliant with the provisions of Article 18 of the International Covenant on Civil and Political Rights, on the freedom of religion and belief for all; **b)** abrogate Articles 220 and 222 of the Penal Code and enact legislation allowing freedom of belief; **c)** shoulder responsibility in providing appropriate conditions and protection for all citizens in religious practice, except those calling for hatred, racism or violence.

²¹ <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ListReports.aspx>