



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés



Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedure Reports

- Universal Periodic Review:

MOROCCO

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations relating to issues of interest and persons of concern to UNHCR with regards to Morocco.

1. Treaty Body Reports

CERD/C/MAR/CO/17-18

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION,

77th Session

13 September 2010

Concerns and Recommendations

13. The Committee notes with concern the lack of a legislative and institutional framework providing protection for refugees and asylum-seekers, the difficulties encountered by these groups in accessing employment, and the discrimination they suffer in accessing health care, social services and housing.

The Committee recommends that the State party establish a legal and institutional framework that clarifies asylum procedures, provides protection for the rights of refugees and asylum-seekers, particularly in relation to access to employment and housing, and shields these groups against all forms of racial discrimination.

14. The Committee is concerned about information indicating that non-citizens without residency permits, particularly nationals of sub-Saharan countries, are the victims of racial discrimination and xenophobia. It regrets the fact that they are often detained without the benefit of legal safeguards and are sometimes denied access to the courts. It also notes with concern that the principle of non-refoulement is not applied correctly by the State party (art. 5).

In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party take steps to protect non-citizens without residency permits against racial discrimination and xenophobia, to ensure that they benefit from all legal safeguards when placed in detention, and to facilitate their access to the courts. The Committee also recommends that the State party ensure that the principle of non-refoulement is correctly applied.

15. The Committee is concerned that counter-terrorism measures are applied in a manner that does not always guarantee full respect of human rights, particularly in the case of non-citizens (art. 5).

The Committee recommends that the State party take steps to ensure that persons suspected of terrorist activity benefit from fundamental legal safeguards, particularly when the suspects are foreign nationals, in the light of the statement on racial discrimination and measures to combat terrorism adopted by the Committee on 8 March 2002 (A/57/18, para. 514).

16. The Committee notes with concern that the Nationality Code does not allow Moroccan women to transmit their nationality to husbands of foreign origin, on an equal basis with Moroccan men (art. 5).

The Committee urges the State party to revise its Nationality Code so that Moroccan women are able to transmit their nationality to husbands of foreign origin and thus enjoy rights equal to those enjoyed by Moroccan men.

18. The Committee notes the various avenues of redress open to persons wishing to lodge a complaint of racial discrimination. However, it is concerned that access to justice remains difficult for certain vulnerable persons. The Committee is also concerned by that fact that the State party has provided insufficient information on complaints lodged, prosecutions initiated, and convictions and sentences handed down (art. 6).

(a) Referring to general comment No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recalls that an absence of complaints and litigation by victims of racial discrimination may be indicative of a lack of specific relevant legislation, ignorance of the remedies available, fear of social censure or reprisals, or unwillingness to institute legal proceedings on the part of the competent authorities. The Committee recommends that the State party:

- Seek to raise awareness of legislation on racial discrimination, ensure that the public in general, and members of vulnerable groups in particular, notably the Amazigh, Sahraouis, Blacks, non-nationals, refugees and asylum-seekers, are informed of the avenues of legal redress available to them, simplify these remedies and facilitate access thereto**
- Consider using “discrimination testing” as admissible proof of discriminatory behaviour**

19. The Committee is concerned that vulnerable segments of the population who do not speak Arabic, particularly the Amazigh, Sahraouis, Blacks, non-nationals, refugees and asylum-seekers, continue to encounter communication difficulties in contacts with the judiciary at every stage of the legal process – a situation likely to result in violations of their right to equal treatment, protection and effective redress before the courts (arts. 5 and 6).

The Committee recommends that the State party ensure full application of articles 21, 73, 74 and 120 of the Code of Criminal Procedure, guarantee the availability of interpretation services by training a greater number of sworn interpreters, and ensure that litigants from vulnerable population groups who do not speak Arabic, in particular the Amazigh, Sahraouis, Blacks, non-nationals, refugees and asylumseekers, may benefit from proper administration of justice.

20. The Committee notes the measures and initiatives adopted by the State party to guarantee human rights training and raise awareness, including, in particular, the national plan of action to promote a culture of human rights launched in 2006. However, the

Committee is concerned that racist stereotypes persist and that the Amazigh, Sahraouis, Blacks, non-nationals, refugees and asylum-seekers continue to be viewed in a negative light by the rest of the Moroccan population (art. 7).

The Committee recommends that the State party step up its efforts to provide human rights training, placing a particular focus on the fight against racial discrimination, as well as its efforts to raise awareness of the need for tolerance, interracial or interethnic understanding and intercultural relations among law enforcement officials — specifically, police officers and gendarmes, members of the judiciary, prison officers and lawyers — and also among teachers. It also recommends that the State party continue its efforts to raise public awareness and knowledge of the importance of cultural diversity, understanding and tolerance, especially in respect of vulnerable population groups and the Amazigh, Sahraouis, Blacks, non-nationals, refugees and asylum-seekers in particular.

CEDAW/C/MAR/CO/4

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, 40th Session

8 April 2008

40. While noting with satisfaction the improvement in the personal status of women in the State party, including the fact that every child born to a Moroccan mother, whether in Morocco or abroad, is entitled to acquire his or her mother's nationality, the Committee remains concerned about various forms of discrimination related to their personal status, such as the non-acquisition of the Moroccan nationality by the foreign husband of a Moroccan wife in circumstances where a non-Moroccan wife of a Moroccan husband would acquire Moroccan nationality, and the loss of the Moroccan nationality of a Moroccan wife who acquires her husband's foreign nationality.

41. The Committee urges the State party to amend without delay all discriminatory provisions affecting women's rights in the Nationality Code, in order to harmonize it fully with the Convention. The Committee encourages the State party to conduct this task in consultation with women's organizations.

44. The Committee is concerned at the situation of migrants, refugees and asylum-seekers in the State party, as this phenomenon has increased with Morocco becoming also a country of destination and not only of origin and transit of migrants. The Committee is particularly concerned of their access to the labour market, health, education and social services, especially in the case of women and girls, as well as with their exposure to violence, including sexual violence.

45. The Committee calls upon the State party to continue to strengthen its cooperation with UNHCR and adopt a national refugee legislation, in compliance with the Convention relating to the Status of Refugees and its Protocol. The Committee recommends that the State party allow refugees and asylum-seekers to access public services, provide work permits for those refugees and asylum-seekers who are documented, and ensure their right to security, especially for women and children.

CRC/C/OPSC/MAR/CO/1
COMMITTEE ON THE RIGHTS OF THE CHILD, 41st Session
17 March 2006

Extradition

19. The Committee is concerned about the compliance of the State party's law and practice with article 5 (1) of the Optional Protocol, notably that all the offences referred to in article 3, paragraph 1 of the Optional Protocol be considered as extraditable offences.

20. The State party should take all necessary steps to ensure that its extradition policies are in conformity with the requirements set out in article 5 of the Optional Protocol.

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