



Third Cycle of the Universal Periodic Review

Report of the National Human Rights Council of the Kingdom of Morocco

I. Introduction

1. The National Human Rights Council (CNDH) is a constitutionally mandated and independent National Human Rights Institution (NHRI) functioning in full compliance with the Paris Principles. The CNDH discharges its mandate in all questions relating to the protection and promotion of human rights throughout Morocco.
2. The CNDH submits this report to the UN Human Rights Council (HRC) with a view to assessing the implementation of the UPR recommendations, highlight the opportunities and challenges, and formulate relevant recommendations.
3. This report is based on an analysis of the national context in light of the national constitution and international human rights instruments ratified by Morocco¹. It is a documentary evidence whose main sources are the reports, memorandums and studies of the CNDH. The CNDH presented in June 2014 its first annual report² to the Parliament. It has also published seven thematic reports on prisons³, child protection centers⁴, mental health⁵, the status of foreigners in Morocco⁶, election monitoring⁷, and the state of equality and parity in Morocco⁸. The publications of the CNDH further include 22 memoranda⁹ and advisory opinions on various human rights issues¹⁰. These publications propose relevant recommendations to the government and the parliament to advance human rights in the country based on the Constitution and the international human rights instruments.
4. This submission reflects the evolution of the human rights situation in Morocco since the last review in 2012. The preparation of this report follows the OHCHR technical guidelines for stakeholders' submissions for the third cycle. The CNDH hopes that this contribution will provide additional input to the Working Group of the UPR and will feed a constructive and fruitful dialogue with the government.
5. It should be noted that the CNDH has also contributed to the elaboration of the national report and took part in the consultation and coordination meetings held by the government with the various stakeholders in Rabat and Laayoune in 2016.

II. Status of the implementation of second review recommendations relating to the CNDH¹¹

6. Concerning **recommendations 129.13, 129.29 & 129.30** relating to the strengthening of the legal and institutional framework of human rights, the CNDH has been confirmed as an NHRI working in full compliance with the Paris Principles, by retaining its "A" Status accorded by the Global Alliance of NHRIs (GANHRI)¹² in March 2016.
7. A new draft law on the CNDH has been elaborated, proposing the CNDH to discharge the mandate of three new mechanisms provided for by international instruments. These include the National Preventive Mechanism against Torture, the redress mechanism dealing with complaints lodged by children victims of rights violations and the independent mechanism for the protection of the rights of persons with disabilities.
8. Regarding **Recommendation 129.36, 129.118, 129.119 and 129.120** on the human rights training and culture, the National Human Rights Training Institute (INFDH) was established by the CNDH

¹ Morocco ratified the nine core human rights instruments.

² http://cndh.ma/sites/default/files/report_of_the_national_human_rights_council_to_the_parliament.pdf

³ <http://www.cndh.org.ma/an/thematic-reports/crisis-prisons-shared-responsibility-100-recommendations-protecting-rights>

⁴ <http://www.cndh.org.ma/an/thematic-reports/children-protection-centers-childhood-risk>

⁵ <http://www.cndh.org.ma/fr/rapports-thematiques/sante-mentale-et-droits-de-lhomme-limperieuse-necessite-dune-nouvelle-politique>

⁶ <http://www.cndh.org.ma/an/thematic-reports/conclusions-and-recommendations-cndh-thematic-report-situation-migrants-and>

⁷ One report on the observation of regional and communal elections in September 2015 and a second one on the observation of legislative elections in October 2016.

⁸ <http://www.cndh.org.ma/an/thematic-reports/gender-equality-and-parity-morocco-preserving-and-implementing-aims-and-objectives>

⁹ <http://www.cndh.org.ma/fr/rubriques/documentation/publications/memorandums>

¹⁰ Parity, violence against women, justice reform, elections, participatory democracy, freedom of association, right to public assembly, freedom of the press, trafficking in human beings, persons with disabilities, etc.

¹¹ Recommendations of the Second UPR cycle N. 129.13; 129.28; 129.30; 129.36, 129.67; 129.84

¹² Formerly known as the International Coordinating Committee of National Human Rights Institutions (ICC).

in July 2014. Several international stakeholders¹³ have been involved in training projects together with the CNDH. The center provides capacity building to CNDH members and staff as well as other relevant stakeholders, including civil society. From January to November 2016, the center has provided 39 trainings¹⁴.

9. A total of 220 activities on the rights of the child were organized by the CNDH at the International Book Fair of Casablanca in 2015, and more than 25,000 visitors participated in the activities of the CNDH on the rights of persons with disabilities in the 2016 edition. The regional commissions of Laayoune, Rabat and Marrakech also launched the “Young Generations Prize for Human Rights”. The aim of this initiative was to promote reading, both as a right and a duty, among high school students.
10. The CNDH has coached human rights clubs¹⁵ and prepared a practical guide for such clubs. The CNDH has also developed a training manual for young people in partnership with UNESCO. Also, the Center for Saharan Studies, created in 2012, published at the end of February 2016, 33 books in Arabic, Hassani and French¹⁶.
11. The CNDH is currently conducting a study on the human rights culture among a sample of more than 3,600 Moroccan households. The main objective of this study is to assess how human rights are perceived in Moroccan society.
12. Regarding **Recommendations 129.67** relating to the security force training, the CNDH contributes to a training program targeting law enforcement officials. Accordingly, in 2015 and 2016, more than 600 police officers of all ranks were trained on security and human rights.
13. Concerning **Recommendations 129.84 & 129.125** relating to cooperation between CNDH and government, it should be noted that a decision was taken by the government in March 2014 urging the ministerial departments to interact in a positive and swift manner with the complaints transmitted by the CNDH. The government undertook to resolve the complaints within three months. In 2014, the government’s response rate to complaints from the CNDH reached 56%.
14. With regard to the implementation of the recommendations of the CNDH, a new migration policy was launched by the Government following the publication of the report of the CNDH: “*Foreigners and Human Rights in Morocco*” in 2013. Accordingly, a new law on trafficking in human beings was adopted and the CNDH has provided a relevant advisory opinion. In addition, an exceptional regularization operation for illegal immigrants was launched in July 2014 and enabled 70% of the 27,463 registered applicants to receive a positive opinion. Refugee status has been also recognized for 577 asylum seekers.
15. Following the publication of the CNDH report on mental health and human rights¹⁷, the national public health strategy integrated a human rights-based approach and the Ministry of Health is implementing the CNDH recommendation to update some laws, namely on mental health and forensics.
16. In addition, the Ministry of the Interior responded positively in 2014 and in the first months of 2015 to the CNDH’s requests to regularize the legal status of 21 associations. The Office of the Prime Minister cooperates with the CNDH to resolve cases of individual reparations that are still pending as part of the transitional justice process. Also, some government sectors have submitted draft

¹³ The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), Council of Europe, European Union, UNICEF, UNESCO and Dignity - Danish Institute against Torture

¹⁴ Training sessions include election observation, discriminations, business and human rights, reporting, investigation techniques and prevention of torture.

¹⁵ The number of these clubs stands at 5,501 in 2014.

¹⁶ <http://www.etudesahariennes.ma>

¹⁷ http://www.cndh.org.ma/sites/default/files/sante_mentale_-_rapport_integral_.pdf

legislative texts and a draft circular to the CNDH for opinion¹⁸. Other aspects of cooperation with the government include reporting to the international human rights system¹⁹.

17. To reinforce the engagement with the Parliament, the CNDH signed a memorandum of understanding with the Parliament in December 2014 with a view to better taking into account the human rights principles in draft laws. Several recommendations have been taken into account by the Parliament, such as those relating to military justice, the adoption of a law on trafficking in persons and the law on domestic child labor, etc. The Parliament asked for CNDH opinion on 12 bills²⁰.
18. Regarding the regional cooperation of the CNDH with other NHRIs (**Recommendation 129.28**), the CNDH is currently president of the Francophone Association of NHRIs (AFCDH), former president of the Arab Network of NHRIs (2013), member of the Ibero-Arab Latin Dialogue of NHRIs and current member of the Steering Committee of African NHRIs (NANHRI).
19. Concerning **Recommendations 129.123 & 129.125** relating to the cooperation with the UN human rights mechanisms, the CNDH has submitted since 2012 reports to the Committee on the Rights of the Child, Committee on Economic, Social and Cultural Rights and Human Rights Committee and gave oral statements before their respective members.
20. It also held working meetings with the various special procedures mandate holders who visited Morocco²¹. The CNDH commented on reports prepared by these holders when presented to the HRC.
21. The CNDH participates regularly in HRC sessions through the presentation of oral or written statements in human rights panels. For example, in 2014, out of 32 contributions from NHRIs, the CNDH submitted five written and oral statements²². The CNDH reports annually to OHCHR on the human rights situation in the Sahara with a view to preparing the UN SG's annual report on the Sahara and organizes joint activities with OHCHR²³.

III. Other human rights developments and concerns since the last review in 2012

22. The World Human Rights Forum, organized by the CNDH in partnership with national and international actors in Marrakech in November 2014, was attended by nearly 9,000 participants from five continents. This major event addressed the global human rights situation and major challenges facing the international community. The Forum hosted nearly 200 spaces, including 50 thematic forums, 15 special events, 11 training workshops, 20 cultural activities, 41 self-managed activities, 18 internal activities and 150 stands. The Forum is based on tripartite approach, including civil society, states and the institutions.
23. The CNDH and its CRDHs received 10,054 complaints and request from January 2014 to June 2016, including 1,216 not falling within the remit of the CNDH. These complaints and requests mainly regarded allegations about the rights of litigants, prisoners' rights, abuse of power, violations of bodily integrity and ill-treatment.
24. The National Preventative Mechanism (NPM)²⁴ is still under establishment. The draft law on the CNDH provides for its competence to exercise the powers of the NPM. The CNDH, in cooperation

¹⁸ This concerns the first draft of the Law on the National Press Council, the first draft of the bill on the right of access to information, the two draft organic laws relating to the High Council of the Judicial authority and the status of judges, the Draft Criminal Procedure Code, the Draft Law on the Protection of Persons with Psychological or Mental Disorders, the Draft Law on Forensic Draft circular on partnership between the State and associations and the draft law on combating trafficking in persons.

¹⁹ Since 2013, the CNDH has commented on national reports to the Committee on the Rights of the Child, Committee on Economic, Social and Cultural Rights and Human Rights Committee

²⁰ For example, opinions on the military justice, domestic workers, penal code, access to information, persons with disabilities and violence against women.

²¹ namely the Working Group on Enforced Disappearances, the Working Group on Arbitrary Detention, the SR on torture, The SR on the right to food, the SR on international solidarity and human rights

²² The statements are available on the website of the OHCHR.

²³ The most recent activities organized in 2016 include the role of NHRIs in monitoring the implementation of SDG and Paris Agreement, migration and discrimination.

²⁴ On 1 August 2016, the draft law is before the General Secretariat of the Government.

with international partners²⁵ has begun a capacity-building program for its members and personnel in anticipation of the operationalization of the Moroccan NPM. It has also organized discussion seminars with national and international actors on the status, organization and operation of the future NPM.

25. The CNDH continued to follow up on the recommendations made by the Equity and Reconciliation Commission, Morocco's truth committee. As at October 2016, the global budget allocated to transitional justice process in Morocco totals 266.57 million USD. This amount cover individual reparations (246.11 million USD), community reparation (16.30 million USD) as well as the functioning of the IER (4.09 million USD). To be noted that individual reparations include compensations for 26,998 victims of serious human rights violations and their rightful claimants. In the Southern Provinces, 5,783 persons have received compensation, including 269 civil victims (or their rightful claimants), who had been abducted and sequestered by the Polisario Front. Other measures include healthcare for victims and relatives, regularization of the administrative and financial situation and social reinsertion programs.
26. The CNDH published a thematic Report on Gender Equality and Parity in Morocco²⁶. The report highlights the progress made in terms of equality (including in the Constitution and Family Law). It also stresses the challenges that continue to hamper women's rights, including marriage of minors, polygamy, women's access to legal guardianship, unequal inheritance regulations and rules governing collective land.
27. Child marriage, education, especially of girls in rural areas, juvenile offenders remain worrying aspects in society. It should be noted that the law on domestic workers was published in the Official Gazette in August 2016. While expressing satisfaction over the legal provision that the working age is fixed at 18 years, the CNDH expresses serious concern over the transitional period of five years during which children aged 16-18 years can be recruited as domestic workers.

III. Recommendations that need to be implemented by the government

28. Elaborate and implement national plans of action on Sustainable Development Goals based on a human rights-based approach.
29. Accelerate the adoption of the draft law on the CNDH and take steps to increase the budget allocated to it, particularly in light of its forthcoming broader mandate.
30. Implement the recommendations on equality and parity in Morocco, mainly those relating to marriage of minors, polygamy, women's access to legal guardianship, unequal inheritance legislation, rules governing collective lands, access of women to justice, violence against women.
31. Mandate the Authority for Parity and Fight against Discrimination (APALD) with powers to protect, prevent and promote the equality and parity, and provide it with necessary resources to independently fulfil its mandate.
32. Establish the Advisory Council for Family and Children (CCFE) on a basis that respects the individual rights of all members of the family and the principle of the best interests of the child.
33. Promulgate a law that defines discrimination and provides for legally binding, proportionate and dissuasive sanctions.
34. Ensure that the values of human rights, citizenship, equality, non-discrimination and educational governance are anchored in curricula and textbooks and continue to revise the national education system according to a human rights-based approach.
35. Allow any person placed in police custody to receive immediate legal assistance upon placement without prior authorization; carry out a medical examination at the beginning and at the end of police custody; generalize audio-visual recording of interrogations; notify the rights of any person placed in custody by a written note in a comprehensible language; and provide Morocco with a modern and advanced law on medico-legal activities.

²⁵ The Council of Europe and Association for the Prevention of Torture.

²⁶ The report contains 97 recommendations covering different aspects of women's rights in Morocco.

36. Have a compulsory, immediate and systematic use of medical expertise in any case of allegation of torture and initiate independent and impartial investigations at any stage of the trial.
37. Reduce the phenomenon of overcrowding in penitentiary institutions, including by implementing alternative sentences and revising the pardon procedure.
38. Vote for the resolution of the UN General Assembly calling for a moratorium on execution of the death penalty, and adhere to the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty.
39. Replace custodial sentences with fines in cases of litigations relating to the freedom of association and freedom of assembly.
40. Protect journalists while exercising their profession; guarantee the right of access to information and protect journalistic sources.
41. Urge the national courts to further use international instruments in rulings.
42. Adopt equity and quality as two fundamental principles which should guide the reform of the national education system.
43. Elaborate and implement a plan of action on business and human rights in conformity with The United Nations Guiding Principles on Business and Human Rights (UNGPs).
44. Adopt specific measures to guarantee the right of vulnerable groups to health, including the elderly, persons with disabilities, AIDS patients, cancer patients and those suffering from mental disorders.

IV. Position of the CNDH concerning recommendations that do not enjoy the support of the government

45. The CNDH calls on the government to accept the following recommendations which did not enjoy its support in the second cycle:
 - **Recommendation 131.7:** calling for revising the Family Code to guarantee equality between men and women in inheritance matters.
 - **Recommendation 131.3:** calling for introducing a de jure moratorium on the executions as rapidly as possible.
 - **Part of recommendation 131.6** calling for revising the Family Code to prohibit marriage of minors.