

UNIVERSAL PERIODIC REVIEW

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JOINT SUBMISSION

CIVIL COALITION OF MOROCCAN YOUTH ORGANIZATION



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Civil Coalition of Moroccan Youth Organizations

A youth-led initiative, independent from the state, political parties and trade unions, Prometheus Institute for Democracy and Human Rights has launched "Youth Active in the Universal Periodic Review" as a two-year project that takes aim at enhancing the participation of youth in interactions with the various charter-based bodies within the Human Rights Council of the United Nations, especially the Universal Periodic Review mechanism (UPR). The Civil Coalition of Moroccan Youth Organizations consists of many Moroccan youth organizations from various regions of Morocco, and having different associative concerns and propensities (women, youth, immigration, the environment, individual rights...). Three training workshops took place in Rabat, Agadir and Oujda with the purpose to provide young trainees with insight into the role of the universal periodic review, and the other international mechanisms for the protection of human rights. These regional workshops paved the way for a national meeting which was held in March 2016, with the presence of all members of the Youth Coalition. This meeting was an opportunity to debate over the most important issues and recommendations to be included in the shadow report addressed by the Coalition to the UNHROHC.

In addition to this report prepared in parallel to the report of the Moroccan State, the Coalition has published another report on the implementation of the recommendations which were approved by Morocco during its periodic review in 2012 in the Human Rights Council. This report covers different government sectors (education, health, family, solidarity, justice and freedoms ..), based on the data acquired from the relevant ministries on achievements related to these recommendations, and with reference to the mid-term follow-up report issued by the Government.

The aim of this report prepared by the Civil Coalition of Moroccan Youth Organizations is to evaluate the situation of human rights in the period between 2012 and 2017, and make the necessary recommendations related to this situation.

The Coalition was formed in March 2016 by the following organizations:

- PROMETHEUS INSTITUTE FOR DEMOCRACY AND HUMAN RIGHTS
- YOUTH FORUM FOR DEMOCRACY AND CITIZENSHIP
- OBSERVATOIRE DU RIF POUR LES ETUDES ET RECHERCHES SCIENCES SOCIALES
- L'ASSOCIATION MANAR POUR L'INCITATION A LA CITOYENNETÉ ACTIVE ET LOCALE A.M.I.C.AL.
- JEUNES FEMMES POUR LA DEMOCRATIE, CASABLANCA
- FORUM D'INNOVATION DES JEUNES ET DES ETUDIANTS DE L'UNIVERSITÉ HASSAN I SETTAT
- FORUM BENI ZOLI POUR LE DÉVELOPPEMENT ET LA COMMUNICATION FOBDEC - ZAGORA
- FONDATION ZAER POUR LES ETUDES ET LES RECHERCHES
- ATLAS CENTER FOR DIPLOMACY STUDIES
- ASSOCIATION THISSAGHNASSE POUR LA CULTURE ET LE DÉVELOPPEMENT (ASTICUDE) - NADOR
- ASSOCIATION TAZGHART
- ASSOCIATION POUR LE DEVELOPPEMENT DE L'ENFANCE ET DE LA JEUNESSE (42 SECTIONS)
- ASSOCIATION MAROCAINE POUR L'EDUCATION DE LA JEUNESSE (52 SECTIONS)
- ASSOCIATION JAYLE SAHARA POUR LE DEVELOPEMENT DURABLE
- ASSOCIATION D'APPUI DE LA FEMME ET L'ENFANT EN SITUATION DIFFICILE, NADOR
- ASSOCIATION CITOYEN NUMERIQUE
- ASSOCIATION ALTERNATIVES CITOYENNES ALCI

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- ACTION JEUNESSE - FORUM DES ALTERNATIVES MAROC

The harmonization of national legislation with the constitutional provisions and international law:

1. Although Morocco has signed the Rome Statute of the International Criminal Court on 08th September 2000, but the government has not yet completed the ratification of this instrument. In this sense, the Coalition recommends to the government to submit to Parliament the draft law approving the Rome Statute, to complete the process of ratification of the Statute, and strengthen the capacity of officials responsible for law enforcement within the framework of international humanitarian law.
2. After the adoption of the law 126-12 approving the Optional Protocol to the International Covenant on Civil and Political Rights, the coalition recommends that the Government and Parliament strengthen the national system of protection of human rights by enacting a law that institutionalizes the cooperation mechanisms between the National Human Rights Council, the Ombudsman, the Authority for Parity and Fight Against all Forms of Discrimination and the Council of Moroccans Resident Abroad, and also recommends the strengthening of remedies at national level in tandem with the new path opened by the optional Protocol.
3. With regard to the absence of an integrated national plan of harmonization of national legislation with the international law of human rights, the Coalition also stresses the importance of the effort still required for full harmonization of criminal law, the Family Code, the Code of the Press and civil liberties laws (right of association, assembly and peaceful demonstration ...).
4. The coalition recommends to this effect to the government and parliament to effectuate a national plan for the harmonization of national legislation with the international law of human rights, in cooperation with national institutions of human rights and Civil Society. It also recommends giving priority to the harmonization of the above mentioned texts.

Women's rights

5. The coalition recommends that the government
 - Enacts a law that prohibits gender discrimination and provides for penalties for it;
 - Removes reservations, and withdraws its interpretative declarations regarding certain provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), including those on article 21 and on paragraph 4 of article 152 ;
 - Redefines rape under article 486 of the Penal Code, while maintaining its qualification as a crime and include marital rape in the Penal Code;

1 States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

2 States Parties shall accord to men and women the same rights with regard to the movement of persons and the freedom to choose their residence and domicile.

- Criminalizes complicity and support for all violent crimes against women;
- Considers and insist on women's image in Media specifications;
- Implements the concept of "due diligence" in the field of the fight against violence against women.

6. Moreover, it is worth noting that there is a disturbing persistence of certain forms of discrimination against women.

For example, the number of authorizations given for the marriage of minors has markedly increased from 18341 given in 2004 to 35,152 given in 2013 (191% in 10 years). Over 98% of these authorizations were for minor girls³.

7. In this regard, the Coalition recommends that the government should:
- Repeal Articles 20 and 21 of Law No. 70.03 establishing the Family Code (as amended and supplemented) that provide for the marriage of boys and girls before the age of majority, which will eliminate any exception to the provisions of Article 19⁴ of the family Code;
 - Revise the Family Code and penal law in order to prevent polygamy and underage marriage, and to ensure equality between the spouses in parental responsibility, as well as equality in inheritance, and equality between men and women to marry non-Muslims, while simplifying procedures for divorced women to benefit from the social solidarity fund;
 - Ensure the right of women to pass their nationality to their foreign husbands;
 - Extend the benefits from the social solidarity fund to children born out of wedlock;
 - Amend the nationality code to give women the right to pass their nationality to their foreign spouses;
 - Adopt 18 years as the minimum age for domestic workers, and provide for guarantees for them to continue education or vocational training;
 - Revise Dahir of April 16, 1919 on Joumoue Lands, in line with the requirements of international human rights law, and the Constitution of 2011, to remove the existing forms of gender discrimination;

Rights of the Child:

8. The coalition recommends that the government should:
- Revise the Penal Code to tighten sanctions against sexual violence against children;
 - Establish mandatory reporting for offenses linked to the information and communications technology sector (ICT), by including offenses related to online sexual solicitations and sexual exploitation of children in tourism and travel;
 - Remove the reservation on article 14 of the Convention on the Rights of the Child;
 - Ratify the relevant child rights treaties, such as the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages;
 - Criminalize all forms of violence against children, and protect them against physical, psychological and sexual violence, torture and domestic violence, and against neglect and abuse by officials at police detention centers or at social welfare institutions;
 - Review all curricula in the public and private educational institutions by deleting all forms of hatred and discrimination, and integrating the principles and values of human rights;
 - Ensure the right of the non-governmental organizations to monitor children's shelters, re-education centers and correctional facilities and all the institutions concerned with the child;
 - Prevent the employment of children under 18 years old;

Rights of Migrants and Refugees:

9. The coalition recommends that the government should:

³ Ministry of Justice and Freedoms: 10 Years Under the Family Code (2004 to 2014): analytical study and statistics, May 2014

⁴ Article 19 of the Family Code stipulates "The matrimonial capacity is acquired for the boy and girl enjoying their mental faculties to eighteen Gregorian years gone by."

- Accelerate the adoption of a law regulating the right of refugees and asylum seekers in national legislation, with the creation of an institutional mechanism entrusted with the follow-up mission;
- Update the laws governing the civil life of migrants (labor law - family law ..), to harmonize them with the requirements of the new laws submitted to the Houses of Parliament;
- Law must provide that deportation is only through the judge's final verdict;
- Develop a media strategy that opposes hatred and violence against foreigners;
- Amend law 02.03 to suit the international conventions;

Rights of Persons with Disabilities:

10. Regarding the right to work, the coalition proposes to:

- Enhance in the draft framework law the foundation of the rights of persons with disabilities to employment and vocational training, in particular by introducing a provision that enshrines the commitment of the government to support people with disabilities in self-employment matters, job research, job retention and return to work.
- The coalition recommends strengthening Article 16 of the draft framework law, with provisions to guide and integrate people with disabilities into the labor market.
- On social protection and health care, the coalition recommends including in Article 4 of the draft of the framework law a provision that enshrines the right of persons with disabilities, their families and carers to compensation to cover their needs.
- Regarding the right to education, the coalition recommends introducing provisions committing the government to make reasonable accommodation for individual learners with disabilities and to take measures to facilitate Braille literacy, adapted writing and modes, means and forms of augmentative and alternative communication (ACC); develop orientation and mobility skills; facilitate the learning of sign language and the promotion of the linguistic identity of the deaf; and provide for the blind, deaf or deaf-blind - particularly children - a teaching in the language and the modes and means of communication that are best suited to each, in environments that improve education and socialization.

Freedom of opinion and expression, digital rights and access to information:

11. The coalition recommends that the government should:

- Lift the ban on voice conversations and Communication Services (VOIP), and not to deny the Moroccan citizen the right to take advantage of the freedom of the internet, as a service of high quality;
- Ensure access to public media for opposing expressions and opinions (Justice and Charity Group and the Democratic Approach Party), and some independent intellectuals, by enhancing the plurality of opinion and intellectual diversity;
- Repeal all custodial sanctions against journalists, and stop lawsuits for them under criminal law;
- Enact a law regulating access to information, and respects international standards and effective access to information.

Individual Freedoms:

12. The coalition recommends that the government should:

- Harmonize national laws with the International Covenant on Civil and Political Rights, particularly Article 18 on freedom of religion and belief;
- Repeal all laws that limit individual freedoms, especially articles 489, 222 and 490 of the Penal Code;
- Repeal article 220 of the Penal Code which provides for the criminalization of destabilizing a Muslim's faith;
- Criminalize hate speech and violence on the basis of creed, doctrine, beliefs or sexual tendencies;
- Ensure the right of the individual to the exercise of intellectual and artistic convictions and respect for personal lifestyles;

Rights of Youth:

13. It is worth noting that the Council of Government has approved in 2014 the National Integrated Strategy for Youth 2015-2030 (SNIJ), which was crafted by the Ministry of Youth and Sports in partnership with UNICEF, UNFPA and with the Technical Assistance of the World Bank. The coalition is deeply concerned by the lack of concrete evidence on the implementation of this strategy, and by the lack of an integrated and cross-piloting structure, and of public youth policies.

14. In this regard, the Coalition recommends that the government

- Develops a specific action plan for the National Integrated Strategy for Youth (SNIJ);
- Provides a suitable budget framework for the strategy;
- Ensures a scholarship for every student, and doubles the number of university campuses;
- Allocates 100,000 job opportunities annually as part of the Finance Act, and ensure the transparency in the job interviews;
- Increases the representation of young people within the municipal councils and Councils of regions, governorates and provinces;
- Reconsiders the form of the youth national list in legislative elections, and the adoption of regional lists for youth with the lifting of the number of seats allocated to them, and the adoption of 35 years as the maximum age to stand for elections under these lists;
- Creates the Youth and Associative Work Council, and make it subject to the Paris Principles relating to national institutions, with members representing civil society and regional committees affiliated to it;
- Enacts a framework law for the youth;
- Ensures free medication and health insurance for students and the unemployed youth;
- Provides advanced hospital structures in all regions and villages, with facilities and medical equipments, and vocational training for human resources in the field;
- Sets up a university in every region of the country;

Health:

The Government should, regarding:

15. Health in prison:

- Provide enough medical and paramedical resources and vocational training for prisoners, with regard to the overcrowded prisons and the increasing number of inmates in the penitentiary institutions;
- Provide health centers in order to take care of pregnant inmates, and watch their pregnancies through regular planning for vaccination and follow-up;
- Develop new programs to raise awareness of sexual communicable diseases, and isolate inmates carriers of infectious diseases from the rest of the prisoners, and provide them with the necessary care;
- Provide the necessary vaccines in all penitentiary institutions in order to prevent infectious diseases among inmates, effectuate sensitization campaigns in prisons, and ensure adequate health conditions (facilities and hygiene);

16. Medical Assistance System:

- Put an end to some existing suspicious practices, and limit the circle of beneficiaries from this system to only vulnerable groups;
- Expand the circle of beneficiaries from medical assistance system to include all vulnerable people across the country and at a reasonable speed;
- Fight against some irresponsible behaviours in some health care institutions that flatly refuse treating certain urgent cases having medical assistance cards;

17. Mental Health:

- Provide the necessary means including quasi-medical human resources in psychiatric hospitals, taking into account the nurses specialized in the field, which will positively affect the quality of services provided;
- Urge the judicial authorities to provide police officers to guard the mentally ill convicts in order to protect other patients;
- Modernize and strengthen infrastructures, from and in psychiatric hospitals;
- Create special health care units for female mental patients across the country.

18. Rural areas:

- Spare no efforts to accelerate medical interventions of doctors and assistants in urgent cases, particularly in cases of childbirth, and provide transport and logistics to expedite these interventions, particularly in inaccessible areas and in cases of critical weather;
- Renovate and expand roads to keep pace with plans that aim at reducing death rates, especially among mothers and children;
- Ensure proximity to health care spaces, and provide them with the basics of primary medical aid;

Right to freedom of assembly, association and demonstration :

19. The Government should:

- Replace custodial sentences, under the Dahir regulating the right of association, by fines;
- Provide the ability to electronically file statements of setting up associations or of renewal of their boards, as a form of dematerialisation of proceedings relating to acts of civil life;
- Replace the authorities responsible for issuing receipts (temporary and final) by courts;
- Give a special legal status for foundations, by clarifying their characteristics, how to obtain their status, their funding and administration;
- Review the law governing the establishment of associations, by inserting a provision stating clearly that the authorities are obliged to justify any refusal to the creation of an association;
- Establish a statutory legal framework for voluntary community action, while setting out the rights and obligations of volunteers, and terms of evolution of this category of civil workers inside the associations;
- Allow all legally constituted associations, not only public benefit organizations, to stand, within the limits of their statutory purpose, as a civil party in any civil action for reparation of damages directly caused by a crime, offense or contravention;
- Repeal Article 3 of Law on Associations to adapt it to the international provisions; including article 23 of the International Covenant on Civil and Political Rights, thus omitting all fuzzy expressions in Article 3 which justify the ban against the creation of an association;
- Repeal any sanction against those who participated in an unauthorized demonstration;
- Ensure the safety of journalists and media professionals covering peaceful demonstrations;
- Establish a mechanism and provisions that allow law enforcement officials or other persons authorized by him to conduct an attempt for negotiation-mediation before the use of force;
- Execute court judgments in favour of associations who gain disputes relating to their establishment and conduct of their activities.

Political participation:

20. The Government should:

- Change the voting procedure, and the Coalition proposes that voters could vote only with their national identity cards (CIN), without necessarily going through the procedure of registration on electoral lists;
- Disseminate detailed election results within a month;
- Establish an independent commission to oversee elections;
- Lift the ban of the National Union of Students of Morocco (UNEM).

Torture:

21. The Government should:

- Accelerate work to bring to light the national mechanism for the prevention of torture, and ensure the participation of civil society in the work of this mechanism;
- Harmonize the definition of torture in criminal law, with the definition contained in the Convention against Torture;
- Amend article 224 of the Penal Code, to ensure that implementation of the orders may not be invoked for impunity;
- Amend article 134 of the Penal Code, to provide for taking criminals who suffer from mental diseases to psychiatric hospitals, whatever the gravity of their crimes;
- Amend Anti-Terrorism Act 03:03 and the Code of Criminal Procedure (Article 66) to reduce the maximum pretrial detention;
- Prisoners should benefit from the medical expertise, during detention (custody) and after;

Security sector governance:

22. The Government should:

- Security institutions should be subject to parliamentary control, through the discussion of sub-budget, and questioning its officials;
- Allow security elements to set up associations like judges and other similar authority jobs;
- Accelerate work to establish the Supreme Council for Security, and ensure the suitable conditions to bring it to existence;
- Assess human rights training programs effectuated in the training institutions of the Ministry of Interior;
- Develop programs for sensitization and continuous training for the benefit of the officials of the Ministry of Interior and the elements of the national security, auxiliary forces and civil protection, according to criteria determined later in line with the international standards in the field;
- Ensure follow-up and continuous assessment of these programs;
- Develop a national strategy against impunity.

Environment:

23. The Government should:

- Adopt an approach based on respect for human rights to face climate change at the national and international levels, including the reduction of emissions of greenhouse gas to safe levels consistent with the full enjoyment of human rights;
- Impose a specific tax on polluting industries in all sectors;
- Develop a national action plan based on rights as a framework to solve the problems caused by climate change, including the management and mitigation of disasters;
- Carry on and intensify programs aimed at mitigating the negative effects of climate change on food security and the environment, and exchange experiences in this field with interested countries;

Union rights:

24. The Coalition notes that the government has not yet submitted the draft law approving the ILO Convention 87 on Freedom of Association and protection of union rights. The Coalition recommends that the government introduces the draft law approving the Convention, and ensures the harmonization of national labour legislation in accordance with its provisions;

25. We call on the Moroccan state to ratify in particular:
- Optional Protocol to the Covenant on Economic, Social and Cultural Rights and the International Covenant
 - ILO Convention 87 concerning Freedom of Association and Protection of the Right to Organise
 - ILO Convention 95 concerning the protection of wages.
 - ILO Convention 102 concerning minimum standards of social security.
 - Convention concerning Organisations of Rural Workers and Their Role in Economic and Social Development
 - ILO Convention 159 concerning vocational rehabilitation and employment of persons with disabilities.
 - ILO Convention 189 on domestic workers.

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