

The Kingdom of Morocco's position on the Recommendations issued after review of its National Report under the third cycle of the Universal Periodic Review (UPR)

August 2017

I. Introduction

1. The Kingdom of Morocco takes this opportunity to renew its commitment to continue efforts to protect, promote and consolidate human rights at the national and international level, and to pursue its active and constructive participation in the Human Rights Council.
2. The Kingdom of Morocco reiterates its support for the UPR mechanism in view of the prospects it opens for the promotion of human rights throughout the world and the opportunities it offers for the exchange of expertise and good practices in this regard. As a cooperative mechanism, the UPR is based on the principles of objectivity, transparency and equity in respect for States' cultures, which serve to enhance the protection and promotion of human rights, their universality and their interdependence, as underscored by Human Rights Council Resolution 21/3 of 20 September 2012.
3. At the interactive dialogue under the third cycle of the UPR, the Kingdom of Morocco received 244 recommendations. Wide-ranging consultations were organized among the different stakeholders to define Morocco's official position on these recommendations, which are considered as an assessment of Human rights public policies and programs.
4. The Kingdom of Morocco fully accepts 191 recommendations, of which 23 have already been implemented and 168 are under implementation as part of the State's scheduled reforms.
5. The Kingdom of Morocco has taken note of 44 recommendations, of which 18 are partially rejected and 26 are entirely rejected.
6. The Kingdom of Morocco does not accept 9 recommendations, as they fall within the mandate of the United Nations Security Council.

II. Participation and cooperation with the UN Human Rights System

7. Morocco considers adherence to international human rights instruments and intensifying cooperation and interaction with the UN system and mechanisms as a fundamental means to promote and protect human rights. As mentioned in the National Report, the Kingdom of Morocco has continued adhering to those instruments, especially the optional protocols, and has strengthened interaction with UN human rights mechanisms such as special procedures and treaty bodies.
8. The Kingdom of Morocco highlights major principles related to its treaty practice: a progressive approach, arrangement of necessary conditions to adhere to some international instruments, such as legislative harmonization and measures that facilitate implementation of the instrument's provisions immediately after adherence, as well as the principle of reservation regarding international treaties guaranteed by international human rights law.

III. The Kingdom of Morocco's position on the addressed recommendations:

9. At the interactive dialogue, the Kingdom of Morocco noted the interest of intervening states in the reforms undertaken during the period considered in the report, which coincided with the implementation of the provisions of the 2011 Constitution.
10. The Kingdom of Morocco underlines that its position on recommendations by full or partial rejection or by non-acceptance has been taken in compliance with the principles and provisions of the Constitution and ratified international conventions.
11. Following is the position of the Kingdom of Morocco on the recommendations presented at the third cycle of the UPR:
 - ✓ **The Kingdom of Morocco accepts 23 recommendations as fully implemented.** The major part of these recommendations is related to the national legal framework against discrimination in general, discrimination against particular groups, abortion, domestic workers, violence and physical punishment against children, and guarantees of freedom of the press and opinion. These recommendations also tackled

some aspects regarding interaction with the UN human rights system and reform of the justice system.

As the national reports points out, the period under review was marked by the implementation of the 2011 Constitution's provisions, particularly those related to reinforcing the legal and institutional framework for the protection and promotion of human rights. The efforts largely focused on harmonization of domestic laws with both the provisions of the Constitution and Morocco's international human rights commitments.

The following recommendations have been accepted as fully implemented:

-79.144 - 78.144 - 76.144 - 73.144- 72.144 - 35.144 - 34.144 - 29.144 - 17.144
-133.144 -127.144 -122.144 - 121.144 - 117.144 - 114.144 - 91.144-90.144
244.144 -226.144 - 159.144 - 210.144 - 139.144 -135.144

- ✓ **The Kingdom of Morocco accepts 168 recommendations that are under implementation.** Some of these recommendations refer to treaty practice and reinforcement of cooperation with UN human rights mechanisms; their implementation follows the above-mentioned approach adopted by the Kingdom (paragraph 2 of this document). Some other recommendations address reinforcement of the legal and institutional human rights framework, particularly in relation to gender equality, economically empowering and ending violence against women, and promotion of the fundamental rights of vulnerable groups and in disadvantaged areas, especially in terms of education, health, specific groups' rights and cultural rights. Those recommendations also tackle harmonization of criminal legislation, strengthening public liberties, ending torture, pursuing implementation of the national policy on immigration, asylum and human trafficking and finalizing the legal framework thereof, following up the national dialogue on abolishment of the death penalty, achieving the strategic goals of the national initiative for sustainable development, as well as enhancing training and education on human rights, especially for law-enforcement officials.

Following are the recommendations that Morocco considers as in the process of implementation:

-23.144 - 20.144 - 19.144 - 16.144 - 10.144 - 9.144 - 7.144 - 6.144 - 4.144 - 1.144
44.144 - 43.144 - 42.144 - 41.144 - 40.144 - 39.144 - 38.144 - 37.144 - 33.144 - 31.144
-53.144 - 52.144 - 51.144 - 50.144 - 49.144 - 48.144 - 47.144 - 46.144 - 45.144 -
-65.144 - 64.144 - 63.144 - 62.144 - 60.144 - 59.144 - 57.144 - 56.144 - 55.144 - 54.144
67.144 - 66.144 - 69.144 - 88.144 - 86.144 - 85.144 - 84.144 - 83.144 - 82.144 - 81.144
-106.144 - 105.144 - 104.144 - 103.144 - 102.144 - 99.144 - 98.144 - 97.144 - 93.144
116.144 - 115.144 - 112.144 - 110.144 - 109.144 - 108.144 - 107.144 - 21.144 - 22.144
120.144 - 124.144 - 123.144 - 125.144 - 126.144 - 128.44 - 132.144 - 136.144 - 140.144
-141.144 - 142.144 - 143.144 - 144.144 - 145.144 - 146.144 - 147.144 - 148.144 -
149.144 - 150.144 - 151.144 - 152.144 - 153.144 - 154.144 - 155.144 - 156.144 -
157.144 - 158.144 - 160.144 - 161.144 - 162.144 - 163.144 - 164.144 - 165.144 -
-174.144 - 173.144 - 172.144 - 171.144 - 170.144 - 169.144 - 168.144 - 167.144 - 166.144
-182.144 - 181.144 - 180.144 - 179.144 - 178.144 - 177.144 - 176.144 - 175.144
-194.144 - 193.144 - 192.144 - 190.144 - 189.144 - 188.144 - 187.144 - 183.144 - 184.144
-204.144 - 203.144 - 202.144 - 201.144 - 200.144 - 199.144 - 198.144 - 195.144 - 197.144
-214.144 - 212.144 - 211.144 - 209.144 - 208.144 - 207.144 - 206.144 - 205.144
-223.144 - 224.144 - 225.144 - 222.144 - 221.144 - 217.144 - 218.144 - 219.144 - 220.144
.235.144 .234.144 - 233.144 - 232.144 - .228.144 - 229.144 - 230.144 - 231.144 - 227.144
.242.144 - 241.144 - 240.144 - 239.144 - 238.144 - 236.144 - 237.144

✓ **The Kingdom of Morocco has taken note of the following recommendations as partially rejected:**

- **Joining the Rome Statute of the International Criminal Court and harmonizing national legislation with its provisions:** The Constitution condemns all acts considered as crimes in the Rome Statute. The Draft Criminal Code provides for criminalization of all the crimes listed in the Statute, including genocides and crimes against humanity, and for punishment according to the provisions of the Statute. Nevertheless, the substantive conditions of joining the Rome Statute are have not been settled yet.
- **Total abolition of capital punishment while maintaining the moratorium:** The Kingdom of Morocco highlights that it effectively stopped the executions since 1993. It points out the legal reforms, mentioned in the National Report, that reduce the number of crimes

punishable by death and determine the conditions for sentencing. The national dialogue on the abolition of capital punishment is still in progress.

- **Ensuring equality amongs all citizens regardless of their sexual orientations and identities, decriminalizing homosexual relations, and repealing some Family Code provisions on guardianship, marriage, and heritage:** The Kingdom of Morocco confirms that the Constitution has laid the principle of equality among all citizens and created mechanisms to protect it. Domestic law condemns and punishes perpetrators of violence and discrimination regardless of their causes, incentives and the sexual, racial or religious orientations or identities of the victims. On the other hand, Article 1 of the Constitution highlights the special framework of the federative constants of the Moroccan nation, namely, the moderate Muslim religion, national unity with its multiple components, constitutional monarchy and the democratic choice. Thus, the Kingdom does not accept these recommendations since they are in contradiction with the above-mentioned federative constants: decriminalizing extramarital consensual relations and homosexual relations, repealing some Family Code provisions on guardianship, marriage, and heritage. This position goes in line with the Kingdom's attitude towards relevant international conventions, as it clearly expressed its reservations about provisions in relation with the aforementioned disapproved subjects.

- **Establishment of procedures for registration of civil society organizations and bringing registration mechanisms in line with international standards:**
As in its National Report, the Kingdom of Morocco stresses its respect to the freedom of establishing associations in compliance with the relevant constitutional and legal provisions. It also underlines that supervision over the freedom of establishing associations all over the country is an ex post facto supervision under the judicial power's monitoring, since, in Morocco, the legal system related to public liberties, including the freedom of establishing associations, is based on a system of declaration rather than authorization. However, Morocco does not recognize the existence of a Sahraoui people as stated in the commented recommendations.

- **Removal of restrictive practices towards Christians and other minorities, especially regarding religious practices and freedom of thought and conscience, in accordance with international law:**

The Kingdom of Morocco is known for its openness, tolerance and respect for all divine creeds and religions. In view of its civilization, history, culture, Constitution and laws, and being committed to relevant international instruments' provisions, Morocco guarantees the freedom of practicing religious rituals and beliefs to all its residents, regardless of their nationalities and beliefs.

The Kingdom of Morocco rejects the use of people's need for help and the exploitation of underage children in schools, hospitals, shelters or orphanages, just as much as it guarantees, by law, the freedom to exercise all religious affairs without discrimination, as a land of openness, tolerance and freedom. It punishes for coercion to or prevention from exercising worship, disruption or deliberate disturbance of any form of worship or religious ceremony, and for damaging places of worship.

The following are partially refused recommendations:

- 95.144 - 94.144 - 75.144-61.144-58.144- 36.144 - 15.144 - 14.144 - 12.144
- 191.144 -185.144 - 138.144 -134.144 - 130.144-111.144- 101.144 - 96.144
- .196.144

✓ **The Kingdom of Morocco has taken note of the following recommendations, which it completely rejects:**

- **Recommendations concerning the repeal or reform of some legal provisions** in contradiction with the federative constants of the Moroccan Nation indicated in the Constitution, as mentioned in the above section on partially rejected recommendations.
- **Recommendations related to the immediate and complete abolition of the death penalty and adherence to the Second Optional Protocol to the International Covenant on Civil and Political Rights:** The Kingdom underlines that the topic of abolition of the death penalty is still the subject of open national debate among all concerned stakeholders.
- **Recommendations related to refraining from prosecuting journalists under laws other than the Press and Publications Code:**

The Kingdom of Morocco underlines that freedom of opinion and expression is guaranteed by the Constitution and national law. The Press and Publications Code has reinforced guarantees for this right, as it repealed penalties involving deprivation of liberty and replaced them with adequate fines, committed to protect journalists against assaults and strengthened the role of law in protecting freedom and independence of the press. However, the government confirms its position in refuting the complete cancelation of journalists' prosecution under the Criminal Code: the prosecution of journalists in cases that do not fall within their professional assignments should not be subject to this exception, in order to guarantee citizens' rights and equity before the law.

- **Commitment to the arms trade treaty and harmonization of legislation therewith:** Morocco draws attention to the non-mandatory nature of this treaty's provisions since it hasn't adhered to it yet.

The Kingdom of Morocco is completely rejects the following recommendations:

71.144 - 70.144 - 32.144 - 18.144 - 13.144 - 11.144 - 8.144 - 5.144 - 3.144 - 2.144
119.144 - 118.144 - 113.144 - 100.144 - 92.144 - 89.144 - 80.144 - 77.144 - 74.144 -
216.144 - 215.144 - 213.144 - 186.144 - 137.144 - 131.144 - 129.144 -

The Kingdom of Morocco does not accept the following recommendations as they fall within the mandate of the United Nations Security Council:

243.144 - 87.144 - 68.144 - 30.144 - 28.144 - 27.144 - 26.144 - 25.144 - 24.144