

UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

**UNIVERSAL PERIODIC REVIEW, 1ST SESSION
MOROCCO (FINAL)
REVIEWED ON 8 APRIL 2008, AFTERNOON**

Membership of the Human Rights Council

Morocco was a member of the Human Rights Council, from June 2006 to June 2007, but is not currently a member.

Members of the troika

Romania, Madagascar, France.¹

National consultation

Morocco began its national consultation process on 16 October 2007 with a briefing on the UPR process. Since then, the State party has conducted meetings with various governmental agencies, as well as with the Consultative Council on Human Rights (NHRI) several consultations with approximately 20 NGOs active on a diverse set of issues including women's rights, rights of the child, human rights education, and migrants rights.

Information submitted to the Working Group

State report²

The State report first summarises various reforms Morocco introduced in recent years to improve human rights protections. The rest of the report addresses these reforms in a more substantive manner, noting various legislative measures and amendments (including a new Code of Criminal Procedure and Family Code), expansion of human rights institutions, and social reforms. While the first major section reviews the domestic institutional structure of the human rights regime in Morocco, the second section accounts for how this domestic framework is used to progressively fulfil Morocco's international human rights commitments. It describes the State's multilateral approach to improving human rights protections, including initiatives to increase literacy rates, expand human rights training for State personnel, combat violence against women, and

¹ Morocco requested that a member of its regional group be among its troika. Regional groups selected: African Group, Western European Group, Eastern European Group. There were no objections by Morocco or by the members of the troika to the selection. For a full summary of the selection of troikas, see http://www.ishr.ch/hrm/council/councilalert/council_update_7session.pdf

² A/HRC/WG.6/1/MAR/1, 11 March 2008, available at:

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/MA/A_HRC_WG6_1_MAR_1_E.pdf

end child labour, among others. While the report highlights progress made before and during Morocco's membership to the Council, the State also notes that limited economic resources have constrained additional efforts. Morocco did, however, make a number of pledges within the report that it hopes to pursue to better protect human rights. The rest section of the report addresses what the State believes are its achievements, including the work of the Equity and Reconciliation Commission, which has brought relief to victims of enforced disappearances and their families. The report also outlines Morocco's expectations regarding capacity building and technical assistance, including training for law enforcement personnel and judges, support for drafting of national reports to the treaty-monitoring bodies, and assistance with drafting a national action plan on human rights.

Official UN documents³

Morocco's accession to several international treaties was welcomed, and furthermore, the State was asked to ratify other international instruments.⁴ A lengthy section on human rights protections noted several concerns, including persistent and widespread gender inequality,⁵ threats to migrants,⁶ enforced disappearances,⁷ more frequent reports of torture and poor prison conditions,⁸ protections for human rights defenders,⁹ harassment of journalists,¹⁰ political arrests,¹¹ child labour and exploitation,¹² unemployment,¹³ poverty,¹⁴ access to social services,¹⁵ education,¹⁶ terrorism,¹⁷ and the Western Sahara.¹⁸ While Morocco was commended for commuting death sentences, there was concern about the rise in the number of offences that could trigger the death penalty.¹⁹

³ A/HRC/WG.6/1/MAR/2, available at:

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/MA/A_HRC_WG6_1_MAR_2_Morocco_compilation.pdf.

⁴ Core universal human rights treaties to which Morocco is a party: *Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT)*, *International Covenant on Civil and Political Rights (ICCPR)*, *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, *International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*, *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, *Convention on the Rights of the Child (CRC)*, *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC)*, *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography (CRC-OP-SC)*.

⁵ Committee to Eliminate All Forms of Discrimination Against Women (CEDAW), CESCR.

⁶ Special Rapporteur on the human rights of migrants, CEDAW.

⁷ Human Rights Committee, Working Group on enforced and involuntary disappearances.

⁸ Committee against Torture (CAT), Human Rights Committee (HR Committee).

⁹ Special Representative of the Secretary-General on the situation of human rights defenders, the Working Group on Arbitrary Detention, Special Rapporteur on torture and other cruel, inhuman, or degrading treatment.

¹⁰ Human Rights Committee, Special Rapporteur on freedom of opinion and expression.

¹¹ CAT.

¹² Special Rapporteur on the sale of children, Special Rapporteur on violence against women, Special Rapporteur on trafficking in persons, especially women and children, Committee on the Rights of the Child, Human Rights Committee.

¹³ Committee on Economic, Social and Cultural Rights (CESCR), International Labour Organization country brief.

¹⁴ CESCR.

¹⁵ CEDAW, CESCR, World Health Organization.

¹⁶ CESCR, United Nations Development Fund for Women (UNIFEM), United Nations Children's Fund (UNICEF).

¹⁷ Special Rapporteur on the promotion and protection of human rights while countering terrorism.

¹⁸ Special Representative of the Secretary-General on the situation of human rights defenders, the United Nations General Assembly, United Nations Security Council, the Human Rights Committee, CESCR, United Nations High Commission for Refugees, Special Rapporteur on the human rights of migrants.

¹⁹ Human Rights Committee.

Morocco was recognised for some achievements, including its release of political prisoners,²⁰ and the resolution of nearly half of reported cases of enforced disappearances.²¹ Morocco also submitted the final report of its Equity and Reconciliation Commission (the Commission), its national human rights institution, about human rights violations between 1956 and 1999 to the Human Rights Committee and the Special Rapporteur on the independence of judges and lawyers, as requested.²² The compilation also notes Morocco's cooperation with follow up procedures of the treaty bodies²³, as well as a pending request for follow up on the final report of Morocco's Equity and Reconciliation Commission from the Special Rapporteur on the independence of judges and lawyers. There were also a number of capacity building projects initiated in Morocco in 2005 and 2006, on topics including gender equality, access to social services, poverty, and education and training.

Other relevant stakeholders²⁴

This report compiled information submitted by Morocco's national human rights institution, the Consultative Council on Human Rights and 17 NGOs.²⁵ Many of the issues raised were the same as those contained in the official UN documents. Specific concerns included *de facto* gender inequality despite numerous legislative reforms such as of the Family Code, the wide range of crimes eligible for the death penalty, inadequate investigation of missing persons cases, child abuse, political repression, discrimination against migrants and refugees, poor prison conditions, corruption within the judiciary, poor access to social services, criminalisation of same-sex activity, threats to human rights defenders, the liberal definition of 'terrorism,' and restrictions of the rights to freedom of the press, assembly and movement. Most subsections contain recommendations to the Government and some to the Human Rights Council. No information was included under the sections on achievements, best practices, challenges and constraints; key national priorities, initiatives and commitments; and capacity building and technical assistance.

Interactive dialogue

Presentation by the State

The delegation of Morocco was led by Mr Abdelouahed Radi, the Minister Justice. After thanking the Council for taking the time to work constructively with Morocco, Mr Radi moved on to review the legal and institutional framework for human rights. He stressed that Morocco prepared the report in an 'integrated' manner, holding consultations with all stakeholders, including non-governmental organisations (NGOs). Mr Radi then listed several reforms initiated by Morocco to further promote human rights, including the

²⁰ CAT.

²¹ Working Group on Enforced or Involuntary Disappearances.

²² This Special Rapporteur also asked for regular updates on follow-ups or recommendations made in the report. A 2006 report by the United Nations Development Programme noted the Commission's report.

²³ CAT, Rapporteur for Follow-up of CAT, Human Rights Committee.

²⁴ A/HRC/WG.6/1/MAR/3, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMoroccoStakeholdersInfoS1.aspx>.

²⁵ Submissions were made by the Conseil Consultatif des Droits de l'Homme, Morocco's national human rights institution, as well as the following NGOs: Al Karama for Human Rights, Amnesty International, Asociacion des Amigos y Amigas, Bureau International pour le Respect des Droits de l'Homme au Sahara Occidental, Centre des Droits des Gens, Centre Marocain des Droits de l'Homme, Congrès Mondial Amazigh, Cultural Survival, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, Fédération Internationale des ligues des Droits de l'Homme, Front Line, Global Initiative to End All Corporal Punishment of Children, Human Rights Watch, International Commission of Jurists, International Lesbian and Gay Association, Islamic Human Rights Commission, La Ligue Amazighe des Droits de l'Homme, Mouvement contre le Racisme et pour l'Amitié entre les Peuples, Reporters Without Borders, Réseau Amazigh pour la Citoyenneté, Society for Threatened Peoples, Tamazgha, Union Action Féminine, Union Nationale des Femmes Marocains.

establishment of several institutions such as the Advisory Council for Human Rights, the Administrative Courts of Appeal, the Ombudsman's Office, the Royal Institute of Amazigh Culture, the High Authority of Audio-Visual Communication, and the Council of the Moroccan Community Abroad. It also highlighted that its national human rights institution is fully complying with the Paris Principles.²⁶ Morocco also welcomed several new pieces of legislation to better protect human rights, including the Family Code, Labour Code, Code of Criminal Procedure, and Law on Political Parties. The State's current thematic priorities are women's rights, rights of the child, and the rights of persons with disabilities. Mr Radi also mentioned that Morocco will continue to pursue its National Initiative for Human Development as a channel to promote gender equality in the exercise of economic, social, and cultural rights. He closed his statement by noting the value the State places on transitional justice. Through its Equity and Reconciliation Commission (Commission), a truth commission, Morocco has acknowledged violations of the past, compensated victims in both monetary and non-monetary ways, and held public debates on atrocities of the past to help restore its citizens' confidence in the rule of law. Mr Radi ended by thanking the Council once again, expressing his hope for a fruitful session.

Key issues

More than 50 States intervened during Morocco's review, and over half of those that spoke were friendly to Morocco. Upon taking the floor, each speaker thanked Morocco for its openness during the UPR process and applauded the State for reforms it has initiated to better protect human rights. States also welcomed Morocco's broad-based approach to consultations, which sought input from several different sectors of society. The delegations were highly complimentary of the quality of the State report, and also appreciated that Morocco sent such a high level delegation to the Working Group.

The issues raised by the Working Group were: the preparation of the national report, voluntary commitments undertaken by the Government, international human rights obligations, the establishment and ongoing work of Morocco's national human rights institution, women's rights and gender equality, the rights of the child, the rights of the disabled, the rights of non-citizens and migrants, a moratorium on the death penalty, freedom of expression, freedom of the press, counter-terrorism, migration, standing invitation to special procedures, human rights education, training, and awareness raising, prison conditions, access to social services including health care and housing, transitional justice, and compensation for past human rights violations.

One of the main concerns raised by several delegations was *de facto* restrictions on **freedom of expression**, evidenced in part by the rising number of reported threats against journalists operating within Morocco. Several of the countries that intervened on this topic asked Morocco to provide more information about a new draft Press Code.²⁷ Canada asked more specifically whether Morocco intended to enact legislation on defamation and/or libel, while the Netherlands asked about whether Morocco would instead adopt separate laws to protect its citizens' privacy. Norway addressed alleged judicial persecution of journalists, and whether the new Press Code would provide increased freedom of expression for the media. By contrast, Chad argued that freedom of expression was well protected in Morocco given the diversity of publications produced and disseminated there. In its response, Morocco stated that the Constitution stipulates the freedom of expression and of the press but also criminalises defamation or incitement to crime. The delegation assured the Working Group that the reforms were undertaken after consultations with the media. Moreover, Morocco argued, only 20 of approximately 700 cases against journalists were filed by public prosecutors. The overwhelming majority of cases are pursued by victims themselves. The State was also quick to note that in 2007, the only journalist apprehended was one who possessed 'defence secrets.'

²⁶ The 'Paris Principles' were adopted by the United Nations General Assembly as an Annex to *Resolution 48/134*. They define the role and functions of national human rights institutions in the promotion and protection of human rights. Available at: <http://www.un.org/Depts/dhl/res/resa48.htm>.

²⁷ Germany, Canada, United Kingdom, Netherlands, Norway.

The status and rights of **women** were a recurring theme during the session. While some countries²⁸ asked more generally about what Morocco is doing to promote gender equality, other countries pressed the State to answer more specifically about its efforts to combat violence against women,²⁹ as well as Morocco's unique gender based budgeting procedure.³⁰ While other states focused on what programmes Morocco had initiated to promote gender equality, Brazil and India instead asked for more information on how Morocco assesses the concrete results of those programmes once implemented and their respective highlights. Brazil, Slovenia, and the Netherlands also wondered whether Morocco had a timetable to ratify the Optional Protocol to the *Convention to Eliminate All Forms of Discrimination against Women* (CEDAW). While these countries also congratulated Morocco for lifting certain reservations to CEDAW, Slovenia was slightly more critical, asking why the State had yet to communicate these to the Secretary-General, and recommended that Morocco formally lift the reservations as soon as possible. Morocco's response was limited, noting only that judges are specially trained to address family law cases, including those involving violence against women. While Mauritius requested more information about a draft bill that increases the punishment for perpetrators of violence against women, and in particular, the extent to which the bill will address domestic violence, Morocco did not respond to this question. Canada echoed these concerns, first applauding Morocco for collecting data on domestic violence (through a national observatory) and then asking what measures the State intended to adopt to combat this phenomenon. With respect to gender based budgeting, Morocco merely stated that it allocates resources for projects intended to benefit women and girls and has been assisted by the United Nations (UN) in this process.

The Working Group was similarly interested on Morocco's efforts to protect **children's rights**.³¹ Bangladesh asked for more information about Morocco's policy initiatives to promote the rights of the child, while Kuwait asked specifically about the objectives of the State's National Plan on Childhood 2006-2015, among other related programmes. Morocco noted that it had pursued this plan through amending legislation on child labour, developing programs to take children off of the streets, and to improve access to education. While Bahrain asked what steps Morocco would take to adapt national legislation to the *Convention on the Rights of the Child* (CRC), Morocco did not specifically respond, opting instead to merely mention that it had lifted its reservations to the CRC and had also introduced amendments to national law to comply with it.

Sweden and Pakistan also asked questions regarding Morocco's **counter-terrorism** efforts. In response to Pakistan's question regarding an early warning system, Morocco stated that its anti-terrorism laws are based on international texts. Additionally, these laws grant the State the right to inspection as well as the right to freeze or confiscate the property of individuals convicted of terrorist acts. Morocco claimed further that its counter-terrorism approach includes institutional reforms, which have helped resolve a number of cases of enforced disappearance. Sweden requested more information from Morocco regarding the definition of terrorism it used in anti-terrorism legislation passed in 2003, but Morocco did not specifically respond.

On the issue of **migration**, Palestine asked if Morocco receives any assistance from countries of origin and destination. Morocco stated that it is both a host and origin migrant country, but the 'burdens' posed by migrants have not stopped it from welcoming new arrivals. As evidence of its cooperation, Morocco noted that it was one of the first countries to ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Their Families*. Despite this response, Mexico intervened to recommend to Morocco that it respect the rights of all migrants, regardless of their country of origin.

²⁸ Senegal, India, Bosnia and Herzegovina, Libya, Slovenia.

²⁹ Mauritius, Belgium, Canada, Indonesia, Mauritania, Brazil.

³⁰ The Russian Federation, Chad.

³¹ Kuwait, Bangladesh, Mali, Bahrain, Jordan, Iran.

The Netherlands and Latvia also asked Morocco to consider issuing a **standing invitation** to all the Council's special procedures.

Several States were also very interested in Morocco's **human rights institutions**, particularly the Equity and Reconciliation Commission (Commission)³² and the Consultative Council for Human Rights (Consultative Council), Morocco's national human rights institution. Morocco stated that through the Consultative Council, it coordinates a national human rights programme that focuses on education and the rule of law. Belarus and Germany asked whether there was any follow up to recommendations made by either the Commission or the Consultative Council. In response, Morocco claimed that based on the Commission's recommendations, over 14,000 victims of enforced disappearances have been compensated, and other programmes have assisted an additional 18,000 Moroccans. Several States also asked about Morocco's National Initiative for Human Development (NIHD).³³ Morocco claimed that through this programme, it has completed 12,000 projects benefiting 3 million Moroccans, with a budget of \$5 million. Given the success of NIHD, the delegation reported that this budget would soon grow to \$1.3 billion. Some States³⁴ wanted to know more about Morocco's provisions to provide communal or collective compensation to victims of human rights violations. Specifically, Cote d'Ivoire asked Morocco to explain the follow up procedures of the Commission, if any. Yemen and Ethiopia requested more information about what kinds of communal compensation were available through this instrument. Morocco claimed that compensation to victims is mandatory, and that the State is currently setting up collective reparations programmes, which will have a legal mandate. In addition, Morocco is establishing national archives to raise awareness about past abuses and preserve their memory.

It is worthy to note that many countries took the floor simply to remind the Working Group that it should not be too critical of Morocco and underlined the need to extend additional **technical assistance** to it. Given economic constraints, Malaysia, Ghana, Bangladesh, the Sudan, Cote d'Ivoire, and France urged the member States to be measured in their assessment of the status of human rights in Morocco. France, which was a member of the troika, as well as Indonesia, specifically asked the Moroccan delegation to comment on concrete ways in which the international community could assist. Morocco responded by listing several areas where it needs additional assistance, including the elaboration and implementation of training programmes, meetings on good practices for the drafting of reports to the treaty-monitoring bodies, support for the dissemination of human rights literature and media programming to the general public, and seminars for State officials responsible for implementing human rights policies.

Concluding Remarks

Taking the floor to conclude the review, Mr Radi thanked the members of the Working Group and attending NGOs for their recommendations, comments, and advice. Mr Radi assured the Working Group that the review process would be taken seriously to assist Morocco as it bolsters human rights protections and facilitates 'ever more freedom in Morocco.' In closing, Mr Radi reaffirmed Morocco's commitment to the UPR and its intention to help the procedure meet its high expectations.

Adoption of the report

The Working Group considered the report on Morocco on Thursday 10 April at 6.15 pm. The Ambassador of France took the floor on behalf of the troika to introduce the report. He thanked Morocco for its transparency

³² Qatar, Germany, Guinea, Mexico, Mauritania, Sudan, Norway.

³³ Saudi Arabia, Ghana, Bangladesh, Libyan Arab Jamahiriya.

³⁴ Yemen, Germany, Guinea, Mexico, Ethiopia, Sudan.

during the UPR process and also applauded its acceptance of nearly all recommendations made by the Working Group. Only two recommendations would be further studied by Morocco: one regarding Latvia's recommendation to extend a standing invitation to all special procedures,³⁵ and the other regarding Switzerland's suggestion that Morocco ratify the Rome Statute of the International Criminal Court.³⁶ France also added two editorial comments to the draft report. The following language was inserted at the end of the paragraph listing the recommendations: 'The recommendations listed above enjoy the support of Morocco.' To reflect the need for further study of the recommendations Morocco did not agree to, paragraph 76 was amended to read: 'Other recommendations noted in the report in paragraph 72 and paragraph 65, which will be examined by Morocco, who will provide responses, if any in due time. Both will be noted in the outcome report to be adopted by the Human Rights Council.'

The Working Group then adopted the draft report as amended by consensus without further discussion.

The President also announced that agreement had now been reached on using these standard phrases for the recommendations in all UPR reports. The United Kingdom (UK) raised an objection to the use of these phrases and argued that it would prejudice some States, including the UK, from taking all recommendations under review until the report would be considered by the Council. The President explained that each State would be free to accept recommendations or take them under review. The UK then accepted the standard phrases.

The Ambassador of Morocco was finally given the floor. He thanked President Costea, its troika, and the Working Group as a whole for their contributions during Morocco's review. He assured the Working Group that Morocco was committed to the continued work of the UPR and hoped to do its part to develop the mechanism, not only as a country under review, but as a member of the Working Group.

Though Morocco's review was complete, Jordan had the last word, taking the floor to remind the Working Group that it is just that, a working group. Given its nature, the Working Group's decisions are not binding, and member States of the Council should not think that they are barred from modifying any adopted agreements at a later stage.

³⁵ Draft Report of the Working Group on the Universal Periodic Review, Morocco, paragraph 65.

³⁶ Draft Report of the Working Group on the Universal Periodic Review, Morocco, paragraph 72.

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