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**Morocco\***

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## I. General information

1. The Kingdom of Morocco is an Islamic State located in the north-western part of the African continent between latitudes 21° and 36° N and between longitudes 1° and 17° W. The country, which has a surface area of 710,850 square kilometres, is bordered by the Mediterranean Sea to the north, the Atlantic Ocean to the west, Algeria to the east and Mauritania to the south. Morocco is characterized by a diverse national makeup in which Arabic-Islamic, Amazigh and Sahrawi-Hassaniya components mix with rich African, Andalusian, Hebrew and Mediterranean wellsprings. Islamic religion also holds a prominent and central place in the identity of Morocco while its people adhere to values of openness, moderation, tolerance, dialogue and mutual understanding among all human cultures and civilizations. The two official languages of the State are Arabic and Amazigh.

2. According to the preamble of the Constitution, which is an integral part of the constitutional text: “The Kingdom of Morocco, as an effective and active member of international organizations, undertakes to fulfil the principles, rights and obligations enshrined in the charters of those organizations. It also reaffirms its pledge to human rights as they are universally recognized, and its resolve to continue to work to preserve peace and security in the world.”

3. The preamble of the Constitution further reaffirms that Morocco will undertake “to protect, advance and contribute to the development of human rights and of international humanitarian law, while taking due account of their universality and indivisibility; to ban and combat any and all forms of discrimination based on sex, colour, belief, culture, social or regional origin, language, disability or personal circumstance; to comply with the international treaties that Morocco has ratified, within the framework of the Constitution, of domestic law and of established national identity, giving them primacy – once duly published – over domestic legalisation and working to harmonize that legislation with the requirements of those treaties”.

### A. Demographic, economic, social and cultural characteristics

4. According to the results of a general population and housing census conducted in 2014, the total number of legal residents of the country stood at 33,848,242. As of Monday 26 October 2020, the “Horloge de la population” estimated the population of Morocco at 36,068,164.<sup>1</sup>

5. The 2014 census indicated the presence of 1,354,428 persons with disabilities, a prevalence of 4.1 per cent, distributed as follows:

- Fifty-six per cent (758,085 persons) live in urban areas;
- Forty-four per cent (596,343 persons) live in rural areas;
- A greater proportion of persons with disabilities are women (52.5 per cent) as compared to men (47.5 per cent).

6. A total of 50.6 per cent of persons with disabilities are aged 60 and over, 38.3 per cent are aged between 15 and 59, and 10.9 per cent are under 15 years of age.

7. Disability levels have risen in the regions of Guelmim-Oued Noun (4.8 per cent), Fès-Meknès (4.6 per cent), Tanger-Tétouan-Al Hoceïma (4.5 per cent), Draa-Tafilalet (4.4 per cent) and Sharq (4.3 per cent) while coming down somewhat in the regions of Dakhla-Oued Ed-Dahab (1.1 per cent) and Laayoune-Sakia El Hamra (3 per cent).<sup>2</sup>

<sup>1</sup> See [https://www.hcp.ma/Indices-statistiques\\_r102.html](https://www.hcp.ma/Indices-statistiques_r102.html).

<sup>2</sup> Indicators from the general population and housing census may be accessed under the headings of demographics, disability, education, illiteracy, local languages, activities, employment and housing conditions by region, province, commune and urban centre, as well as at the national level, at the following link: <http://rgphentableaux.hcp.ma/Default1/>.

8. As of 18 July 2019, 128,782 foreigners were legally resident in the country, accounting for 0.35 per cent of the total population of Morocco.<sup>3</sup>

9. Legal migrants generally live in the country's large cities. By nationality, French citizens make up the majority accounting for approximately 24.7 per cent (31,047),<sup>4</sup> followed by the Senegalese community in second place with 7.6 per cent (9,544). Then come the Algerians at 5.66 per cent (7,120), Ivorians at 2.7 per cent (4,919), Syrians at 3.4 per cent (4,294), Spaniards at 2.7 per cent (3,407), Guineans at 2.5 per cent (3,229), Mauritians at 2.5 per cent (3,183), Malians at 2.4 per cent (3,014), Tunisians at 2.2 per cent (2,750), Congolese at 2.1 per cent (2,595), Americans at 2 per cent (2,430), Chinese at 1.6 per cent (2,054), Italians at 1.6 per cent (1,990), Cameroonians at 1.54 per cent (1,946), Egyptians at 1.49 per cent (1,875), Filipinos at 1.4 per cent (1,785), citizens of the Democratic Republic of the Congo at 1.3 per cent (1,642), Belgians at 1.3 per cent (1,637) and lastly Libyans by 1.27 per cent (1,598).<sup>5</sup>

10. In addition, around 15,500 regular sub-Saharan migrants, most of them students, have been living in Morocco for between three and four years.<sup>6</sup>

11. As concerns refugees and asylum seekers, at the beginning of January 2019 the Morocco representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) recorded 8,994 refugees and asylum seekers (6,689 refugees and 2,505 asylum seekers). They reside in 49 cities around the country and include 3,695 Syrians, 637 Ivorians, 898 Yemenis, 737 Cameroonians, 306 Congolese, 570 Guineans and 2,182 from other countries.<sup>7</sup>

12. The languages spoken by the population of Morocco have the following characteristics depending upon place of residency and region:

- In all, 89.8 per cent of the population speak the vernacular<sup>8</sup> (96 per cent in urban areas and 80.2 per cent in rural areas);
- In all, 26.7 per cent of the population speak the Amazigh language (15 per cent Tachelhit, 7.6 per cent Tamazight and 4.1 per cent Tarifit);
- In all, 99.1 per cent of the population of the region of Casablanca-Settat speak Moroccan Arabic followed by the regions of Rabat-Salé-Kénitra (98.6 per cent) and of Tanger-Tétouan-Al Hoceïma (97.3 per cent);
- In all, 70.2 per cent of the population of the region of Souss-Massa speak Tachelhit;
- In all, 48.8 per cent of the population of Draa-Tafilalet speak Tamazight;
- In all, 38.4 per cent of the population of the region of Sharq and 8.2 per cent of Tanger-Tétouan-Al Hoceïma speak Tarifit;
- In all, 36.9 per cent of the population of the region of Laayoune-Sakia El Hamra, 20.4 per cent of the population of the region of Guelmim-Oued Noun and 18.4 per cent of the population of the region of Dakhla-Oued Ed-Dahab speak Hassaniya.

13. The table below contains information about the country's demographic characteristics and how they have developed over recent years.

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<sup>3</sup> Data from the Ministry of the Interior.

<sup>4</sup> Study on foreigners resident in Morocco according to the 2014 general population and housing census, High Commission for Planning.

<sup>5</sup> Data from the Ministry of the Interior.

<sup>6</sup> Overview of Migration in Morocco, presentation of the results of the National Strategy for Migration and Asylum, 10 September 2014.

<sup>7</sup> Data from the Ministry of the Interior.

<sup>8</sup> Moroccan Arabic.

	Average						
	2008–2013	2014	2015	2016	2017	2018	2019
<b>1. Demographics</b>							
Population (thousands) (1)	32 071	33 848	34 125	34 487	34 852	35 220	35 587
Percentage urbanization	58.1	60.3	60.8	61.3	61.9	62.4	62.9
Percentage of women	50.3	50.2	50.2	50.2	50.2	50.2	50.2
Structure by age groups (percentages)							
<b>At the national level</b>							
From 0 to 14	27.3	28.2	27.8	27.4	27.0	26.6	26.3
From 15 to 24	19.7	18.0	17.8	17.5	17.3	17.0	16.8
From 25 to 59	44.4	44.4	44.8	45.2	45.5	45.8	46.0
60 and over	8.5	9.4	9.6	9.9	10.2	10.5	10.9
<b>In urban settings</b>							
From 0 to 14	25.1	26.1	25.7	25.3	24.9	24.5	24.2
From 15 to 24	18.4	17.6	17.3	17.0	16.6	16.3	15.9
From 25 to 59	48.1	47.1	47.5	47.9	48.3	48.6	48.8
60 and over	8.5	9.2	9.6	9.9	10.2	10.6	11.1
<b>Number of families (2)</b>	<b>6 594</b>	<b>7 314</b>	<b>7 503</b>	<b>7 690</b>	<b>7 877</b>	<b>8 064</b>	<b>8 251</b>
Urban average	64.2	65.7	66.3	66.8	67.4	67.9	68.4
<b>Average number of family members</b>	<b>4.9</b>	<b>4.6</b>	<b>4.6</b>	<b>4.5</b>	<b>4.5</b>	<b>4.4</b>	<b>4.4</b>
Urban average	4.4	4.2	4.2	4.1	4.1	4.0	4.0
Rural average	5.7	5.3	5.5	5.4	5.3	5.2	5.2

14. Average fertility is as follows:

	Average						
	2008–2013	2014	2015	2016	2017	2018	2019
<b>2. Fertility rate</b>	<b>2.27</b>	<b>2.20</b>	<b>2.19</b>	<b>2.17</b>	<b>2.15</b>	<b>2.38</b>	
Urban average	1.93	2.00	1.99	1.98	1.96	2.12	
Rural average	2.77	2.50	2.49	2.48	2.46	2.80	

	Average						
	2008–2013	2013–2014	2014–2015	2015–2016	2016–2017	2017–2018	2018–2019
<b>2.1 Birth rate (per 1,000)</b>	<b>18.7</b>	<b>18.1</b>	<b>17.8</b>	<b>17.6</b>	<b>17.4</b>	<b>17.2</b>	<b>16.9</b>
Urban average	16.5	16.1	16.7	16.6	16.5	16.4	16.2
Rural average	21.8	21.1	19.5	19.1	18.8	18.5	18.1
<b>2.2 Mortality rate (per 1,000)</b>	<b>5.3</b>	<b>5.1</b>	<b>5.6</b>	<b>5.4</b>	<b>5.2</b>	<b>5.1</b>	<b>5.1</b>
<b>2.3 Demographic growth rate (per 1,000)</b>	<b>13.4</b>	<b>13.0</b>	<b>12.2</b>	<b>12.2</b>	<b>12.2</b>	<b>12.1</b>	<b>11.8</b>

15. The data in the table below concerns the system of education and formation, and the relevant budget allocations.

	Average						
	2008/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
<b>3. Education and formation</b>							
<b>3.1 Enrolment rate in basic education (ages 6 to 11) (%) (3)</b>	<b>96.3</b>	<b>99.5</b>	<b>99.1</b>	<b>96.6</b>	<b>98.1</b>	<b>99.5</b>	<b>99.8</b>
Rural average	96.3	98.6	96.2	99.3	101.1	102.7	103.6
Girls in rural average	94.7	97.3	94.6	97.9	99.5	101.9	103.3
<b>3.2 Number of pupils in primary education</b>	<b>700 760</b>	<b>745 991</b>	<b>735 582</b>	<b>658 789</b>	<b>726 917</b>	<b>699 265</b>	<b>799 937</b>
Including modern education (Enseignement Moderne) (%)	34.8	34.6	34.4	39.5	36.7	37.3	38.6
<b>3.3 Number of pupils and students</b>							
Primary education	3 969 668	4 030 142	4 039 392	4 101 743	4 210 676	4 322 623	4 432 229
Percentage in the State sector	88.3	85.7	84.8	84.1	83.3	83.0	82.7
Secondary education	1 479 436	1 618 105	1 627 381	1 645 241	1 681 124	1 694 501	1 737 240
Percentage in the State sector	93.5	92.2	91.6	91.1	90.7	90.2	90.1
Higher secondary education	902 399	988 134	975 294	979 921	1 011 847	1 014 231	1 018 477
Percentage in the State sector	92.2	91.6	91.2	90.9	90.9	90.5	90.0
Higher (university) education (4) <sup>9</sup>	389 928	607 145	677 391	750 130	781 505	820 430	876 005
<b>3.4 Growth in number of teaching staff in the State sector</b>							
Primary education	127 465	125 496	124 120	119 823	113 017	129 398	134 951
Secondary education	55 891	55 688	55 633	53 633	50 974	57 961	58 890
Higher secondary education	40 866	44 895	46 513	49 280	49 208	53 183	52 943
Higher (university) education (permanent staff)	10 949	12 256	12 820	13 170	13 820	13 954	14 400
<b>3.5 Number of educators undergoing pedagogical training</b>	<b>6 686</b>	<b>7 105</b>	<b>8 045</b>	<b>10 375</b>	<b>12 083</b>	<b>20 981</b>	<b>16 169</b>
Percentage of teachers	36.1	33.3	26.3	23.6	60.7	59.4	50.4
Percentage of educational guidance and planning staff	2.8	1.4	-	1.1	1.95	1.1	1.5
Percentage of secondary education teachers	30.7	30.3	31.4	33.7	29.6	36.0	42.4
Percentage of higher secondary education teachers	22.7	34.2	42.3	36.4	-	-	-
Percentage of school inspectors	3.5	0.015	-	3.0	2.65	1.4	2.5
Percentage of top-level teachers	4.2	0.6	-	2.2	5.1	2.1	3.2

<sup>9</sup> Sources: Ministry of National Education, Vocational Training, Higher Education and Scientific Research and the High Commission for Planning.

(1) Projections of the Centre for Population Studies and Research.

(2) Not counting nomads.

(3) Percentage of the population aged between 6 and 11 who are enrolled in school, regardless of level of education.

(4) Not counting post-baccalaureate professional and vocational formation.

	Average						
	2008/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
<b>3.6 Growth in number of trainees, by level of vocational formation (1)<sup>10</sup></b>	<b>277 745</b>	<b>319 586</b>	<b>359 672</b>	<b>388 785</b>	<b>391 858</b>	<b>396 129</b>	
Technical formation (%)	63.0	66.9	67.2	67.6	66.7	65.4	

	1982	2004	2008	2009	2010	2012	2014
<b>3.7 Illiteracy rate (%)</b>	<b>65.0</b>	<b>42.7</b>	<b>40.5</b>	<b>39.7</b>	<b>38.1</b>	<b>36.7</b>	<b>32.0</b>
Men	51.0	30.8	28.6	28.1	26.9	25.3	22.1
Women	78.0	55.0	51.9	50.8	48.8	47.6	41.9

	Average						
	2008–2013	2014	2015	2016	2017	2018	
<b>3.8 Budgets</b>							
<b>3.8.1 Development of the operating budget of the Ministry of National Education [millions of dirhams]</b>	<b>41 883</b>	<b>43 667</b>	<b>43 852</b>	<b>42 734</b>	<b>40 172</b>	<b>43 658</b>	
Percentage with respect to the general State budget	24.8	26.0	27.8	29.0	26.6	27.2	
<b>3.8.2 Development of the investment budget of the Ministry of National Education [millions of dirhams]</b>	<b>3 097</b>	<b>3 119</b>	<b>3 268</b>	<b>3 812</b>	<b>4 855</b>		
Percentage with respect to the general State budget	6.9	6.5	6.0	6.2	7.6		
<b>3.8.3 Development of the overall budget of the Ministry of National Education [millions of dirhams]</b>	<b>44 980</b>	<b>45 985</b>	<b>46 319</b>	<b>45 364</b>	<b>43 998</b>		
Percentage with respect to the general State budget	21.0	22.1	22.8	23.1	21.8		

16. Health-related information is set forth in the following table.

	2010	2013	2015	2016	2017	2018	2019
<b>4. Health</b>							
Number of inhabitants per doctor (in the State and private sectors)	1 630	1 542	-	-	1 466	-	1 438
Number of inhabitants per basic health-care institution	12 094	11 815	12 266	-	12 238	-	12 429
Number of days of medical treatment (thousands)	4 747	4 878	4 817	4 807	-	-	-
Growth in the number of basic health-care institutions	2 661	2 759	2 792	-	2 865	-	2 888

<sup>10</sup> Sources: Ministry of National Education, Vocational Training, Higher Education and Scientific Research and the High Commission for Planning.

(1) Both State and private sector.

	1994	2004	2010	2014	2015	2020
<b>4.1 Life expectancy at birth (years)</b>	<b>67.9</b>	<b>71.7</b>	<b>73.1</b>	<b>75.6</b>	<b>75.8</b>	<b>76.6</b>
Men	66.3	70.6	73.9	74.0	74.2	74.9
Women	69.5	73.0	74.4	77.3	77.4	78.3
	1992	1995	1997	2004	2011	2018
<b>4.2 Percentage use of contraceptives</b>	<b>41.5</b>	<b>50.3</b>	<b>58.4</b>	<b>63.0</b>	<b>67.4</b>	<b>70.8</b>
Urban average	54.4	64.2	65.8	65.5	68.9	71.1
Rural average	31.5	39.2	51.7	59.7	65.5	70.3

17. The variance in data and figures concerning work and unemployment is given below.

	Average					
	2008–2013	2014	2015	2016	2017	2018
<b>5. Active population</b>						
<b>5.1 Active population in employment (thousands)</b>	<b>10 420</b>	<b>10 646</b>	<b>10 679</b>	<b>10 642</b>	<b>10 699</b>	<b>10 809</b>
Urban dwellers	5 204	5 373	5 402	5 428	5 872	6 026
Rural dwellers	5 217	5 273	5 277	5 213	4 827	4 784
<b>5.2 Percentage distribution by age group</b>						
<b>At the national level</b>						
From 15 to 24	17.6	15.3	14.0	12.7	11.6	
From 25 to 44	51.1	52.2	53.1	54.0	52.7	
From 45 to 59	24.6	25.4	25.6	25.4	27.3	
<b>Urban average</b>						
From 15 to 24	11.6	8.9	8.3	7.5	7.9	
From 25 to 44	56.8	57.3	57.8	58.7	57.0	
From 45 to 59	27.7	29.1	29.1	28.6	29.4	
<b>Rural average</b>						
From 15 to 24	23.6	21.8	19.8	18.1	16.0	
From 25 to 44	45.4	47.0	48.3	49.2	47.4	
From 45 to 59	21.5	21.6	22.0	22.0	24.7	
<b>5.3 Percentage distribution of employed urban dwellers by production sector</b>						
Agriculture, forestry and fishing	40.0	39.4	39.0	38.0	35.1	35.0
Industry	12.0	11.1	11.2	11.3	11.7	11.7
Construction and public works	9.6	9.3	9.4	9.8	10.8	10.8
Services	38.4	40.3	40.4	40.9	42.3	42.5
<b>5.4 Unemployed active population (thousands)</b>	<b>1 049</b>	<b>1 167</b>	<b>1 148</b>	<b>1 106</b>	<b>1 216</b>	<b>1 137</b>
Urban dwellers	835	935	924	879	1 015	961
Rural dwellers	213	233	224	227	201	176
<b>5.5 Percentage of women in the unemployed active population</b>	<b>28.5</b>	<b>28.6</b>	<b>29.2</b>	<b>30.6</b>	<b>35.1</b>	<b>35.1</b>
Urban average	31.8	32.3	32.3	32.3	32.3	32.3
Rural average	15.4	14.0	16.8	18.5	20.9	19.0



	Average					
	2008–2013	2014	2015	2016	2017	2018
<b>5.6 Unemployment rate by sex (%)</b>						
National average	9.2	9.9	9.7	9.4	10.2	9.5
Men	8.9	9.7	9.4	8.9	8.8	8.4
Women	9.8	10.4	10.5	10.9	14.7	14.0
Average in urban areas	13.8	14.8	14.6	13.9	14.7	13.8
Men	12.0	12.8	12.8	12.8	12.8	12.8
Women	1.9	10.4	10.5	10.9	14.7	14.0
Average in rural areas	3.9	4.2	4.1	4.2	4.0	3.6
Men	4.9	5.4	5.1	5.0	4.3	3.9
Women	1.9	1.8	2.1	2.4	3.1	2.5
<b>5.7 Urban unemployment rate by age group (%)</b>						
From 15 to 24	32.8	38.1	39.0	41.0	42.8	43.2
From 25 to 34	19.5	20.9	21.1	20.1	21.6	21.2
From 35 to 44	7.5	8.4	7.6	6.7	7.0	6.6
45 and over	3.0	4.4	4.5	4.1	3.7	3.7
<b>5.8 Rural unemployment rate by age group (%)</b>						
From 15 to 24	8.6	8.9	9.3	10.3	11.4	10.4
From 25 to 34	4.2	4.5	4.6	5.0	5.0	4.5
From 35 to 44	2.1	2.7	2.3	2.0	1.9	1.6
45 and over	1.0	1.5	1.3	1.1	0.9	0.9
<b>5.9 Urban unemployment rate by qualification</b>						
Unqualified	7.7	8.1	7.3	6.4	6.7	6.2
Mid-level certificate	18.7	18.8	18.6	16.8	17.6	
High-level certificate	18.4	20.7	20.9	21.1	22.9	
Certificate holders	18.6	19.5	19.5	19.4	19.6	19.1
<b>5.10 Rural unemployment rate by qualification</b>						
Unqualified	2.4	2.7	2.3	2.1	1.9	1.6
Certificate holders	11.2	10.0	10.5	10.9	10.7	9.8

18. Data regarding standards of living and basic amenities is contained in the table below.<sup>11</sup>

	1985	1994	2004	2007	2008	2011	2014
<b>6. Standard of living and basic amenities</b>							
Poverty rate	21.0	16.5	14.2	8.9	8.8	6.2	4.8
Urban average	13.3	10.4	7.9	4.9	4.7	3.5	1.6
Rural average	26.8	23.0	22.0	14.4	14.2	10.0	9.5

<sup>11</sup> Sources: High Commission for Planning, Ministry of Health and the National Office for Electricity and Potable Water. As a general reference for the data in the table, please consult the following link <https://www.finances.gov.ma/ArMa/Pages/Statistiques.aspx?m=%D9%85%D9%87%D9%86%D9%86%D8%A7&m2=%D8%A7%D9%84%D8%AF%D8%B1%D8%A7%D8%B3%D8%A7%D8%AA%20%D9%88%D8%A7%D9%84%D8%A5%D8%AD%D8%B5%D8%A7%D8%A6%D9%8A%D8%A7%D8%AA>.

	1991	1998	2001	2007	2008	2011	2014
Deciles of overall expenditure by family							
Decile of the poorest families	1.9	2.6	2.6	2.6	2.6	2.6	2.8
Decile of the richest families	30.5	28.8	32.1	33.1	33.0	30.0	31.3
Difference between the two deciles	12.2	11.8	12.3	12.7	12.0	11.5	11.2
	1991	2000	2010	2013	2014	2015	2018
<b>6.1 Percentage of houses supplied with electricity</b>	<b>51.1</b>	<b>65.9</b>	<b>93.7</b>	<b>95.6</b>	<b>96.5</b>	<b>97.3</b>	<b>97.2</b>
Urban average	88.7	91.3	97.9	98.8	98.9	99.3	99.1
Rural average	11.9	25.8	86.4	89.7	91.8	93.4	93.8
	1996	2000	2010	2015	2016	2017	2018
<b>6.2 Percentage of the rural population with access to safe potable water</b>	<b>30.0</b>	<b>43.0</b>	<b>91.0</b>	<b>95.0</b>	<b>96.0</b>	<b>96.6</b>	<b>97.0</b>
<b>6.3 Global Rural Electrification Programme</b>							
Percentage of villages with electricity	22.0	45.0	96.8	99.2	99.4	99.5	99.6
Number of subscribers	72	595	1 958	2 139	2 100	2 111	2 195
Number of villages	557	6 246	36 813	42 699	39 445	39 943	45 019

## B. Constitutional, political and legal structure

19. The system of governance in Morocco is that of a constitutional monarchy within a parliamentary and social democracy. Following overwhelming approval in a popular referendum held on 1 July 2011, Morocco adopted a new Constitution according to which the constitutional system rests upon separation of powers, balance and collaboration between those powers, democratic citizenship, participation, principles of good governance and responsibility linked to accountability. Morocco is a decentralized State in which the territory is administered under an advanced form of regionalism.

20. The Constitution also stipulates that sovereignty belongs to the nation, which exercises it, directly, by referendum and, indirectly, through its representatives. The nation chooses its representatives to elected institutions by free, fair and regular suffrage while the law is the supreme expression of the will of the nation. All persons are equal before the law and are required to comply therewith. Political parties – which may be established and practise their activities freely while respecting the Constitution and the law – provide a framework for the political activities of citizens, promote their involvement in political life, administer public affairs, express the will of the electorate and participate in the exercise of power. They do this on the basis of pluralism and rotation, using democratic means and within the framework of constitutional institutions. Trade unions, professional orders and employers' organizations contribute to the defence and advancement of the rights and socioeconomic interests of those they represent. Such groups can be established and undertake their activities freely while respecting the Constitution and the law. Under the Constitution, moreover, the parliamentary opposition enjoys a status that entails certain rights and enables it to carry out its functions in Parliament and in political life.

21. The King is leader of the faithful, protector of the community and of religion and guarantor of freedom of religious practice. He is also the Head and supreme representative of State, the symbol of the unity of the nation and the guarantor of its endurance and continuity. Moreover, he is the supreme arbiter among State institutions and acts to ensure that the Constitution is respected and that constitutional institutions are soundly run. He also

upholds democratic choice and the rights and freedoms of individual citizens and of groups and ensures respect for the country's international commitments.

22. Legislative authority is exercised by Parliament, a bicameral body made up of the House of Representatives and the House of Councillors. The members of those two bodies draw their mandate from the nation: members of the House of Representatives are elected by direct universal ballot for a period of five years while members of the House of Councillors are elected by indirect universal ballot for a period of six years. Three fifths of members of the House of Councillors represent territorial entities – i.e., regional councils, provincial and prefecture councils and communal councils – while the remaining two fifths are elected, at the regional level, by electoral bodies made up of voters in the most representative professional orders and employers' organizations and, at the national level, by an electoral body made up of representatives of wage earners.

23. Executive authority is exercised by the Government, which is made up of the Prime Minister and ministers. To that end it operates, under the authority of the Prime Minister, to implement its programme, ensure the enforcement of laws and administer matters that fall within its mandate. The Government also supervises and exercises guardianship over public institutions and public companies. Regulatory authority rests with the Prime Minister who can delegate some of that authority to ministers.

24. The judiciary is independent from the legislature and the executive. Judges are appointed by the King at the proposal of the Supreme Council of the Judiciary, which acts to ensure that judges' privileges are duly respected. Judges protect rights, freedoms and judicial safeguards for individuals and groups, and apply the law, and they may be dismissed or transferred only in accordance with the law. Any interference in cases before the courts is prohibited.

25. The Supreme Council of the Judiciary – which was brought into being under Act No. 100.13 of 2016 – is headed by the King and has the following members: the President of the Court of Cassation who acts as President Delegate; the Prosecutor-General of the King before the Court of Cassation; the President of the First Chamber of the Court of Cassation; four representatives of appeal judges, elected by those judges from among their own number; and six representatives of first-instance judges elected by those judges from among their own number. The 10 elected representatives must adequately reflect the presence of female judges on the judiciary, as per articles 23 and 45 of the Act. Members of the Supreme Council also include the Ombudsman, the President of the National Human Rights Council and five persons appointed by the King and known for their competence, impartiality and commitment to judicial independence and the rule of law, including one proposed by the Secretary-General of the High Ulema Council.

26. Continuing efforts are being made to improve the administration of justice. On the one hand, the rights, duties, status and privileges that judges enjoy under Statutes of the Judiciary Act No. 106.13 have been strengthened while, on the other, efforts have continued to overcome the numerical shortage of judges in the courts.

27. In order to meet this challenge, and given that in 2019 the total number of judges was just 4,150 of whom 2,851 were trial judges, the Supreme Council of the Judiciary decided to inject fresh blood by appointing 160 new judges from the forty-second class to various different courts in the country. In that year, 874 decrees were issued appointing investigating judges, juvenile court judges, judges for the enforcement of sentence, judges for notarial deeds, judges for minors' affairs and family court judges. Moreover, a further 40 decrees were issued concerning the appointment of deputy judges while two judges were appointed for Jewish affairs (in the Jewish affairs chamber of the Casablanca court of first instance) and nine judges to the military court.

28. Judges in the Office of the Public Prosecution number around one thousand (997) and account for some 25 per cent of all judges in Morocco. Judges in the Office of the Public Prosecution – who include 159 female judges (16 per cent of the total) – are distributed as follows:

- Court of Cassation: 46 judges (4.61 per cent);
- Ordinary courts of appeal: 257 judges (25.77 per cent);

- Commercial courts of appeal: 6 judges (0.60 per cent);
- Ordinary courts of first instance and resident judges' centres: 671 judges (67.30 per cent);
- Commercial courts: 17 judges (1.70 per cent).

29. The Constitutional Court, which was brought into being by the 2011 Constitution as a replacement for the Constitutional Council, has 12 members who are appointed for a non-renewable term of 9 years. The Court's role as protector of rights and freedoms has been enhanced and it has been given broader powers. Thus, in addition to its mandate to oversee the constitutionality of regulatory laws, ordinary laws and the internal regulations of both Houses of Parliament, to ensure the validity of parliamentary elections and referendums, and to oversee removal from parliamentary office, its oversight mandate is now applicable a posteriori under conditions set forth in bill No. 86.15 regarding conditions and procedures for the implementation of article 133 of the Constitution, which affects laws that regulate constitutional rights and freedoms. In addition, the Constitutional Court has been given the prerogative to oversee the constitutionality of international treaties and of internal regulations of constitutional institutions brought into being by a regulatory law, prior to the enforcement of that law, as well as to monitor the validity of constitutional review procedures.

30. The territorial entities of Morocco are regions, prefectures, provinces and communes, in addition to any other territorial entities established by law. As elected entities they constitute legal persons that are subject to ordinary law and run their affairs democratically. Regional and communal councils are elected by direct universal suffrage. Under the 2015 territorial division, Morocco is made up of 12 regions, 75 prefectures and provinces, and 1,503 communes of which 221 are urban communes and 1,282 are rural communes. For the purposes of territorial administration, the country is divided into departments, which are made up of prefectures and provinces subdivided into circumscriptions then into administrative dependencies and districts.

31. The 2011 Constitution and the Public Freedoms Act, as supplemented and amended, guarantee both the freedom to establish associations and the freedom for such associations to exercise their activities, while respecting the Constitution and the law. In that respect, the Moroccan legal order is based solely on a system of notification.

32. Under that system, each association is required to file a notification – either directly or via a lawyer – to the local administrative authorities in the area where the headquarters of the association is located. The authorities must provide a stamped and dated provisional receipt then submit a copy of the notification, including any attached documents, to the Office of the Public Prosecution at the competent court of first instance. Once the notification procedures have been fulfilled, a definitive receipt must be provided within a maximum of 60 days. If a receipt has not been provided within that time, the association may begin to conduct its activities according to the goals set forth in its statutes.

33. Under the law, associations may have recourse to an administrative judge to request the annulment of any administrative decree they consider to be arbitrary. Such associations and organizations cannot be dissolved by the public authorities save pursuant to a court order.

34. In order to promote the role of civil society, a wide-ranging national debate was held in 2013 and 2014 on civil society and its place under the new Constitution. A series of meetings and academic seminars was held with a number of civil society figures, which culminated in the creation of juridical underpinnings which have served as the foundation for a legal and regulatory framework for participatory democracy, public consultation and community life.

35. In enactment of articles 13, 14 and 15 of the Constitution – which focus on the right of citizens to participate in the development, roll-out, implementation and assessment of public policies – Morocco has issued Act No. 64.14 regarding the conditions and means for exercising the right to make requests in the area of legislation, and Act No. 44.14 regarding

the conditions and means for exercising the right to submit petitions to the public authorities.<sup>12</sup>

36. At the local and regional levels, and in enactment of article 139 of the Constitution, regulatory laws concerning territorial entities include provision for the creation of advisory bodies for dialogue and consultation with regional councils, provincial and prefecture councils and communal councils. The same laws also grant citizens and associations the right to submit petitions for the inclusion of certain items on the programme of work of those bodies, depending upon the jurisdiction of each.<sup>13</sup>

37. Thanks to this legal and constitutional protection, civil society activity has impacted an increasing and more diverse number of areas. As of 2019, there were 209,657 civil society organizations and groups.

38. In view of the socioeconomic role of trade unions as active players in the development of the national economy, and in the light of the International Labour Organization (ILO) treaties it has ratified, Morocco has actively sought to protect union freedoms via a body of laws. In this regard, mention should be made of article 8 of the Constitution, which envisages protection for the right to organize and for the right of trade unions, professional orders and employers' organizations to defend the rights and socioeconomic interests of those they represent.

39. With reference to "whether human rights treaties have been incorporated into the national legal system", as per the compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.6), it is plain that there has been an improvement in the wording and quality of judgments and rulings handed down by national courts of different kinds and levels. This improvement is largely due to the constitutional and legal reforms that Morocco has witnessed, particularly vis-à-vis the independence of the judiciary, fair trial guarantees, the rights and freedoms of parties to legal proceedings and the affirmation that the role of judges is to apply the law and to protect rights and freedoms.

40. Two examples of jurisprudence are given below:

- Guaranteeing the right to defence in line with international standards (article 11 of the Universal Declaration of Human Rights and article 14 of the International Covenant on Civil and Political Rights) and with relevant national and constitutional provisions requires that articles 23, 120 and 121 of the Constitution be read in conjunction with one another. This is because rules of interpretation require that these provisions be interpreted together, while also invoking international norms, as laid down in the preamble of the Constitution, which is considered an integral part of the Constitution as a whole and possesses the same legal force (Ruling No. 4594 of the administrative court of Rabat, annulments section, 13 December 2012).
- Administrative rulings impose equality between men and women as in the case of a sentence emitted by the administrative court of Rabat on 10 October 2013, which found in favour of Soulaliyat women and granted them their right to their lands. The ruling was based on constitutional principles and on international standards, which have a higher standing than domestic custom and laws. In fact, the court rejected claims associated with the customary usages of the Soulaliyat community and upheld the principle of equality and the gender-based perspective enshrined in articles 6, 19 and 32 of the Constitution.

41. Urgent orders have been issued – by, for example, administrative courts in Rabat, Marrakech, Tangier and other cities – mandating that pupils be enrolled in educational

<sup>12</sup> Official Gazette No. 6492 of 14 Dhu al-Qa'dah A.H. 1437 (18 August A.D. 2016). Also, Decree No. 2.16.403 regarding the form petitions to the President of a Communal Council have to take and the documents to be attached thereto (Official Gazette No. 6511 of 22 Muharram A.H. 1438 (24 October A.D. 2016).

<sup>13</sup> Act No. 14.113 regarding communes, Act No. 14.112 regarding prefectures and provinces and Act No. 14.111 regarding regions, as published in Official Gazette No. 6380 on 23 July 2015.

institutions on pain of fines for each day of delay. This is in enactment of the principle of the best interests of the child, which is enshrined in article 32 of the Constitution.

42. The Supreme Council for Audiovisual Communication has also issued a number of decrees that are relevant in this regard, including one issued on 17 September 2019 to take a radio programme off the air for a discussion that stigmatized and stereotyped women in a discriminatory fashion demeaning them both as human beings and for the role they play in society.

43. As concerns indicators on crime and the administration of justice, as set forth in appendix 3 of the guidelines (HRI/GEN/2/Rev.6), it should be noted that Morocco has submitted its report relative to its appearance before the review mechanism of the United Nations Convention against Corruption for the period 2010–2015.<sup>14</sup>

44. With regard to facilitating access to the law and justice through the availability of legal aid, it should be noted that the number of decisions granting access to legal aid has undergone a tangible increase in recent years, particularly following the issuance of Decree No. 2.15.801 regarding the implementation of article 41 (2) of Act No. 28.08 which amends the Act regulating the legal profession. The new provisions define how to allocate funds for the purposes of legal aid, the way those funds are to be disbursed, the amounts allocated for proceedings of different levels and the documentation required.<sup>15</sup>

45. The Minister of Justice and the Minister of the Economy, Finance and Administrative Reform issued Joint Decree No. 2787.19 revising the amounts to be allocated to lawyers by way of expenses. Under that Decree, lawyers providing legal aid in cases that come before the Court of Cassation are to receive 3,500 dirhams (DH) rather than the DH 2,500 they received previously. In cases that come before courts of appeal, they are to receive DH 3,000 rather than DH 2,000 and, in cases that come before courts of first instance, they are to receive DH 2,500 rather than DH 1,500. The new amounts became payable as of 1 January 2020, after the Joint Decree had been published in the Official Gazette.<sup>16</sup>

46. The safeguards enshrined in the Constitution supplement the implementation of the recommendations of the Equity and Reconciliation Commission of 2004. The Commission, as the national mechanism for transitional justice, was mandated to reconcile the past history of serious human rights abuses by uncovering the truth, providing individual and collective redress and establishing guarantees of non-repetition.

47. The Equity and Reconciliation Commission dealt with 805 cases of enforced or involuntary disappearance, a number greater than that of the applications submitted to the Commission by victims' families and by national and international non-governmental organizations (NGOs). The cases may be divided as follows:

- The Equity and Reconciliation Commission and its follow-up committee uncovered the full truth in 702 cases;
- The truth of a further 101 cases was likewise uncovered and the authorities are awaiting the receipt of the necessary legal documentation to identify the rights holders, each of whom must present an affidavit of bequest, a certificate to the effect that they are still alive and their national identification card;
- In two cases, the Commission's follow-up committee was of the view that the investigations did not point to the implication or responsibility of State agencies in the disappearance.

48. Ever since the creation of the Equity and Reconciliation Commission, the National Human Rights Council has, in coordination with authorities, continued to cooperate with the

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<sup>14</sup> See the report here: [https://www.mmsp.gov.ma/uploads/file/Morocco\\_Final\\_Arabic\\_Report.pdf](https://www.mmsp.gov.ma/uploads/file/Morocco_Final_Arabic_Report.pdf).

<sup>15</sup> The number of decisions granting access to legal aid rose from 9,302 in 2018 to 13,844 in 2019, and it is expected to reach 16,000 according to 2020 budget bill.

<sup>16</sup> Joint Decree No. 19.2787 of the Minister of Justice and the Minister of the Economy, Finance and Administrative Reform, dated 15 Rabi' I A.H. 1441 (13 November A.D. 2019), revising the amounts to be allocated by way of expenses to lawyers providing legal aid, Official Gazette No. 6840 of 22 Rabi' II A.H. 1441 (19 December A.D. 2019).

International Committee of the Red Cross (ICRC) to provide responses and documentation regarding cases of disappearance linked to the armed struggle in the southern provinces. This material is then referred to the Moroccan authorities. This takes place in accordance with the Statutes and Rules of Procedure of the International Red Cross and Red Crescent Movement and the Geneva Conventions of 1949 and their Additional Protocols, under which ICRC is to follow up on cases of Moroccan persons who went missing within Moroccan or Algerian territory.

49. In this context, the National Human Rights Council held 23 meetings at its Rabat headquarters with ICRC and 1 meeting in the city of Laayoune to examine 427 cases of enforced disappearance linked to the armed struggle in the southern provinces, which had been referred to the Moroccan authorities by ICRC. The following results emerged:

- A total of 13 duplicate cases were deleted;
- In 4 cases, the persons concerned were considered to be still alive;
- A total of 121 civilians had died while in detention;
- A total of 123 soldiers had died during armed clashes;
- In 165 cases, the source had not provided sufficient data to determine the identities of the persons involved.

50. A total of 19,983 beneficiaries received financial compensation on the basis of decisions made by the Equity and Reconciliation Commission, for an overall amount of DH 969,778,728.80. In addition, 7,780 beneficiaries received financial compensation on the basis of decisions made by the Independent Arbitration Commission to Compensate Victims of Enforced Disappearances and Arbitrary Detention (predecessor of the Equity and Reconciliation Commission) for a total amount of DH 960 million. Thus, the total number of beneficiaries (both victims of serious human rights violations in the past and rights holders) stands at 27,763 who have received an overall amount of DH 1,929,778,728.80 in financial compensation.

51. In 2019, in a continuation of those efforts, the National Human Rights Council paid out compensation to 624 victims and rights holders including 80 civilians who had been abducted by the Frente POLISARIO.

52. In addition to this, the National Human Rights Council is continuing its efforts to create spaces for the preservation of memory in areas that were the subject of recommendations by the Equity and Reconciliation Commission. And it has held meetings with competent officials to expedite the roll-out of projects in that regard.

## **II. General framework for the protection and promotion of human rights**

### **A. Acceptance of international human rights norms**

53. Since gaining independence in 1956, Morocco has been actively engaged in the development of international human rights law and international humanitarian law by contributing to the preparation of certain treaties and protocols, as well as by signing and ratifying or acceding to most international human rights conventions and the protocols thereto, and fulfilling the concomitant obligations by harmonizing national legislation with international standards, submitting reports to treaty bodies and engaging with the recommendations those bodies make. Moreover, since 1992, the Constitution has assured adherence to human rights as they are universally recognized. This trend was strengthened in the Constitution of 2011, which is a fundamental text that ensures the comprehensive and integrated protection of human rights and international humanitarian law in accordance with international standards. This shows that Morocco has worked ceaselessly to harmonize its constitutional and legal system with international standards on human rights and democracy, culminating in its adherence to the international system of human rights and of international humanitarian law.

54. In this regard, it should be recalled that Morocco has ratified or acceded to most relevant international instruments, as follows:

• **Core human rights treaties and their attached protocols**

<i>International instrument</i>	<i>Date of ratification/ accession</i>
International Convention on the Elimination of All Forms of Racial Discrimination	18 December 1970
International Covenant on Economic, Social and Cultural Rights	3 May 1979
International Covenant on Civil and Political Rights	3 May 1979
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	21 June 1993
Convention on the Rights of the Child	21 June 1993
International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families	21 June 1993
Convention on the Elimination of all Forms of Discrimination against Women	21 June 1993
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	2 October 2001
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	22 May 2002
Convention on the Rights of Persons with Disabilities	8 April 2009
Optional Protocol to the Convention on the Rights of Persons with Disabilities	8 April 2009
International Convention for the Protection of All Persons from Enforced Disappearance	14 May 2013
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	14 November 2014

• **International humanitarian law treaties**

<i>International instrument</i>	<i>Date of ratification/ accession</i>
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in the Field	26 July 1956
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	26 July 1956
Geneva Convention relative to the Treatment of Prisoners of War	26 July 1956
Geneva Convention relative to the Protection of Civilian Persons in Time of War	26 July 1956
Protocol Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (Protocol I)	3 June 2011
Protocol Additional to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)	3 June 2011



<i>International instrument</i>	<i>Date of ratification/ accession</i>
The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict	30 August 1968
Protocol I to The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict	30 August 1968
Protocol II to The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict	5 December 2013
Convention on the Prevention and Punishment of the Crime of Genocide	24 January 1958
Convention relating to the Status of Refugees	26 August 1957
Protocol relating to the Status of Refugees	20 April 1971
Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare	13 October 1970
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction	28 December 1975
Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction	21 March 2002
Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects	19 March 2002
Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices)	19 March 2002
Protocol IV to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (on Blinding Laser Weapons)	19 March 2002

• **Other human rights related treaties**

<i>Date of ratification/ accession</i>	<i>International instrument</i>
19 June 1973	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949
19 September 2002	United Nations Convention against Transnational Organized Crime, 2000
5 March 2011	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000
8 April 2009	Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, 2001

• **Conventions of the International Labour Organization (ILO)**

55. Morocco has ratified and acceded to 65 ILO conventions including 7 fundamental conventions.

<i>Date of ratification/ accession</i>	<i>Convention</i>	<i>No.</i>
14 October 1960	Unemployment Convention	2
13 June 1956	Night Work (Women) Convention	4
20 May 1957	Right of Association (Agriculture) Convention	11
20 September 1956	Workmen's Compensation (Agriculture) Convention	12
13 June 1956	White Lead (Painting) Convention	13
20 September 1956	Weekly Rest (Industry) Convention	14
14 March 1958	Minimum Age (Trimmers and Stokers) Convention	15
20 September 1956	Workmen's Compensation (Accidents) Convention	17
20 September 1956	Workmen's Compensation (Occupational Diseases) Convention	18
13 June 1956	Equality of Treatment (Accident Compensation) Convention	19
14 March 1958	Seamen's Articles of Agreement Convention	22
14 March 1958	Minimum Wage Fixing Machinery Convention	26
20 September 1956	Marking of Weight (Packages Transported by Vessels) Convention	27
20 May 1957	Forced Labour Convention	29
23 August 2018	Following approval by Parliament on 24 July 2018, Morocco ratified the Protocol of 2014 to the Forced Labour Convention under Act No. 81.16, published in Official Gazette No. 6702.	
22 June 1974	Hours of Work (Commerce and Offices) Convention	30
13 June 1956	Night Work (Women) Convention (Revised)	41
20 May 1957	Workmen's Compensation (Occupational Diseases) Convention (Revised)	42
20 September 1956	Underground Work (Women) Convention	45
20 September 1956	Holidays with Pay Convention	52
14 March 1958	Shipowners' Liability (Sick and Injured Seamen) Convention	55
27 March 1963	Penal Sanctions (Indigenous Workers) Convention	65
20 May 1957	Convention for the Partial Revision of the Conventions Adopted by the General Conference of the International Labour Organisation at Its First Twenty-eight Sessions for the Purpose of Making Provision for the Future Discharge of Certain Chancery Functions Entrusted by the Said Conventions to the Secretary-General of the League of Nations and Introducing therein Certain Further	80

<i>Date of ratification/ accession</i>	<i>Convention</i>	<i>No.</i>
	Amendments Consequential upon the Dissolution of the League of Nations and the Amendment of the Constitution of the International Labour Organisation (Final Articles Revision Convention)	
14 March 1958	Convention concerning Labour Inspection in Industry and Commerce	81
20 September 1956	Labour Clauses (Public Contracts) Convention	94
14 June 2019	Migration for Employment Convention (Revised)	97
20 May 1957	Right to Organise and Collective Bargaining Convention	98
14 October 1960	Minimum Wage Fixing Machinery (Agriculture) Convention	99
11 May 1979	Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value	100
14 October 1960	Holidays with Pay (Agriculture) Convention	101
14 June 2019	Social Security (Minimum Standards) Convention	102
27 March 1963	Abolition of Penal Sanctions (Indigenous Workers) Convention	104
1 December 1966	Abolition of Forced Labour Convention	105
22 July 1974	Weekly Rest (Commerce and Offices) Convention	106
15 October 2001	Seafarers' Identity Documents Convention	108
27 March 1963	Discrimination (Employment and Occupation) Convention	111
14 November 1962	Convention concerning the Partial Revision of the Conventions Adopted by the General Conference of the International Labour Organisation at its First Thirty-two Sessions for the Purpose of Standardising the Provisions regarding the Preparation of Reports by the Governing Body of the International Labour Office on the Working of Conventions (Final Articles Revision Convention)	116
22 July 1974	Guarding of Machinery Convention	119
11 May 1979	Employment Policy Convention	122
11 May 1979	Labour Inspection (Agriculture) Convention	129
16 May 2013	Minimum Wage Fixing Convention	131
5 April 2002	Workers' Representatives Convention	135
22 July 1974	Benzene Convention	136
6 January 2000	Convention concerning Minimum Age for Admission to Employment	138
16 May 2013	Tripartite Consultation (International Labour Standards) Convention	144
7 March 1980	Continuity of Employment (Seafarers) Convention	145
10 July 1980	Seafarers' Annual Leave with Pay Convention	146

<i>Date of ratification/ accession</i>	<i>Convention</i>	<i>No.</i>
15 June 1981	Merchant Shipping (Minimum Standards) Convention	147
3 April 2009	Labour Administration Convention	150
4 June 2013	Labour Relations (Public Service) Convention	151
3 April 2009	Collective Bargaining Convention	154
7 October 1993	Termination of Employment Convention	158
13 April 2011	Asbestos Convention	162
10 September 2012	Seafarers' Welfare Convention	163
10 September 2012	Health Protection and Medical Care (Seafarers) Convention	164
10 September 2012	Repatriation of Seafarers Convention (Revised)	166
4 June 2013	Safety and Health in Mines Convention	176
1 December 2000	Labour Inspection (Seafarers) Convention	178
1 December 2000	Recruitment and Placement of Seafarers Convention	179
1 December 2000	Seafarers' Hours of Work and the Manning of Ships Convention	180
10 May 1999	Private Employment Agencies Convention	181
26 January 2001	Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	182
13 April 2011	Maternity Protection Convention (Revised)	183
10 September 2012	Maritime Labour Convention	MLC
16 May 2013	Work in Fishing Convention	188

56. As concerns other fundamental international human rights instruments, it should be noted that, on 28 February 2012, Morocco signed the Rome Statute of the International Criminal Court and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.<sup>17</sup> It has also begun steps for acceding to two other optional protocols on reporting procedures, namely the Optional Protocol to the International Covenant on Civil and Political Rights<sup>18</sup> and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.<sup>19</sup>

57. On 19 May 2017, Morocco moved to ratify the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons.

<sup>17</sup> On 12 July 2012, the Government Council endorsed bill No. 59.12 approving the Optional Protocol, which was then passed by the House of Representatives on 18 December 2012 and by the House of Councillors on 12 February 2013. Royal Decree No. 1.13.40 for the implementation of Act No. 59.12 was issued on 13 March 2013 and published in Official Gazette No. 6140 on 4 April 2013.

<sup>18</sup> On 1 November 2012, the Government Council endorsed bill No. 126.12 approving the Optional Protocol, which was then passed by the House of Representatives on 7 July 2015 and by the House of Councillors on 21 July 2015. Royal Decree No. 1.15.113 for the implementation of Act No. 126.12 was issued on 4 August 2015 and published in Official Gazette No. 6387 on 17 August 2015.

<sup>19</sup> On 1 November 2012, the Government Council endorsed bill No. 125.12 approving the Optional Protocol, which was then passed by the House of Representatives on 7 July 2015 and by the House of Councillors on 21 July 2015. Royal Decree No. 1.15.112 for the implementation of Act No. 125.12 was issued on 4 August 2015 and published in Official Gazette No. 6387 on 17 August 2015.

58. It should be recalled, moreover, that Morocco voted in favour of resolution 73/195 endorsing the Global Compact for Safe, Orderly and Regular Migration, also known as the Marrakech Compact on Migration, which was adopted by the General Assembly of the United Nations on 19 December 2018. This was the outcome of the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, held in Marrakech on 10 and 11 December 2018. Morocco also voted in favour of a General Assembly resolution whereby, on 17 December 2018, Member States approved a new international framework known as the “global compact on refugees”.

59. Moreover, Morocco has withdrawn its reservations concerning article 9 (2) and article 16 of the Convention on the Elimination of All Forms of Discrimination against Women, as those reservations have been overtaken by legislative reforms of the law on citizenship and the Family Code.

60. Since 2000, Morocco has received 12 visits from special procedures mandate holders including special rapporteurs, independent experts and working groups on human rights-related issues. Between the adoption of the Constitution in 2011 and the end of 2018 the country received a further eight special procedures visits. They were from the Independent Expert in the field of cultural rights, in 2011; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, in 2012; the Working Group on the issue of discrimination against women in law and in practice, in 2012; the Special Rapporteur on trafficking in persons, especially women and children, in 2013; the Working Group on Arbitrary Detention, in 2013; the Special Rapporteur on the right to food, in 2015; the Independent Expert on human rights and international solidarity, in 2016; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in 2018.

61. In addition to the foregoing, in October 2017 Morocco was visited by the Subcommittee on Prevention of Torture. On that occasion, the authorities were careful to provide all the conditions necessary for the Subcommittee to carry out its task, facilitating its movements and enabling it to access all the places of deprivation of liberty it wished to visit. Moreover, Morocco accepted the Subcommittee’s request for the report of the visit to be made public.

## **B. National normative and institutional framework for the protection of human rights**

62. In line with its international human rights obligations, Morocco has continued to strengthen its normative and institutional human rights framework, a process that began in the 1990s. Thus, it has accelerated the pace of reform via constitutional amendments, the enactment of new laws, and the harmonization of national legislation with the international instruments to which Morocco has acceded. Governmental structures and independent national institutions have also been established in order to guarantee the protection and promotion of human rights.

### **Constitutional human rights guarantees**

63. The 2011 Constitution lays down foundations, principles and safeguards for the protection of human rights. In fact, the constitutional preamble reaffirms the commitment of Morocco to human rights as they are universally recognized, as well as to the rights and duties enshrined in international treaties and to the system of human rights and of international humanitarian law. Moreover, it states that Morocco is to advance and contribute to the development of human rights and of international humanitarian law, while taking due account of their universality and indivisibility; and to ban and combat any and all forms of discrimination based on sex, colour, belief, culture, social or regional origin, language, disability or personal circumstance. The Constitution also establishes that the international treaties that Morocco has ratified – once duly published – have primacy over domestic legislation, and it underscores the need to harmonize legislation with the provisions of those treaties.

64. Chapter II of the Constitution is dedicated to fundamental rights and freedoms. The 22 articles in that chapter as well as a number of other assorted articles, contain provisions intended to protect individual and group rights and freedoms such as the principles of equality, equal opportunity and the non-retroactivity of laws. The articles in question also envisage protection for the right to life; freedom of thought, expression and opinion; freedom of association, assembly and peaceful demonstration; freedom of creativity; freedom of publishing and journalism; and free competition. They also contain guarantees vis-à-vis the right to personal and family safety, the protection of property, access to information, the right to strike, to vote and to stand for election as well as the right to education, training, health, housing, employment, property ownership and development. The Constitution also prohibits cruel, inhuman or degrading treatment, or treatment that affronts human dignity, as well as arrest, detention, prosecution or conviction outside the framework of the law. Furthermore, it prohibits discrimination, hatred, racism and violence, and it criminalizes secret or arbitrary arrest, enforced disappearance, torture, genocide, crimes against humanity, war crimes and gross violations of human rights. In addition, the Constitution guarantees the right to a fair trial, the rights of litigants and the rules of justice. Equality between women and men has also been written into the constitutional text, including provision for the creation of a body to pursue that equality and to combat all forms of discrimination. Constitutional provision is also made for group rights in relation to children and young people, persons with disabilities, migrants and refugees.

65. In order to safeguard the gains made in the area of human rights, the 2011 Constitution enshrines democratic choice as one of the elements that binds the nation together. Thus, the fundamental rights and freedoms enshrined in the Constitution are protected against retrogression because any revision of the constitutional text, however profound it may be, cannot affect the principle of democratic choice or the gains made in the field of human rights. Moreover, the fundamental rights and freedoms envisaged in the Constitution remain protected even in a state of emergency in which national territory is threatened or the normal functioning of constitutional institutions is impeded.

### **Consolidating the institutional framework for the protection of human rights**

- **Constitutional institutions**

66. Acting on its international human rights obligations Morocco has, since 2011, been working to modernize and strengthen its institutional framework for the protection and advancement of such rights. In that regard, new constitutional institutions have been brought into being and a number of existing ones have been upgraded to the rank of constitutional institution.

- **National Human Rights Council**

67. The National Human Rights Council – a national, constitutional, pluralistic and independent institution – was created in March 2011 to replace the Consultative Council for Human Rights which had been set up on 1990. The Council is a national institution for the advancement and protection of human rights and, since 1999, has held an A status accreditation from the Global Alliance of National Human Rights Institutions, which used to be known as the International Coordinating Committee of National Human Rights Institutions. This means that the National Council is fully compliant with the Paris Principles relating to the status of such institutions. The National Council covers all regions of the Morocco having, in addition to its Rabat headquarters, 12 regional committees.

68. Act No. 76.15 concerning the reorganization of the National Human Rights Council was issued on 22 February 2018, in accordance with article 171 of the Constitution.<sup>20</sup> The Act extends the mandate of the National Council, particularly as concerns protection, by creating three national mechanisms envisaged in international human rights instruments that have been ratified by Morocco. They are:

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<sup>20</sup> Act No. 76.15 was published in Official Gazette No. 6652 on 1 March 2018.

- A national mechanism for the prevention of torture, envisaged under the Optional Protocol to the Convention against Torture, which was ratified in November 2014. The mechanism makes regular visits to places where persons who are deprived of liberty are being held (or might be being held), and makes recommendations to improve the treatment and conditions of such persons and to prevent torture. The mechanism also makes observations regarding existing or proposed legislation and it submits proposals aimed at torture prevention;
- A national complaints mechanism for child victims of rights abuses, which was brought into being under the provisions of the Convention on the Rights of the Child, ratified on 21 June 1993. The mechanism receives complaints, both directly from child victims of abuse or their legal representatives, and via third parties. It then conducts inquiries into the complaints it receives, which it examines, addresses and resolves. In addition, it holds sessions to listen and appeal to the parties involved in the abuse or complaints as well as to witnesses, experts and anyone else who it believes may have useful information to impart. The mechanism may intervene in any case that comes to its knowledge where a child's rights have been violated;
- A mechanism for protecting the rights of persons with disabilities, which was set up in enactment of article 33 (2) of the Convention on the Rights of Persons with Disabilities, ratified on 8 April 2009. The mechanism receives complaints, both directly from persons with disabilities who are victims of abuse or their representatives, and via third parties. It then conducts inquiries into those complaints, which it examines, addresses and resolves. In addition, it holds sessions to listen and appeal to the parties involved in the abuse or complaints as well as to witnesses, experts and anyone else who it believes may have useful information to impart. The mechanism may intervene in any case that comes to its knowledge where the rights of persons with disabilities have been violated.

- **Office of the Ombudsman**

69. Under article 162 of the Constitution, the Office of the Ombudsman was raised to the rank of constitutional institution for the protection and promotion of human rights and given the role of taking the side of citizens in their dealings with the public authorities. The Office works to provide redress for any irregularities in rule of law, to consolidate principles of justice and fairness, to promote integrity in public life, to improve transparency and good governance in the running of public services and to facilitate interactions between individuals, institutions and the public authorities. The Office of the Ombudsman was established as an independent and specialized national institution in 2011 to replace the old Board of Grievances, which had been set up in 2001.

70. In order to enhance the Ombudsman's role in providing its clients with protection in line with norms of justice and fairness, the Government issued Act No. 14.16 concerning the reorganization of that institution.<sup>21</sup> The purpose of the Act is to consolidate the Office of the Ombudsman as a modern and effective constitutional body that defends the rights of citizens and as a place to lodge grievances against any kind of abuse, misconduct or irregularity on the part of the authorities or against any action that runs contrary to principles of justice and fairness. The Office also functions as a referral mechanism with power to make proposals regarding the reform and modernization of institutions. The Act includes a number of novelties, most significantly by making recourse to the Ombudsman a way to cut appeal times and to prevent the expiry of the statute of limitations, as any grievance is resolved within a deadline of six months. The Act also envisages the possibility of launching disciplinary proceedings against persons responsible for administrative irregularities.

- **Economic, Social and Environmental Council**

71. The Economic, Social and Environmental Council is an independent constitutional body with consultative and advisory functions on major development options and on public policy related to socioeconomic questions, sustainable development and regionalism. Given

<sup>21</sup> Act No. 14.16 was published in Official Gazette No. 6765 on 1 April 2019.

the multiplicity of sensibilities and socio-professional experiences of its members, the Council has adopted a participative approach to its duties that involves listening, discussing and seeking points of contact between the different perspectives of socioeconomic groupings and civil society bodies. It does this with a view to creating a social contract capable of bringing all citizens together. In the reports and opinions it submits to the Government and to both Houses of Parliament, the Council seeks to provide a long-term vision that integrates economic, social and environmental issues.

72. Acting within the mandate it has been given, the Council drafts reports and studies either at the request of the Government, the House of Representatives or the House of Councillors (referral) or on its own initiative (self-referral). In addition, the President of the Council submits an annual report to His Majesty the King on the economic, social and environmental situation of the country as well as on the activities of the Council, once the report has been approved by the Council's general assembly. The report is also sent to the Prime Minister, the President of the House of Representatives and the President of the House of Councillors before being published in the Official Gazette.<sup>22</sup>

- **Council for the Moroccan Community Abroad**

73. Under article 163 of the 2011 Constitution, the Council for the Moroccan Community Abroad was raised to the rank of constitutional body. The task mandated to the Council is to express views on questions related to migration and, in particular, to Moroccan citizens abroad. It also monitors and evaluates public policies affecting Moroccans who live outside the country and seeks to promote their involvement in the country's political, economic, cultural and social life.

74. In this connection, the Council has been mandated to analyse migration-related problems and to help develop relations between Morocco and the governments and societies of countries where Moroccan emigrants reside. It also makes its views known on the first drafts of prospective legislation or regulations that affect the issue of migration or that are of interest to Moroccans residing abroad; on the major aspects of public policies aimed at ensuring that Moroccans abroad maintain strong ties to their Moroccan identity, particularly with regard to language learning, religious education and cultural activities; and on measures intended to protect the rights and interests of Moroccans abroad.

- **Parity and Anti-Discrimination Authority**

75. The Parity and Anti-Discrimination Authority was brought into being as a constitutional body under an Act issued in September 2017 as part of the fulfilment international obligations arising from the accession of Morocco to international human rights treaties, in particular the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. The Act<sup>23</sup> in question defines the prerogatives and composition of the Authority as well as its organizational structure and rules of procedure. The functions entrusted to the body include submitting proposals and recommendations to the Government or to one of the Houses of Parliament to promote, consecrate and disseminate the values of equality, parity and non-discrimination; receiving complaints related to instances of discrimination, which can be referred to the Authority by persons who consider themselves to have been victims of discrimination; and expressing its views on proposals, bills, laws and regulations and making recommendations to align the domestic legal system with the provisions of international treaties the State has ratified.

- **Supreme Council for Audiovisual Communication**

76. The Supreme Council for Audiovisual Communication was established in 2002 to prevent any kind of monopolization of audiovisual communications media. Subsequently, in 2011, it was elevated to the rank of constitutional body in order to support it in its task of ensuring respect for the rules regulating freedom of expression within a pluralistic framework

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<sup>22</sup> Act No. 128.12 published in Official Gazette No. 6282 on 14 August 2019.

<sup>23</sup> Act No. 79.14 published in Official Gazette No. 6612 of 12 October 2017.



of trends, opinions and ideas, and to equip it with mechanisms to uphold the pluralism of Moroccan society. In addition, new laws and regulations were developed to enhance the Council's control, law-making, oversight and punitive functions. These are Act No. 11.15 regulating the Supreme Council for Audiovisual Communication;<sup>24</sup> Act No. 77.03 on audiovisual communication, as modified and amended; and Royal Decree No. 1.04.257 of 25 Dhu al-Qa'dah A.H. 1425 (7 January A.D. 2005) promulgating Act No. 77.03 on audiovisual communication.<sup>25</sup>

#### • **Competition Council**

77. The Competition Council – which was established in 2001 under Act No. 06.99 on freedom of prices and competition – expresses its views on matters related to free competition, monopolistic practices and the imposition of uniform prices or conditions of sale. It was upgraded to the rank of constitutional body in 2011 when Morocco began to reform its legal framework on freedom of prices and competition<sup>26</sup> and thus to strengthen the powers and remit of the Competition Council.<sup>27</sup> As a consequence of this, the Council came to have decision-making authority as well as the power to conduct inquiries and impose sanctions with a view to tackling anti-competitive practices, unlawful commercial transactions and market-concentration and monopoly operations.

78. The Competition Council is consulted by the Government regarding draft legislation or regulations for the creation of new systems or the modification of existing ones that directly:

- (a) Impose quantitative restrictions on the practice of a profession or entry into a market;
- (b) Set up monopolies or exclusive investment rights or other restricted rights on all or part of Moroccan territory;
- (c) Impose uniform practices regarding prices or conditions of sale;
- (d) Grant subsidies from the State or from territorial entities in line with relevant legislation.

#### • **National Integrity and Anti-Bribery Authority**

79. Having ratified the United Nations Convention against Corruption in 2007, in the same year Morocco set up the Central Authority for Preventing Bribery. Following the adoption of the Constitution in 2011, the Authority was upgraded to the rank of constitutional body under the name of the National Integrity and Anti-Bribery Authority. Under Act No. 113.12<sup>28</sup> the Authority is responsible for initiating, coordinating, supervising and safeguarding the roll-out of anti-corruption policies; gathering and publishing information in that regard; contributing to the integrity of public life; and promoting good governance, a culture of public service and the values of responsible citizenship.

80. Meeting on Thursday 11 June 2020, the Government Council approved bill No. 46.19 on the National Integrity and Anti-Bribery Authority, which was referred for debate before the House of Representatives on 2 July 2020. The bill envisages new powers for the National Authority, in particular that of receiving reports, complaints and information from any party regarding crimes of corruption and administrative or financial violations. The Authority can also conduct inquiries and investigations and refer cases to the Office of the Public Prosecution (chapter IV). The bill expands the definition of crimes of corruption to cover other actions that fall within the Authority's remit, in line with the provisions of the Constitution, domestic legislation and the United Nations Convention against Corruption

<sup>24</sup> Act No. 11.15 published in Official Gazette No. 6502 of 22 September 2016.

<sup>25</sup> Published in Official Gazette No. 5288 of Thursday 3 February 2005.

<sup>26</sup> Act No. 104.12 regarding freedom of prices and competition, published in Official Gazette No. 6280 on 7 August 2014.

<sup>27</sup> Act No. 20.13 regarding the Competition Council, published in Official Gazette No. 6276 on 24 July 2014.

<sup>28</sup> Act No. 113.12 published in Official Gazette No. 6374 of 2 July 2015.

(chapter II). The bill also states that the National Authority is to “act at the national level to coordinate and follow up on the implementation of obligations arising from the international anti-corruption treaties that Morocco has ratified”.

81. The first annual report of the National Integrity and Anti-Bribery Authority, released in 2019, explains the comprehensive frame of reference the Authority has adopted to “lay the groundwork for a qualitative leap in the fight against corruption, via an integrated strategic vision the roots of which lie in the relevant sections of the Constitution and which draws from the wellspring of committed institutional integration”.<sup>29</sup>

- **Supreme Council for Education, Formation and Scientific Research**

82. The Supreme Council for Education, Formation and Scientific Research was established as an independent constitutional body under article 168 of the Constitution and in accordance with Act No. 105.12, which regulates the Council and was issued on 19 May 2014.<sup>30</sup> The Council is an advisory body the mission of which is make its views known on public policies and national questions that are relevant to education, training and scientific research. It also expresses opinions on the running of the relevant public services and contributes to the assessment of public policies and programmes in that area.

- **Family and Children’s Advisory Council**

83. The Family and Children’s Advisory Council was set up as a constitutional body under article 32 of the Constitution and in accordance with Act No. 78.14, which regulates the Council and was issued in July 2016.<sup>31</sup> The Council, which is to take on the function of safeguarding and monitoring the situation of families and children, will also express its views on relevant national plans, enhance public debate around State policy on the family, and roll out and oversee national programmes.

- **Advisory Council for Young Persons and Communal Action**

84. The Advisory Council for Young Persons and Communal Action was set up as a constitutional body under article 33 of the Constitution and in accordance with Act No. 89.15, which regulates the Council and was issued on 18 January 2018.<sup>32</sup> It acts as a consultative body in matters relating to young persons and to the development and advancement of communal life, and it is mandated to conduct studies and follow up on issues that are relevant to those areas. In addition, it makes proposals regarding economic, social and cultural questions that have a direct bearing upon young people and communal activity and it seeks to develop the creative energies of the young and to encourage them to become involved in national life, in a spirit of responsible citizenship.

- **National Council for Moroccan Languages and Culture**

85. The National Council for Moroccan Languages and Culture, which was brought into being under article 5 of the 2011 Constitution,<sup>33</sup> has the specific function of protecting and developing the Arabic and Amazigh languages, as well as other expressions of Moroccan culture, as both an authentic national heritage and a manifestation of modern creativity. At the same time, the Council proposes strategic directives in areas such as linguistic and cultural policy; the development and advancement of national culture in its various manifestations; the preservation, safeguarding and enriching of cultural heritage; and facilities for learning the most widely spoken foreign languages. The Council also helps to

<sup>29</sup> See the report here:

[http://www.icpc.ma/wps/portal/Details\\_arabe\\_vr/?WCM\\_GLOBAL\\_CONTEXT=/wps/wcm/connect/interneticpc\\_ar/ICPC\\_AR/Accueil/Espace+Publication/Rapports/Rapports+ICPC/](http://www.icpc.ma/wps/portal/Details_arabe_vr/?WCM_GLOBAL_CONTEXT=/wps/wcm/connect/interneticpc_ar/ICPC_AR/Accueil/Espace+Publication/Rapports/Rapports+ICPC/).

<sup>30</sup> Act No. 105.12 for the creation of the Supreme Council for Education, Training and Scientific Research, published in Official Gazette No. 2657 on 19 May 2014.

<sup>31</sup> Act No. 78.14 published in Official Gazette No. 6491 on 15 August 2016.

<sup>32</sup> Act No. 89.15 published in Official Gazette No. 6640 on 18 January 2018.

<sup>33</sup> Royal Decree No. 1.20.34 for the implementation of Act No. 16.04 regulating the National Council for Moroccan Languages and Culture was issued on 5 Sha’ban A.H. 1441 (30 March A.D. 2020) and published in Official Gazette No. 6870 on 8 Sha’ban A.H. 1441 (2 April A.D. 2020).

implement those directives, in coordination with competent authorities. The Council comprises a number of institutions active in the relevant fields, such as the Royal Institute of Amazigh Culture, which was created in 2001 with the task of pronouncing on measures intended to preserve and promote Amazigh culture in all its manifestations and to ensure it can permeate the social, cultural and media landscape at the national, regional and local levels.

- **Support structures for the institutional architecture surrounding human rights**

- **National Committee for International Humanitarian Law**

86. The National Committee for International Humanitarian Law, established in 2008, has been given the task of assisting the public authorities in enforcing and developing international humanitarian law and in disseminating information about it. It also works to harmonize national legislation with the provisions of international humanitarian law and to promote accession to the relevant international treaties.

- **National Committee for the Protection of Personal Data**

87. The National Commission for Monitoring the Protection of Personal Data was established in 2009 under Act No. 09.08 regarding protection for natural persons regarding the use of their personal data. The Commission informs people of their rights regarding the use of their data and provides guidance to protect them against any kind of abusive practice. The Commission also works to make public and private bodies aware of legal requirements and best practices regarding data processing, and it explains the rules and mechanisms regulating the international transfer of personal data in the interests of economic actors.

88. Also under Act No. 09.08, the National Commission for Monitoring the Protection of Personal Data works to ensure that public and private institutions follow the correct rules before and during the processing of personal data. In the event of a violation, the National Commission can follow up on any complaints made and assist the persons concerned to obtain their rights by holding those responsible accountable, scrutinizing the bodies that misuse personal data and, if necessary, imposing penalties.<sup>34</sup>

89. As part of activities intended to raise awareness and establish a culture of personal data protection in the country, in June 2020 the National Commission launched the first edition of its periodical entitled *Tiers de Confiance Numérique*. The Commission also celebrates the annual Data Protection Day most recently in Fez on 28 January 2019 when a project was presented for a platform to protect the digital lives of children and adolescents, with the involvement of various institutions and figures from civil society.

90. Between 3 November and 19 December 2019 – following two earlier editions organized among young people active on social media – the National Commission organized a third edition of the national prize for the protection of private life and personal data. Videos produced in the context of this competition serve to draw attention to the problems and risks associated with the violation of personal data.

- **Royal Advisory Council on Saharan Affairs**

91. The Royal Advisory Council on Saharan Affairs was established in 2005 with a mandate to assist in all cases concerning the defence of the country's territorial integrity while achieving socioeconomic development in the southern provinces and maintaining their cultural identity.

- **Government human rights structure**

92. An interministerial human rights unit was instituted on 11 April 2011 with the intention of providing Morocco with a coherent, modern and efficient national rights system. The unit is responsible for developing and coordinating government policies to defend,

<sup>34</sup> The Commission may be contacted using the following link: <https://www.cndp.ma/ar/service-en-ligne/personnes-concernees/modeles-de-courrier.html>.

protect and promote human rights and international humanitarian law; proposing measures to guarantee the enforcement of international human rights treaties and international humanitarian law to which Morocco is party; and undertaking actions and initiatives to promote respect for human rights in the framework of government policy. The Ministry for Human Rights was set up in April 2017.

### **C. Framework for promoting human rights at the national level**

- **Measures and actions to promote human rights**

- **Strategic planning in the area of human rights**

93. In accordance with the recommendations of the 1993 Vienna Declaration and Programme of Action, in particular recommendation 71, Morocco has developed a national plan known as the “National Action Plan for Democracy and Human Rights 2018–2021”. The Plan – which is the outcome of participatory efforts that began officially in April 2008 and have continued in stages since then – was formally adopted by the Government Council meeting on 21 December 2017. Its terms of reference are the national Constitution, the country’s international human rights obligations, the recommendations of the Equity and Reconciliation Commission and the collected national experience of developing and adopting strategic plans and programmes related to human rights, while taking due account of government programmes.

94. The purpose of the National Action Plan is to consolidate the process of political reform, institutionalize human rights, dynamize awareness of rights and support initiatives in favour of participatory democracy. It has four main themes: (a) democracy and governance; (b) economic, social, cultural and environmental rights; (c) protection and promotion of group rights; (d) legal and institutional framework. Each theme is subdivided into priority areas and the stakeholders, who are to act in partnership and cooperation, are duly identified as are the goals to be achieved over the timespan of the Plan. The 435 measures envisaged in the Plan have been classified as legislative or institutional measures or measures related to awareness-raising, communication or capacity-building among stakeholders.

95. In order to facilitate the implementation of the measures proposed in the National Action Plan, an overarching operational plan has been developed along with specific operational plans for each region of the country that take account of local specificities and basic human rights priorities.

- **Public policies with a bearing on human rights**

- **Reform of the justice system**

96. In 2011, in line with its Constitution and with the relevant international standards, Morocco undertook a profound reform of its justice system with the establishment of an independent judiciary that guarantees human rights and the transcendence of law. In that connection, and following broad national consultations with stakeholders, it has adopted a “judicial system reformation charter”.

97. In order to promote the principle of judicial independence and to provide avenues of appeal against the arbitrary exercise of power, the Supreme Council of the Judiciary Act<sup>35</sup> and the Statutes of the Judiciary Act were adopted.<sup>36</sup> Under those instruments, judges have been provided with safeguards relating to independence, promotion, retirement and discipline and conditions have been laid down regarding their representation on the Supreme Council of the Judiciary.

98. Bill No. 38.15 regarding the organization of the judiciary in Morocco is intended to complete the judicial arsenal and thus finalize the project of judicial reform. Its purpose is to

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<sup>35</sup> Act No. 100.13 on the Supreme Council of the Judiciary, published in Official Gazette No. 6456 on 14 April 2016.

<sup>36</sup> Statutes of the Judiciary Act No. 106.13, published in Official Gazette No. 6456 on 14 April 2016.

regulate the relationship in the courts between the judiciary, the Office of the Public Prosecution and the Ministry of Justice, and to define the prerogatives of the Ministry vis-à-vis the administration of justice.<sup>37</sup>

99. As a way of giving effect to the “judicial system reformation charter”, two new bills have been drafted concerning the Criminal Code and the Code of Criminal Procedure. They include provisions aimed at promoting human rights and take due account of the rights of litigants as enshrined in the Constitution and international treaties, in particular the right to trial within a reasonable time frame, the right of defence and safeguards for the rights of victims and accused persons.

100. On 25 July 2017, in order to promote judicial independence in line with article 80 of the Act regulating the Supreme Council of the Judiciary, the House of Representatives approved Act No. 17.33 regarding the mandate and status of the Office of the Public Prosecution. This move, in fact, strengthened judicial independence by transferring powers from the Ministry of Justice to the Prosecutor-General of the King. Immediately following his appointment, the Head of the Office of the Public Prosecution issued a circular to crown prosecutors in the various national courts regarding the priorities of criminal policy. In the circular, the Head of the Office states that plaintiffs should be given fair hearing, that cases be rigorously pursued, that the law protecting informants be enforced, that rights and freedoms be protected, that the integrity of public life be safeguarded, that public order and the safety of citizens be maintained and that judicial cooperation be strengthened. The Head of the Office of the Public Prosecution has sent other circulars to crown prosecutors regarding the protection of victims of human trafficking, the handling of cases involving pretrial detention and the fight against violence against women, etc.<sup>38</sup>

101. In order to promote the right to a fair trial, the Code of Criminal Procedure clearly envisages a number of other guarantees, including the following:

- The judicial police are required to avail themselves of the services of an interpreter if the person whose statement is being taken speaks in a language or dialect that the officer does not know well; likewise, if the party making the statement is a person who is deaf or mute, the police are required to use the services of someone capable of communicating easily with that person. The interpreter is required to sign the record (art. 21);
- The same safeguards are to be upheld before the Office of the Public Prosecution (art. 47), the investigating judge and the trial judge;
- The role of lawyers has been reinforced during questioning by the Office of the Public Prosecution in cases of flagrante delicto. They can now request a medical examination for their client, present documents or evidence on their client’s behalf or offer a sum for the client to be released on bail (arts. 73 and 74).

102. Juveniles in conflict with the law have been afforded greater protection. In fact, according to article 473, young persons who have not reached the age of 12 cannot be placed in prison, even provisionally, whatever the crime involved. In the same way, juveniles aged between 12 and 18 cannot be placed in prison, even provisionally, unless such a measure is necessary or any other measure is not possible. In such a case, the juveniles must be placed in a special wing or, if no such facility exists, in a location separate from that in which adult inmates are held. As possibility allows, juveniles are to be held in isolation at night. The juvenile court judge is to examine juvenile detainees, as well as juveniles who have been

<sup>37</sup> Bill No. 38.15 regarding the organization of the judiciary in Morocco was approved by the House of Councillors on 10 Dhu al-Qa’dah A.H. 1439 (24 July A.D. 2018) then, by majority, by the House of Representatives on 16 October 2018. On 16 January 2019, the Prime Minister referred the matter to the Constitutional Court for it to decide on the constitutionality of the bill, and the Court issued its ruling No. 89/19 on 8 November 2019.

<sup>38</sup> Royal Decree No. 1.11.164 of 19 Dhu al-Qa’dah A.H. 1432 (17 October A.D. 2011) promulgating Act No. 37.10, which amends Act No. 22.01 (Code of Criminal Procedure) in relation to protection for victims, witnesses, experts and informants in offences involving corruption, misappropriation abuse of authority, etc. Official Gazette No. 5988 published on 22 Dhu al-Qa’dah A.H. 1432 (20 October A.H. 2011).

placed in observation centres or children's care homes (art. 471). If the matter concerns a misdemeanour, the juvenile judge is to conduct a study – or order one to be conducted – to determine the measures to be taken to protect and shield the juvenile (art 474).<sup>39</sup>

- **Government Plan for Equality (ICRAM 1 & 2)**

103. The Government Plan for Equality ICRAM 1 (2012–2016) constitutes a joint framework for action to harmonize initiatives aimed at integrating the rights of women into public policy. The Plan revolves around 8 areas of action with 24 objectives and 156 measures. An interministerial committee for equality was created in 2014 as a follow-up mechanism for the implementation of the Plan, as was an interministerial technical committee and an information follow-up system. With regard to outcomes, according to the final report evaluating the roll-out of the Plan, which was drafted in 2016, 75 per cent of the measures envisaged had been fully implemented while the others were at an advanced stage of completion. In order to take advantage of the gains made, on 20 July 2018 the interministerial committee for equality approved the Government Plan for Equality ICRAM 2 (2017–2021) as the most significant government-run experiment to support the complementarity of public policies regarding gender equality as well as – in the light of its themes, purposes and qualitative and quantitative indicators – the fundamental mechanism for turning constitutional provisions into reality on the ground. ICRAM 2 was developed using a consultative methodology that came out of a joint assessment of ICRAM 1. ICRAM 2 has seven themes: four thematic and three transversal, which are buttressed by a system of governance, follow-up and evaluation. It also envisages 23 objectives and 83 measures, with indicators to measure their impact and effect.

- **Integrated public policy for the protection of children**

104. This policy was adopted in 2015 following a joint provisional evaluation of the National Plan for Children in 2011, which revealed the Plan's limitations in the area of protection. The policy has five strategic themes that revolve around protecting children from all forms of violence, abuse, neglect and exploitation, including sexual exploitation. Provisional results show that around 56 per cent of the measures included in the national operational plan for 2015–2020 were achieved.

- **Integrated public policy to advance the rights of persons with disabilities**

105. Following a series of broad-ranging dialogues and consultations, the Government adopted its integrated public policy to advance the rights of persons with disabilities in 2015. The policy, which includes a government-run mechanism to track its implementation, aims to ensure that persons with disabilities are able to exercise their rights and it encourages them to participate in social life. The policy includes 9 transversal and 5 strategic themes including 1 on complementarity, administration and governance. A government plan of action for the roll-out of the policy has been drawn up, which envisages 6 themes, 24 workshops and 150 projects.

106. In order to bring disability-related legislation and regulations into line with the obligations Morocco has under the Convention on the Rights of Persons with Disabilities and its attached Protocol, Act No. 97.13 to protect and promote the rights of such persons was passed on 27 April 2016. In addition, Act No. 10.03 regarding accessibility, issued on 12 May 2003, has been reviewed.

- **National policy on migration and asylum**

107. In September 2013 – in enactment of royal directives that reflect the country's will to fulfil its human rights obligations – a new policy on migration and asylum was launched,<sup>40</sup> a policy that is humanitarian in its philosophy, comprehensive in its content and pioneering for the region (particularly at the African level). The policy also reflects the strong involvement

<sup>39</sup> Code of Criminal Procedure. Publications of the Centre for Studies and Research into Criminal Policy at the Directorate of Criminal Affairs and Amnesty in the Ministry of Justice. Legal texts series, March 2018, No. 13.

<sup>40</sup>

of Morocco in international efforts and its solidarity in addressing the human rights abuses arising from current migration and asylum crises. The Government has also developed an integrated national policy to safeguard the rights of Moroccans resident abroad, with economic, social, cultural, educational and legal programmes intended to protect and promote their rights. The policy was developed in coordination between the competent ministries and institutions such as the Ministry of Foreign Affairs and International Cooperation, the Ministry charged with Moroccans resident abroad and migration affairs, the Hassan II Foundation for Moroccans Resident Abroad and the Council for the Moroccan Community Abroad.

108. In parallel with the new policy, since 2014 administrative measures have been taken to settle the status of foreigners and, as of July 2019, the status of 803 asylum seekers duly registered with the UNHCR office in Rabat had been regularized. Moreover, between 2 January and 31 December 2014, the authorities launched, as an exceptional measure, an operation to regularize the administrative status of migrants unlawfully resident in the country, which resulted in the acceptance of 23,096 applications, or 83 per cent of the total number submitted. In accordance with royal instructions, the second phase of the operation to regularize the status of foreigners with unlawful status took place between 15 December 2016 and 31 December 2017. A total of 28,400 applications representing 113 nationalities were received of which the competent committee accepted 20,000. The remaining cases are being examined by a national appeals committee created in 2014 as part of the National Human Rights Council.

109. In order to adapt the legal framework surrounding the status of foreigners in Morocco, Act No. 27.14 to combat human trafficking was passed on 25 August 2016. Other relevant provisions include bill No. 66.17 concerning asylum and the conditions under which it can be granted and bill No. 72.17 on the entry and residence of foreigners in the Kingdom of Morocco and on migration, which is intended to complement and revise Act No. 02.03 of 2003 concerning the entry and residence of foreigners in the Kingdom of Morocco and unlawful migration.

• **Strategic vision for the reformation of the system of education and formation**

110. The National Charter for Education and Formation was adopted in 1999 as an ambitious and consensual project for the renewal of the education and training system. In 2014, the Supreme Council for Education and Training produced a comprehensive analytical report regarding the implementation of the Charter between 2000 and 2013, with a particular focus on the governance and management of reform, the low level of engagement of all parties involved in schools and the lack of follow-up and assessment mechanisms. In 2015, acting on the conclusions of that report, the Council used a participatory methodology and extensive consultations to prepare a strategic vision for reform 2015–2030. The vision is based on three guiding principles – fairness and equal opportunity, quality, and individual and community advancement – which have been translated into 23 themes for change. One of the recommendations included in the vision is to turn its strategic options and objectives into a framework law in the form of a national and universally binding contract.

111. In line with the Constitution and the international human rights treaties that Morocco has ratified, and acting on the recommendation contained in the strategic vision for reform 2015–2030, this area has been further strengthened with the enactment of Act No. 17.51 concerning the system of education, formation and scientific research. The Act aims to establish a new kind of school that is open to all and that aspires to train the nation's human capital on basis of, on the one hand, equality and equal opportunity and, on the other, of quality, in order to achieve the higher purpose of individual improvement and societal advancement. This includes the following main themes:

- Making education based on integration and solidarity available to all children without discrimination;
- Seeing schools as areas for education in citizenship, human rights and civic behaviour;
- Making primary education compulsory for the State and for families;

- Authorizing positive discrimination in favour of children from rural and semi-urban areas as well as from other areas with deficits and special requirements;
- Ensuring access to education and formation for children with disabilities or with special needs;
- Continuing efforts to address school drop-outs and developing incentivization programmes to mobilize and raise awareness among families about the dangers of leaving school at an early age;
- Working to ensure the right conditions for the eradication of illiteracy.<sup>41</sup>

• **National strategy for employment and its associated national plan**

112. The State is seeking to keep the rate of unemployment within a limit of 8.5 per cent for 2021, especially in the face of the demographic changes Moroccan society is witnessing. In fact, the active population – which currently constitutes 63 per cent of the total population – is increasing at the rate of 370,000 per year, while rural areas are being abandoned in favour of urban ones. Moreover, degree-holders face difficulties in integrating into the job market, and skills and competencies are failing to keep up with the needs of that market, especially in the private sector. For these reasons, Morocco has rolled out its national employment strategy for 2025 accompanied by the strategy's operational mechanism in the form of a national plan to promote employment for 2021.

113. The legislative and regulatory system governing employment has been adapted in order to strengthen the safeguards enshrined in the 2003 Labour Code. In addition, on 10 August 2016, a new law was enacted to regulate conditions of work and of employment for domestic workers and, on 29 December 2014, a law on compensation for workplace accidents. A number of work-related programmes remain in force: the Training Programme,<sup>42</sup> the Self-Employment Programme,<sup>43</sup> the Integration Programme<sup>44</sup> and the Incentive Programme.<sup>45</sup>

<sup>41</sup> Royal Decree No. 1.19.113 issued on 7 Dhu al-Hijjah A.H. 1440 (9 August A.D. 2019) promulgating Act No. 17.51 concerning the system of education, formation and scientific research (Official Gazette No. 6805, 17 Dhu al-Hijjah A.H. 1440 (19 August A.D. 2019).

<sup>42</sup> The purpose of this programme is to improve the employability of qualified job seekers by giving them vocational qualifications to work in specific or available posts. The programme includes three kinds of formation: (a) contractual formation for employment; (b) formation for requalification or for changing employment; (c) formation for emerging sectors.

<sup>43</sup> The national new-business support programme aims to help project builders and to ensure progressive sustainability for the economic fabric of the regions. It achieves this with a system that tracks new businesses, particularly during the critical period of their launch. The programme includes incentives in the form of an accompaniment before, during and after the launch of a project. It also envisages interest-free advances of up to 10 per cent for a total investment of DH 15,000, recoverable over six years, including three years of deferred payment. This Self-Employment Programme helped to create a total of 12,702 job openings between 2012 and 2018.

<sup>44</sup> The training for integration programme aims to improve the employability of qualified job seekers by giving them vocational qualifications and preliminary work experience, thereby helping them integrate into working life. It also helps firms to develop and improve their human resources.

<sup>45</sup> The State has developed an incentive programme for businesses, associations and cooperatives which includes three measures aimed at bolstering employment:

(a) The State guarantees employers' social insurance contributions to the National Social Security Fund as well as their obligations vis-à-vis vocational formation taxes for each employee, for a period of 24 months and for a maximum of 10 employees, for businesses, associations and cooperatives created between 31 January 2015 and 31 December 2022;

(b) The State guarantees employers' social insurance contributions to the National Social Security Fund as well as their obligations vis-à-vis vocational formation taxes for each employee, for a period of 12 months, on condition that the trainee is then employed under contract, either during or after the period of training;

(c) The State guarantees employers' and employees' compulsory health insurance contributions for trainees, for a period of 24 months for each employee.



114. Collective bargaining is a mechanism that helps to ensure the stability of labour relations and to create balanced interactions between all parties involved. In that connection, a national programme to promote collective bargaining and contractual employment law has been rolled out, thanks to which 39 collective employment agreements were signed between 2012 and 2018.

115. In parallel with this, the number of wage earners registered with the National Social Security Fund increased from 2.71 million to 3.38 million between 2012 and 2017 while the number of businesses participating in the Fund also grew from 156,665 to 217,534. In other words, the number of businesses and of wage earners associated with the National Social Security Fund has increased in recent years at an average annual rate of 7 per cent.

116. In line with obligations deriving from the ILO Minimum Wage Fixing Convention (No. 131), which Morocco ratified in 2013, and in order to safeguard workers' purchasing power and to improve their living conditions, the legal minimum wage in the private sector underwent successive increases in the years 2011, 2014 and 2019–2020, respectively of 15 per cent, 10 per cent and 10 per cent.

117. As concerns the legal minimum wage in industry, trade, the professions and agriculture, Decree No. 2.19.424 determining the amount of the legal minimum wage in those sectors was published in Official Gazette No. 6790 on 27 June 2019. The Decree sets the amount of the legal minimum wage per hour for wage earners in the sectors of industry, trade and the professions at DH 14.13 as of 1 July 2019, which is to increase to DH 14.81 as of 1 July 2020.

118. The amount of the legal minimum daily wage paid out in cash to agricultural workers has been set at DH 73.22 as of 1 July 2019, with the condition that the enforcement of this provision should not in any way lead to the cancellation or reduction of the in-kind benefits such workers enjoy. This amount is to go up to DH 76.70 as of 1 July 2020.

119. Average net monthly wages in the public sector went up by 32.21 per cent between 2009 and 2019, from DH 6,051 in 2009 to DH 8,000 in 2019, an annual average increase of 2.83 per cent. Moreover, average net monthly wages in the public sector increased 5.97 per cent between 2018 and 2019 as a consequence of the latest wage rises contemplated under the Social Dialogue Agreement of 25 April 2019.

120. The Social Dialogue Agreement of April 2019, the fifth of its kind since 1996, has brought the following gains:

- A wage increase of between DH 400 and DH 500 in three stages, which benefited 800,000 employees in State bodies, territorial entities and institutions of the public administration, with an overall budget of DH 2.5 billion in 2019, which is due to go up to DH 7 billion by 2021;
- A 10 per cent increase in the minimum wage in the private sector;
- An increase of DH 100 in the family allowance for each of the first three children, in the public and private sectors. This initiative, which has an annual budget of DH 1 billion, has benefited around 400,000 workers;
- A new category has been created for workers in the lower scales and improved promotion conditions have been set for categories in the national education sector. This initiative, which has an annual budget of DH 200 million, has benefited more than 24,000 workers.

121. For its part, the Tripartite Agreement 2019–2021 has not only improved income but has led to the institutionalization of social dialogue, the fortification of dispute-resolution mechanisms, the improvement of union freedoms and social protection, the reform of the pension system, consultations on a social charter and the continuing implementation of the outstanding provisions of the Agreement of 26 April 2011.

• **Integrated “Intelaka” programme to support and finance young entrepreneurs**

122. In line with royal directives, an integrated programme to support and finance business in Morocco (the “Intelaka” programme to support and finance young entrepreneurs) was

officially launched on 3 February 2020. The aim of the programme is to give micro-enterprises, young project builders, the rural sector, the informal sector and exporters access to a new generation of financial products. It also seeks to introduce fresh dynamism, to support business enterprise and to promote the socioeconomic integration of young persons in the rural sector.

123. The products concerned are the following:

- A “launch support” product that aims to provide guarantees for autonomous businesspersons, project builders and micro-enterprises;
- A “launch support for rural investors” product that aims to provide guarantees for small rural villages, micro-enterprises, project builders and autonomous businesspersons in the rural sector;
- A “start for micro-enterprises” product (START-TPE), which provides financing in the form of an interest-free and unsecured loan repayable within five years aimed at autonomous businesspersons, project builders and micro-enterprises.

124. In order to ensure sufficient liquidity to finance this programme over the coming three years, the banking sector has made DH 3 billion of funding available. A further DH 3 billion has been allocated from the general State budget, in addition to a supplementary contribution of DH 2 billion from the Hassan II Fund for Economic and Social Development. Total financing thus amounts to DH 8 billion.

125. It should be noted that this programme provides loans at low rates of interest: 1.75 per cent for beneficiaries in rural areas and 2 per cent for those in urban areas. Funding under the programme at those rates of interest can be as much as DH 1.2 million with 80 per cent of the loan being guaranteed by the Central Guarantee Fund.

#### • **Programmes to facilitate access to housing**

126. Since the 1960s, Morocco has witnessed accelerated urbanization accompanied by migration from rural areas to the cities. This has led to a gradual increase in irregular housing, expanding shanty towns and growing poverty belts on the outskirts of major cities. Interventions by the public authorities over recent years have tended towards the involvement of all stakeholders – especially private-sector real estate developers, public institutions and companies, elected councils and the population directly concerned – to speed up the rate of house building using a series of financial, fiscal and regulatory measures and incentives. This process has implicated a profound review of State interventions in the area of housing. The efforts the Government has made via its different programmes have reduced the shortfall in adequate housing from 1,240,000 housing units in 2002 to 425,000 units in 2018. The most important programmes facilitating access to housing are:

#### • **“Villes san bidonvilles” programme**

127. The “Villes san bidonvilles” programme, which was rolled out in 2004, has brought tangible progress in eliminating shanty dwellings and improving housing conditions for families. Significant financial resources, amounting to a total of DH 32 billion, have been allocated to the programme which, since it was launched, has benefited a total of 471,259 families across 85 cities and urban conurbations. As of the end of 2018, 59 cities had been declared free of bidonvilles and it is hoped that 7 more such declarations will be made by the beginning of 2020.

#### • **Social housing programme**

128. Various housing programmes have been created in enactment of a policy adopted in 2002, the aim of which is to provide decent housing that is in line with building specifications and at reasonable prices. These include programmes for low-cost housing at DH 140,000 (created in 2008) and for social housing in the price range of DH 250,000 (created in 2010). These two programmes have enabled a significant number of housing units to be completed and, since they were launched, have helped to reduce the housing shortfall by around 50 per cent.

- **Programme for the sustainable use of palaces (ksour) and kasbahs**

129. This programme is an expression of the care Morocco shows towards its material and non-material historical and cultural heritage, and its concern to preserve the particular architectural and urban character of each region. The programme aims to increase the availability of housing and to reduce shortfalls in that area by tackling various forms of substandard accommodation. Thus, in partnership with the United Nations Development Programme (UNDP), the authorities have been working to implement the integrated programme for the sustainable use of palaces (ksour) and kasbahs, which was first launched in 2015 since when it has rehabilitated 16 model sites benefiting 21,400 persons. The project has a budget of DH 134 million.

130. In order to help these projects achieve their objectives, the State has reviewed a number of laws and regulations concerning building irregularities,<sup>46</sup> buildings on the verge of collapse and the regulation of urban renewal activities,<sup>47</sup> the joint ownership system,<sup>48</sup> regulation of the contractual relationship between landlord and tenant<sup>49</sup> and the sale of properties under construction.<sup>50</sup>

- **Strengthening social protection**

131. The social protection system in Morocco is an important mechanism for reducing various forms of poverty, vulnerability and social exclusion and for improving the living conditions of the population at large. It rests on two models: (a) the social insurance model, which is a contributory and participatory system that embraces all aspects of health-care coverage, pensions and social security payments; (b) the social assistance model, which is a non-contributory system that includes mechanisms and funds that provide direct or indirect support to the poorest and most vulnerable groups in society.

- **Social insurance**

132. The social insurance system, which was set up in 1959 to protect insured persons against the risk of loss of income, envisages family payments; short-term daily payments (for illness, childbirth or death); long-term payments (old-age pensions, disability pensions and surviving relatives' pensions); mandatory health insurance; treatment at health-care centres; and payments for loss of employment. The administration of the system has been entrusted to the National Social Security Fund. Initially – i.e., beginning in 1961 – the system concerned itself with persons working in industry, commerce and the professions but it subsequently expanded to include the agricultural and traditional industry sectors. Under Act No. 117.12 complementing Royal Decree No. 1.72.184 of 27 July 1972 concerning the social security system, insured persons who retired after 2000 and who have not accumulated 3,240 days of contributions can have those contributions reimbursed, either to themselves or to their heirs in the event of their death.

133. Under articles 53 and 59 of the Labour Code, Act No. 03.14 was issued to amend Royal Decree No. 1.72.184 of 27 July 1972 concerning the social security system. The new Act, which came into force on 1 December 2014, aims to strengthen the system of social protection for a significant portion of workers who have involuntarily lost their employment. Consistent with the ILO Social Security (Minimum Standards) Convention (No. 102), it enables wage earners who have lost their employment to receive payments equivalent to 70 per cent of their average salary over the preceding 36 months. At the same time, they retain their right to compulsory basic health insurance and to family payments. Moreover, for

<sup>46</sup> Act No. 66.12 to monitor and prevent violations in building and construction, issued on 25 August 2016.

<sup>47</sup> Act No. 94.12 concerning buildings on the verge of collapse and the regulation of urban renewal activities, issued on 27 April 2016.

<sup>48</sup> Act No. 106.12 amending Act No. 00.18 concerning the system of joint ownership of existing real estate, issued on 27 April 2016.

<sup>49</sup> Act No. 67.12 concerning the contractual relationship between landlord and tenant of properties intended for accommodation or vocational use, issued on 19 November 2013.

<sup>50</sup> Act No. 107.12 amending Act No. 00.44 concerning the sale of properties under construction, issued on 3 February 2016.

pension purposes, the period the payment is being received is calculated as period of contribution to the social insurance system.

134. In addition to the fact that various pension funds have increased the number of beneficiaries of social coverage, both in the public, semi-public and private sectors, the minimum pension for the public sector has gone up to DH 1,500. As of the beginning of 2018, the Moroccan Pension Fund had a total of 74,000 beneficiaries.

135. Social and health coverage has been expanded to include the categories of professionals and of independent workers. The administration of this system has been entrusted to the National Social Security Fund.

136. The most significant step taken in this regard has been the adoption of Act No. 99.15 on 21 December 2017 concerning the pension system for professionals, independent workers and non-wage earners who undertake specific activities.

137. The reform of pension systems has begun as a way of to ensure the sustainability of the services they offer, to curb instances of administrative and financial mismanagement and to reduce the effect of a multiplicity of pension systems with different operating methods. Despite the standard reforms that have been made to the Moroccan Pension Fund, the demographic coefficient is still tending to reduce; in fact, in 1982 there was 1 pensioner per 12.5 members of the active population but that ratio had fallen to 1 to 6 in 2000, 1 to 2.24 in 2016 and 1 to 2.12 in 2017. This means that reforms must continue in order to augment coverage by active groups while also reforming pension systems in line with the option to create a single pole for the public sector and so establish a balanced, sustainable and well governed pension system.

- **Social assistance**

- **Social Cohesion Support Fund**

138. The Social Cohesion Support Fund was established under article 18 of the 2012 Finance Act to fund and promote social activities targeting the population most in need. The provisions of that article have been the subject of successive amendments under subsequent Finance Acts in order to ensure stable resources for the Fund's account and to expand both its area of intervention and the number of its beneficiaries. Disbursements from the Fund increased by 14 per cent annually between 2015 and 2017, going from DH 2.19 billion in to DH 2.87 billion. Those disbursements have been used for the following:

- Funding the medical assistance system;
- Funding the "Tayssir" programme;
- Funding the royal initiative "One Million Schoolbags";
- Providing assistance for persons with disabilities; between 2015 and 2019, the fund allocated a total of DH 714.5 million for services for persons with disabilities;
- Providing direct assistance for widows in situations of vulnerability who are caring for their orphaned children; as of 2019, a total of 179,000 orphans and 105,268 widows had benefited from such assistance.

139. As of 2018, financial allocations to the medical assistance system constituted 49.2 per cent of the disbursements of the Social Cohesion Support Fund, allocations to the "Tayssir" programme and the royal initiative "One Million Schoolbags" accounted for 36 per cent and allocations to the programme of direct assistance for widows in situations of vulnerability accounted for 11.8 per cent. This means that the proportion allocated to providing assistance for persons with disabilities was no more than 3 per cent.

- **Family Solidarity Fund**

140. The Family Solidarity Fund was set up under Act No. 41.10 of 13 December 2010 which governs the terms and conditions for accessing the Fund. The purpose of the Fund is to safeguard the rights of mothers in situations of need and to protect children from destitution as consequence of divorce. The Act governing the terms and conditions for accessing the

Family Solidarity Fund was amended by Act No. 83.17 of 22 February 2018, which expanded the Fund's beneficiaries. Thus the services of the Fund are now available to:

- Children whom the courts have recognized as having a right to maintenance, irrespective of whether marital relations between the spouses subsist or have been dissolved, once the mother's state of need has been established;
- Children with a right to maintenance following the death of the mother;
- Children in care whom the courts have recognized as having a right to maintenance;
- Wives in a situation of need whom the courts have recognized as having a right to maintenance.

141. Between 2011 and 2018, the resources of the Fund were in excess of DH 1.2 billion. Its outgoings between 2012 and June 2019 were more than DH 269 million while, in 2019, the Fund was allocated a financial credit of DH 160 million. As of August 2018, a total of 21,830 women had benefited from its services.

- **Shelter for groups in situations of extreme difficulty**

142. Social care institutions, which are structures that provide shelter for persons in situations of extreme difficulty, are one of the bulwarks of the social welfare system in Morocco and a mechanism that contributes to social stability. Shelter in such institutions is considered to be an exceptional measure that is used only after the failure of all attempts at reinsertion into the family.

143. The first legal framework for these institutions came in 2006 with Act No. 14.05 governing the conditions for opening and managing social care institutions, which defines the purpose of such institutions as being to support persons in situations of difficulty, instability or need. In order to overcome some loopholes in the Act, in particular those identified by the civil society institutions that administer the social care institutions, a new law was adopted, Act No. 65.15 concerning social care institutions, issued on 12 April 2018.

144. As of December 2016, there were 1,051 authorized social care institutions with capacity for 92,163 beneficiaries and a staff in excess of 8,500. Sixty-one of the institutions are for children, with an accommodation capacity of 5,335. The institutions can be divided into two categories: those that support the system of education and formation, and provide student accommodation (845 institutions) and institutions for persons in situations of difficulty, which mainly concern themselves with persons with disabilities, older persons, and neglected children as well as women and children in situations of difficulty (1,155 institutions).

- **Compensation Fund**

145. The Compensation Fund was created as a public institution in 1941 as a way of maintaining the stability of prices of a number of consumer goods and thus of improving the purchasing power of families. Under the 2019 Finance Act, a sum of DH 17.67 billion was allocated to support the cost of basic consumer goods, an increase with respect to the 2017 allocation of DH 15.58 billion.

146. An evaluation conducted on the 135 existing social protection programmes revealed that they suffer from poor coordination, governance and performance as well as limited financial resources that often amount to no more than 6 per cent of the country's gross domestic product (GDP). On the basis of that evaluation, and in order to create an integrated and precise system of social protection, in 2018 Morocco drafted bill No. 72.18 concerning the system regulating beneficiaries of social protection programmes. The bill aims to:

- Establish a national population register that will cover all citizens and foreigners lawfully resident in Morocco with a digital civic-social identifier for each individual. The national register will be developed on the basis of existing administrative records, in particular the civil status register, the national biometric identity card register and the register of foreigners resident in Morocco;

- Establish a unified social register containing information on the social and economic situation of individuals and families. This will help to identify vulnerable groups that meet the eligibility requirements for social benefits, to develop coherent and integrated social support programmes that respond to the needs of target groups and to strengthen the rule of law.<sup>51</sup>

147. In addition to financial support, various social sectors have their own sectoral data, visions, policies and plans. These include, for example, the new “Health 2025” plan, the national plan to promote employment, the integrated public policy for child protection 2015–2025, the integrated national programme for the economic empowerment of women by 2030, the programme to reduce local and social disparities in the rural sector 2017–2023, etc. As concerns State investment in socioeconomic development, the Government has made significant investment efforts beyond the necessary financial margins. In fact, public investments grew from DH 135 billion in 2009 to DH 195 billion in 2019.<sup>52</sup>

- **National plan for water**

148. The purpose of the national plan for water is to manage the risk of water scarcity and the demand for drinking water as effectively as possible by improving the average national yield of drinking water distribution networks to 80 per cent by 2025 then maintaining that level until 2030. This will be achieved thanks to restoration and maintenance work on the drinking water distribution system and improving the system of metering. These measures will reduce the demand for safe drinking water by approximately 120 million cubic metres annually by the end of 2030.

149. In order to achieve a convergence between national and sectoral plans and programmes, the national plan for water, along with the Green Morocco Plan, aims to convert gravity irrigation systems to drip irrigation systems at a rate of 50,000 hectares per year to reach a target of 550,000 hectares by 2020. The national plan for water will also pursue efforts to economize on the water used for irrigation, enabling a saving of 2.4 billion cubic metres by 2020. In addition, there are ongoing programmes to conserve surface water and groundwater resources, protect the natural environment and combat pollution with measures to artificially supply aquifers, protect lakes and conserve oases and wetlands. The national flood protection programme will also continue to be implemented.

150. To help achieve the objectives of the national plan for water, Act No. 15.36 concerning water<sup>53</sup> aims to strengthen administration and governance capacities in that area by simplifying procedures for the exploitation of rainwater and wastewater. Moreover, a legal framework for the desalination of seawater has been established and an analysis has been conducted into the difficulties hindering the effective and sustainable management of water resources, and into the impact of climate change. Principles of good governance, participation and consultation with stakeholders have been established.

151. In view of the overriding importance of this issue, a framework agreement concerning a national programme for the supply of drinking and irrigation water 2020–2027 was signed on Monday 13 January 2020, during a ceremony chaired by His Majesty the King. The agreement stipulates the conditions governing how the programme is to be implemented and financed (with investments of DH 115.4 billion envisaged). Its purpose is to support and diversify drinking water distribution resources, keep pace with demand for this vital resource, ensure water security and reduce the impact of climate change.

152. The programme has the objective of developing the water supply, notably by constructing six dams (DH 61 billion), managing demand and making optimal use of water particularly in agriculture (DH 25.1 billion), increasing the supply of drinking water in the rural sector (DH 26.9 billion), reusing treated wastewater for the irrigation of green areas

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<sup>51</sup> At its plenary session on 16 June 2020, the House of Councillors approved bill No. 72.18 concerning the system regulating beneficiaries of social support programmes and envisaging the creation of a national records agency. The House of Representatives then ratified the bill on 20 July 2020.

<sup>52</sup> Source: Finance Journal of the Ministry of Economy and Finance, special issue, April 2019.

<sup>53</sup> Act No. 15.36 concerning water, published in Official Gazette No. 6494 on 25 August 2016, which replaces Act No. 95.10, published in Official Gazette No. 4325 on 20 September 1995.

(DH 2.3 billion) and communicating and drawing attention to the importance of the preservation and rational use of water resources (DH 50 million).

153. The agreement addresses the issue of funding for the programme, 60 per cent of which is met by the State budget and 39 per cent by other stakeholders. It also envisages a partnership between the public and private sectors as well as a tracking and implementation mechanism, which will be supervised by joint committees including a steering committee headed by the Prime Minister and a technical committee headed by the Minister for Infrastructure, Transportation, Logistics and Water. In addition, there are committees at the level of the regions, headed by regional governors.

- **Green Morocco Plan**

154. Morocco continues to implement its national agricultural development strategy, the Green Morocco Plan, which rests on two main foundations that combine developmental, economic and social needs with environmental protection imperatives, modern agricultural methods and supportive agriculture.

155. Supportive agriculture focuses on combating poverty by improving the income that vulnerable agricultural workers, particularly in marginal areas, gain from the land. In that connection, the Agricultural Development Fund, which is geared to encouraging private agricultural investment and was amended under the Green Morocco Plan, gives particular importance to small-scale farmers. In fact, between 2012 and 2014, around 50 per cent of farmers who received assistance from the Fund were small-scale operators exploiting less than 10 hectares.

156. The Green Morocco Plan has injected new life into employment. The number of working days in the agricultural sector saw a 16 per cent increase in the period 2012–2015 with respect to the period 2005–2007.

157. The Green Morocco Plan includes a number of programmes intended to combat regional disparities, poverty and marginalization, including a nomad's programme which is directed at small-scale farmers and livestock breeders who have no land of their own. Other initiatives aim at the development of oases, the cultivation of argan trees (which are known for their fragility), the optimal use of national resources, the protection of the environment and the conservation of ecosystems.

158. The Green Morocco Plan also promotes the conservation and rational use of water resources through a national programme for economizing on the water used for irrigation. The programme, which seeks to rationalize surface irrigation through the use of spray and drip systems, could save water across a surface area of 550,000 hectares over a period of 10 years. The area irrigated using drip systems has increased from 160,000 hectares in 2008 to 450,000 hectares in 2015, representing a success rate of around 82 per cent vis-à-vis the targets set by the Green Morocco Plan for 2020. Around 80 per cent of the agricultural lands affected by this project are holdings of some 5 hectares.

159. At the beginning of November 2020, Morocco launched its new strategy for the development of the agricultural sector, "Green Generation 2020–2030", along with an associated strategy for the development of water and forests, "Forests of Morocco". These strategies were drafted on the basis of an objective evaluation of the outcomes of the Green Morocco Plan, in order to consolidate gains and to pursue dynamic agricultural development with initiatives responsive to the current and future needs of the sector.

160. In line with royal directives, the strategy seeks to advance a new generation of young agricultural entrepreneurs by turning 1 million hectares of collective land to good use. This is to be achieved by 350,000 land users and entrepreneurs in the area of agriculture and agriculture-related activities, by providing formation in farming skills to more than 150,000 young persons and by establishing a new generation of innovative agricultural organizations. In that connection, the rate of incorporation of agricultural workers into new-generation agricultural cooperatives is to be redoubled and the independence of inter-professional organizations is to be strengthened to enable them to play their role in developing and implementing pending aspects of the new agricultural strategy.

- **National sustainable development strategy 2030**

161. Once sectoral approaches had been shown to have a limited impact on socioeconomic restoration and on leveraging and accelerating the country's path towards development, the 2011 Constitution came to form the basis for forging constitutional contracts for an economically and socially sustainable growth. In that context, Act No. 99.12,<sup>54</sup> which was issued in 2014 and which constitutes a kind of national charter for the environment and sustainable development, includes provision for a national sustainable development strategy. The Act aims to establish the conditions for a green economy, protect the rights of future generations, reduce social and regional inequalities, face the challenges of climate change, combat desertification and protect biodiversity.<sup>55</sup>

162. A national sustainable development strategy 2017–2030 was accordingly drafted, then adopted by the Council of Ministers meeting on 25 June 2017. It contains seven strategic challenges including that of accelerating the implementation of national climate change policy, in which regard three strategic areas have been identified: improving climate management, making regional climate plans more widely known and improving the existing financial system.

- **National human development initiative**

163. The national human development initiative was launched on 18 May 2005 as a royal initiative aimed at tackling poverty and vulnerability by targeting those areas and groups least able to exercise basic economic and social rights. The initiative enjoys the trust of citizens and has earned praise from the international community as being the fruit of Moroccan creativity at the service of human development. Its ultimate goal is to achieve social and sectoral justice and to uphold the dignity of citizens.

164. Following its first two stages – 2005–2010 and 2011–2018 – the third stage (2019–2023) of this initiative was officially launched on Wednesday 19 September 2018 with a new structure based that includes a precise targeting system and programmes that aim to promote human capital. A budget of DH 18 billion has been allocated, which will go to fund the following four programmes:

- A programme to address shortfalls in infrastructure and basic services in less well equipped areas, with projects on health, education, electricity and drinking water supply in rural settings and the construction of roads and technical facilities;
- A programme to accompany persons in situations of vulnerability with interventions focusing on 11 priority categories of such persons;
- A programme to raise the income and improve the economic integration of young persons, the aim being to give them income and job opportunities, in particular by providing formation and training for young businesspersons and project builders and, in general, facilitating the socioeconomic integration of the young;
- A programme aimed at the human development of future generations with a focus on early childhood and on the accompaniment of children and young persons.

- **Programme to reduce social and sectoral disparities in rural areas**

165. A national programme for roads in rural areas was launched in 1995 as a mechanism to break the isolation of the rural world. During the first part of the programme, from 1995 to 2005, around 11,000 km of rural roads were built and developed, and a further 15,000 km during the second part, post-2005. In addition, the territorial rehabilitation programme 2011–2015 involved the construction of 766 km of roads and the surfacing of a further 1,547 km

<sup>54</sup> Act No. 99.12 (national charter for the environment and sustainable development) was published in Official Gazette No. 6240 on 20 March 2014.

<sup>55</sup> Act No. 03.11 on environmental protection and development (Official Gazette No. 5118 of 19 June 2003); Act No. 03.12 on environmental impact studies (Official Gazette No. 5118 of 19 June 2003); Act No. 03.13 on combatting air pollution (Official Gazette No. 5118 of 19 June 2003); Act No. 00.28 on the management and disposal of waste (Official Gazette No. 5480 of 7 December 2006); and Act No. 81.12 on coastal areas (Official Gazette No. 6384 of 6 August 2015).



as well as the creation of 90 crossing points of which 68 in isolated areas. Thanks to these efforts, by the end of 2018, 79 per cent of the rural world was connected to the national road network, thereby lifting some 2.7 million people out of isolation.

166. Ever since its creation the Government, acting on royal directives, has continued to pursue its programme to reduce social and sectoral disparities in rural areas (2017–2023). The programme, which has an estimated cost of DH 50 billion, is being funded with assistance from the Development Fund for Rural and Mountainous Areas (21 per cent), regional councils (40 per cent), the national human development initiative (8 per cent), the National Office for Electricity and Drinking Water (5 per cent) and a number of government agencies (26 per cent). In practical terms, the funds necessary to launch the projects envisaged under this programme were made available on 10 August 2017 with an operational programme budget for 2017 of DH 8.34 billion, of which DH 3.46 billion came from the Development Fund for Rural and Mountainous Areas. The operational programme budget for 2018 was around DH 7.2 billion of which DH 3.48 billion came from the Development Fund for Rural and Mountainous Areas. The work envisaged will enable some 5,190 villages to come out of isolation and will give more than 6 million beneficiaries in 1,100 communes access to health and education services as well as to water and electricity. The budget assigned for the interventions envisaged under the programme in 2019 is estimated at DH 6.53 billion of which some 52 per cent will be met by the Development Fund for Rural and Mountainous Areas.

167. As part of the road-building segment under the programme to reduce social and sectoral disparities in rural areas, a plan was drawn up to rebuild classified rural roads and to equip them with technical facilities. In that regard, DH 36 billion from the Rural Development Fund were allocated to build 25,000 km and to resurface 10,000 km of roads in the 10 years 2016–2025.

- **Comprehensive rural electrification programme**

168. The comprehensive rural electrification programme was launched in 1996 with the aim of supplying rural areas with electrical power. Thanks to the programme, as of November 2018, the electricity coverage rate stood at 99.63 per cent, as compared with 18 per cent in 1995. That figure rose to 99.86 per cent following the completion of works programmed for 2019–2020 to connect 951 villages (25,086 persons) to the network.

- **National anti-corruption strategy**

169. The national anti-corruption strategy 2016–2025 was adopted as a way of promoting the integrity of public life and, in particular, public services, of strengthening national integrity and of disseminating a culture of transparency, a spirit of responsibility and the principle of good governance of the public weal. In addition, under article 2 of Decree No. 582.17.2 of 6 November 2017, the National Anti-Corruption Committee was established, chaired by the Prime Minister and with a membership comprising representatives from other government bodies and relevant organizations as well as from the private sector and civil society. The functions of secretariat of the Committee are carried out by Department for the Reform of the Public Administration.

170. The national anti-corruption strategy includes 187 projects divided between 10 programmes, including a programme for improving the services offered to citizens, a programme for the digitalization of administrative services, a programme on transparency and access to information and an oversight and responsibility programme. The National Anti-Corruption Committee is the institutional mechanism charged with monitoring the implementation of the strategy. In order to ensure the continuous running of the public administration and to improve services for users, the strategy aims to develop a legal framework to address conflicts of interest, to adopt an ethical and professional code of conduct for public servants, to review the system of declaration of assets and to draw up a list of relevant posts, through the development of an online declaration and publication system. The strategy also includes mechanisms and procedures for reporting cases of corruption and bribery.

171. Thanks to these efforts, the ranking of Morocco on the Corruption Perceptions Index has improved, moving from eighty-ninth place in 2009 to seventy-third in 2018. In addition, Morocco has advanced to fifty-third place in the 2020 Doing Business indicator of the World Bank.

### **Legislative measures to protect rights and freedoms<sup>56</sup>**

#### **• Legislative protection for the rights of women**

172. For around 20 years, Morocco has been witnessing a legislative renewal that has affected all aspects of rights and freedoms. Equality between men and women was enshrined in Act No. 70.03 of 2004 (the Family Code) and in the Moroccan Citizenship Act of 2006. In addition, Act No. 103.13 concerning violence against women was issued on 22 February 2018 to protect women from all forms of sexual, physical, psychological and economic violence.

173. New laws have been passed to foster the involvement of women in public and political life at both the national and the regional levels, as detailed below:

- A national electoral college comprising 60 women was created under Act No. 20.16 of 2016 concerning the House of Representatives, which amended Act No. 27.11. Under article 23 of the new Act, the second half of the national list – made up of 30 seats – is reserved for young candidates of both sexes, whereas the 2011 Act had reserved that part of the list only for male candidates. This has helped to improve women's representation;
- As concerns the House of Councillors, article 24 of Act No. 28.11 concerning the House of Councillors, as amended on 23 July 2015, embodies the principle of alternation between the sexes, whereby no list of candidates may have two candidates of the same sex listed consecutively;
- As concerns territorial entities, Act No. 34.15 of 2015, which amends Act No. 59.11 regarding the election of members of territorial entities makes provision for the following:
  - In regional councils, women are to be allocated a third of seats in each electoral district;
  - In communal and arrondissement councils, women are to be allocated no fewer than four supplementary seats in each commune or arrondissement, in addition to the established number of seats;
  - In regional councils as well as in communal and arrondissement councils, which elect candidates from lists, each list of candidates is to be made up of two parts with the second part containing the names only of female candidates, their number being consistent with the number of seats allocated to women in the electoral district in question. In neither case does this invalidate their right to stand as candidate for other seats, and the candidate whose name figures at the top of the part of the list dedicated to women is considered as a head of list and has the same rights as the head of the overall list.

174. In order to strengthen and promote the political representation of women, a number of regulatory measures have been taken to provide financial incentives for political parties for seats occupied by female members during general, communal and regional elections. The incentives do not apply to electoral colleges or seats that are already exclusively reserved for women.

175. The Fund to Support and Encourage Female Representation was created in 2009 in order to strengthen women's representative capacities by involving political parties and civil society associations in programmes and activities in this area. Following a preliminary

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<sup>56</sup> This section is limited to the most important legislative developments regarding the protection of fundamental rights and freedoms while, depending upon the subject matter, reference will also be made to other legal and regulatory instruments.

assessment, the initiative was further strengthened with the enactment of a new decree in October 2013 that aimed to redistribute the functions of the Fund, while new amendments to the regulatory framework were introduced in 2013 and 2014 to make its operation more efficient and effective. In addition and in line with the Fund's current regulations, new members of the board that runs the Fund were appointed in June 2017.

• **Legislative protection for the rights of children**

176. The legislative system of Morocco has undergone a steady process of renewal since 2002, which has touched upon all aspects of the rights of the child. As part of this process, the country has drawn on its international human rights obligations as existing laws have been adapted and harmonized and new laws drafted. This has involved the following pieces of legislation:

- Act No. 70.03 (the Family Code), issued on 3 February 2004;
- Act No. 37.99 concerning civil status, issued on 3 October 2002;
- Act No. 15.01 concerning care for neglected children, issued on 13 June 2002;
- Act No. 62.06 promulgating the Moroccan Citizenship Act, issued on 23 March 2007;
- Act No. 65.15 concerning social care institutions, issued on 23 April 2018;
- Act No. 19.12 concerning the conditions of work and employment of domestic workers, issued on 23 August 2016;
- Decree No. 2.17.355 concerning the model contract of employment for domestic workers, issued on 31 August 2017;
- Decree No. 2.17.356 concerning the list of jobs in which domestic workers and between the ages of 16 and 18 may not be employed, issued on 27 September 2017.

• **Protection of individual physical integrity and prevention of torture**

177. Legal safeguards protecting individuals against torture and ill-treatment have been strengthened thanks to an amendment to article 293 of the Criminal Code regarding the invalidity of confessions extracted by violence or coercion. Moreover, Act No. 43.04 of 2006, which amends article 231 (1) of the Criminal Code, criminalizes torture and envisages penalties for perpetrators that are in line with the Convention against Torture. In addition to this, article 22 of the 2011 Constitution states: "No individual's physical or moral integrity may be violated under any circumstances or by any party, private or public. Under no pretext may anyone treat others in a way that is cruel, inhuman or degrading. Torture in any form and inflicted by any party is a crime that is punishable by law."

178. Under successive reforms of the criminal justice system, the human rights dimension of police custodial measures has been strengthened while the use of pretrial detention has been rationalized and it is now applied only as an exceptional measure. Measures have also been taken to promote the fight against torture and police officers are required, having first notified the Office of the Public Prosecution, to ensure that persons being held in police custody undergo a medical examination if they seem to be suffering illness or show signs that would require such an examination. In addition, judicial oversight of the actions of the police has been strengthened.

• **Reviewing definitions and penalties for crimes that constitute serious violations of human rights**

179. In accordance with article 23 of the Constitution and with the country's obligations under international human rights law and international humanitarian law, as well as with its international anti-corruption obligations, and drawing guidance from the Rome Statute of the International Criminal Court, Morocco has drafted bill No. 10.16, which amends and complements the Criminal Code by expanding the reach of the domestic penal system and defining certain crimes in line with the relevant international standards. This affects enforced disappearance (art. 231 (9)), migrant smuggling (art. 231 (18)), illicit enrichment (art. 256 (7)), genocide (art. 448 (1)), crimes against humanity (art. 448 (3)) and war crimes (art. 448

(6)). The bill also reviews provisions regarding offences such as abortion (arts. 449 to 453), discrimination (art. 431 (1)) and the sexual abuse of children (arts. 448 and 497).

- **Combating human trafficking**

180. Act No. 27.14 to combat human trafficking of 25 August 2016 contains a definition of the crime of human trafficking and all related forms of exploitation, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which Morocco ratified in 2011. The Act – which amends and complements the Criminal Code and Act No. 22.01 (Code of Criminal Procedure) with special norms specific to human trafficking – includes provision for the protection of trafficking victims and the punishment of perpetrators. It also envisages protection mechanisms in the form of health care and psychosocial support for victims as well as shelters, legal aid and assistance in reintegrating back into community life. A national committee for preventing human trafficking and coordinating anti-trafficking measures has been brought into being under the Act and, on 6 July 2018, Decree No. 2.17.740 was adopted regarding the committee's membership and rules of procedure. On 23 May 2019, the Prime Minister oversaw the appointment of the members of the committee.

- **Access to information**

181. In enactment of article 27 of the Constitution, Act No. 31.13 on the right of access to information was issued on 22 February 2018. It defines the scope of the right to access information held by the public authorities, elected institutions and bodies that carry out the functions of the public administration. Under the Act, the relevant institutions and bodies are required, acting within their mandates, to take proactive measures to disseminate the greatest possible amount of the information in their possession (as long as it does not fall into the exceptional categories defined in the Act) using all available channels, particularly online channels and national public data portals. Under article 4 of the Act, foreigners who are lawfully resident in Morocco also have the right to access information in line with the conditions and procedures set forth in the Act. On 13 March 2019 and in accordance with chapter V of the Act, members were appointed to a committee on the right of access to information. The committee, which answers to the Prime Minister, is chaired by the head of the National Commission for Monitoring the Protection of Personal Data.

- **Freedom of press and publishing**

182. Act No. 88.13 concerning publishing and the press of 15 August 2016 envisages a number of safeguards to protect freedom of opinion and expression by expanding media freedoms and promoting principles of professional responsibility. The Act also embraces and absorbs technological advances as they affect the media, while protecting and nurturing the gains that have been made in the field of press freedom. In that regard, it provides greater protection for journalistic freedom by abolishing penalties that involve deprivation of liberty and replacing them with moderate fines, contrary to Act No. 00.77 concerning publishing and the press of 2002, which contemplated 31 penalties involving deprivation of liberty. The Act further protects individual and collective rights and freedoms with provisions to prohibit any incitement to hatred, discrimination or violence; to protect private life; and to ban any publicity that degrades the image of women, children or persons with disabilities. Also under the Act, the courts have exclusive jurisdiction in cases involving the press, and the judiciary has been given a greater role in protecting media freedoms. The freedom of Internet journalism has also been bolstered by granting legal recognition to online media outlets and enabling them to practise their activity in line with the same conditions that govern traditional media. The Act also seeks to encourage investment and improve transparency in the sector by providing guarantees for freedom of initiative, promoting investment in media and the press and consolidating the principles of transparency, equal opportunity and neutrality in order to access State support.

183. Act No. 89.13 concerning the statute of professional journalists of 19 May 2016<sup>57</sup> envisages a body of measures intended to recognize and consolidate the rights and freedoms of professional journalists. In particular, it provides judicial protection for the confidentiality of their sources and for their right to access information, promotes their independence, stipulates academic requirements for entry into the profession and grants them social protection.

184. The National Press Council was established under article 1 of Act No. 13.90 of 10 March 2016 as a way of strengthening the institutional protection for freedom of the press and publication. The mandate of the Council – which enjoys legal personality and financial independence – covers professional journalists and press institutions. It safeguards the principles that underpin the honour of journalism and ensures respect for the charter of professional ethics and for laws and regulations regulating the practice of the journalistic profession.

185. In application of article 5 of Act No. 90.13, on the basis of the outcome of elections for Council members, which took place on 22 June 2018, and in application of Decree No. 7.18 of 14 September 2018 issued by the committee responsible for supervising elections for representatives of professional journalists and newspaper publishers, a President and Vice-President of the National Press Council were duly elected on Friday 5 October 2018.

186. As soon as it had been formed, the National Press Council began working on a draft charter of professional ethics. Having consulted with relevant civil society organizations and leading academic, legal and media figures, and having received numerous other inputs from journalists, the National Press Council eventually approved the charter at its meeting on 7 March 2019.<sup>58</sup>

187. The rules of procedure of the National Press Council have been duly approved.<sup>59</sup>

188. Also as part of the framework of harmonizing domestic law with international standards, several other laws connected with the protection of human rights have been issued. They concern consumer protection; free pricing and competition; the protection of victims, witnesses, experts and informants in cases involving bribery or abuse of authority; and mandatory declaration of assets for certain senior officials in State agencies.

• **Raising awareness about human rights culture**

189. As concerns publishing and media, the Government has acted to disseminate – via the Official Gazette and official websites – the international human rights treaties, the international humanitarian law and the attached protocols that Morocco has ratified. Moreover, State administrative structures, government-run centres, national institutions and universities all provide research, formation and training programmes in the field of human rights. And they too publish international human rights treaties and their attached protocols, as well as the related reports and recommendations concerning the obligations Morocco has under the United Nations human rights system.

190. Ever since March 2016, Morocco has been continuing to roll out a national community mobilization programme on a “school for citizenship”, which is part of project No. 18 for the implementation of the strategic vision for reform 2015–2030. The programme – which involves “promoting values of citizenship, democracy and gender equality in the education system” – aims to strengthen and develop the social, educational, cultural and civic capacities of Moroccan schools and to create clubs within educational institutions where citizenship, human rights and integrity can be taught. It also seeks to give prominence to those issues in

<sup>57</sup> Two implementing decrees for the Act were adopted on 28 February 2019:

- Decree No. 2.19.121 regarding the issuance and renewal of professional press cards;
- Decree No. 2.19.122 regarding the issuance and renewal of press cards for professional accredited journalists.

<sup>58</sup> The charter of ethics of the journalistic profession was published in Official Gazette No. 6799 on 29 July 2019.

<sup>59</sup> Decree No. 2.19.896 issued on 17 Ramadan A.H. 1441 (11 May A.D. 2020), Official Gazette No. 6885 of 2 Shawwal A.H. 1441 (25 May A.D. 2020).

the school environment and to weave them into the social fabric at the regional and provincial levels. The programme also mobilizes social, cultural, educational and media partners to participate in promoting citizenship, human rights and coexistence in and around school life.

191. Thanks to a partnership between the national education sector and the Mohammedan League of Ulema, and with support from the UNDP office, Morocco is continuing to implement its programme to promote tolerance, civic behaviour and education for citizenship and to prevent discreditable behaviour in the school environment for 2018–2022 (APT2C). The programme seeks to build school coordinators' capacity to promote tolerance, civic behaviour and education for citizenship and their ability to grasp modern technology and its use to help young people acquire values of true citizenship and effective integration into educational and professional life, to shield them against delinquency and to curb any kind of discreditable behaviour in the school environment.

192. In October 2019, and in accordance with the National Action Plan for Democracy and Human Rights 2018–2021, Morocco introduced a new participatory dynamic that brings together institutional and civic stakeholders through a programme for the “development of a school of human rights 2019–2021”. The programme seeks to mobilize the various actors of school life, as well as educational, cultural, social and media partners, in order to establish and consolidate human rights values and principles in the educational system and in school relations. It also aims to consolidate and develop the role of Moroccan schools in promoting a human rights culture via programmes and activities to provide awareness-raising and formation in that area, to create clubs within educational institutions where human rights can be taught, giving prominence to those issues in school life and weaving them into the social fabric at the regional and provincial levels.

193. In this same context of awareness-raising about human rights culture, mention should be made of the fact that, in 2015, the National Human Rights Council established the National Institute for Human Rights Training (the Driss Benzekri Institute), which was restructured in May 2019 with the creation of an academic panel composed of Moroccan and foreign experts, researchers, professors and jurists. Apart from making the Institute an important point of reference for human rights and capacity-building, the purpose of the restructuring was to create a space for discussion on a range of human rights problems and to establish a centre for research and publication, particularly regarding the use of modern communication technologies and the consolidation of human rights-related knowledge. Since its creation in 2015, the Institute has run more than 300 training courses for members and staff of the National Human Rights Council, public officials and law enforcement officers, as well as for civil society organizations, the private sector and other human rights stakeholders, both at home and abroad.

194. Acting at both the national and international levels, Morocco is keen to promote dialogue between religions and cultures, spread values of moderation and respect for others, combat speech that incites hatred, discrimination, hostility and violence and advance values of religious and spiritual tolerance in the country, where religions have coexisted for more than 12 centuries, as evinced by the many mosques, churches and temples in various Moroccan cities. This approach is clearly evident in the active role Morocco plays in high-level dialogue on interreligious and intercultural understanding and cooperation for peace, as well as in the support it is giving to the implementation of the 2012 Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.<sup>60</sup> It likewise emerges in the consequences of the historic visit to Morocco by Pope Francis in March 2019 and in the recent (July 2019) adoption by the General Assembly of the United Nations of a resolution on hate speech, sponsored by Morocco and entitled “Promoting interreligious and intercultural dialogue and tolerance in countering hate speech”.<sup>61</sup>

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<sup>60</sup> See Rabat Plan of Action in the document A/HRC/22/17/Add.4.

<sup>61</sup> General Assembly resolution 73/328 on promoting interreligious and intercultural dialogue and tolerance in countering hate speech (RES/73/328/A).

## D. Report-writing process at the national level

195. The Government has worked to fulfil its international obligations regarding the preparation and submission of national reports by assigning to the ministries concerned the task of preparing reports on the sectoral issues they supervise. However, due to delays in the preparation of certain reports, and in response to recommendations from the national human rights institution and requests from civil society organizations, an interministerial human rights unit was established on 11 April 2011. The unit was given powers to coordinate government policy on human rights and international humanitarian law, and in particular to take action to promote respect for human rights and to propose any measures aimed at implementing the international conventions on human rights and international humanitarian law to which Morocco is a party. To this end, it works to promote the ratification of or accession to international treaties on human rights and it follows up on their effective implementation, reviews reservations, drafts national periodic reports, monitors the implementation of recommendations issued by international bodies and follows up on communications from governments and international organizations.

196. The unit has, furthermore, responsibility for developing cooperation with national and international human rights organizations and for helping to support the capacities of national civil society organizations working in the field of human rights and to facilitate their participation in international forums. It also provides opinions and support for the Government as it acts to harmonize national laws with international human rights standards, and it coordinates government efforts to promote and raise awareness about human rights culture.

197. The following table shows the reporting status of Morocco under the international human rights treaties to which it is a party.

<i>Treaty</i>	<i>No. of reports</i>	<i>Date of submission</i>
International Convention on the Elimination of All Forms of Racial Discrimination	Initial report	17 January 1972
	Second report	7 February 1974
	Third report	9 December 1976
	Fourth report	7 October 1977
	Fifth report	23 January 1980
	Sixth report	29 October 1982
	Seventh report	7 September 1984
	Eighth report	14 July 1986
	Ninth to eleventh reports	22 April 1993
	Twelfth and thirteenth reports	6 November 1997
	Fourteenth to sixteenth reports	31 January 2002
	Seventeenth and eighteenth reports	12 January 2009
	Nineteenth to twenty-first reports	30 July 2019
International Covenant on Economic, Social and Cultural Rights	Initial report	16 March 1993
	Second report	27 August 1998
	Third report	27 October 2004
	Fourth report	24 January 2013

<i>Treaty</i>	<i>No. of reports</i>	<i>Date of submission</i>
International Covenant on Civil and Political Rights	Initial report	9 February 1981
	Second report	22 March 1990
	Third report	20 July 1993
	Fourth report	27 January 1997
	Fifth report	10 March 2004
	Sixth report	7 July 2015
Convention on the Elimination of All Forms of Discrimination against Women	Initial report	14 September 1994
	Second report	29 February 2000
	Third and fourth report	18 September 2006
	Fifth and sixth report	30 December 2019
Convention against Torture	Initial report	28 July 1994
	Second report	2 September 1998
	Third report	24 March 2003
	Fourth report	27 April 2009
Convention on the Rights of the Child	Initial report	27 July 1995
	Second report	4 September 2000
	Third and fourth report	30 May 2012
International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families	Initial report	12 July 2012
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	Initial report	28 July 2004
	Second report	30 May 2012
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Initial report	30 May 2012
Convention on the Rights of Persons with Disabilities	Initial report	17 March 2014

198. These reports continue to be drafted and submitted within the expected deadlines; in fact, a further three reports are due to be presented before the end of 2020. They are: the fifth periodic report under the Convention against Torture, the initial report under the International Convention for the Protection of All Persons from Enforced Disappearance and the second periodic report under the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families.



### III. Information on non-discrimination, equality and effective remedies

#### A. Non-discrimination and equality

199. In parallel with the constitutional and legal recognition of equality and with the prohibition of all forms of discrimination based on sex, colour, belief, culture, social or regional origin, language, disability or personal circumstance, a gender-based approach has also been introduced, which focuses on the development and implementation of national policies and programmes. This approach does not limit itself merely to public policies on the rights of women but extends to all public policies, national plans and sectoral programmes. In this way, the gender-based approach has been institutionalized at the level of national and regional policies.

##### • Political empowerment of women

200. There has been a significant growth in the political participation of women and their representation on elected councils. Thanks to successive legislative reforms, particularly following the adoption of the 2011 Constitution, the number of women elected to the House of Representatives rose from 34 during the legislative elections of 2007 to 81 during the legislative elections of 2016, thus increasing their presence from 10 per cent to 21 per cent.

201. In the House of Councillors, thanks to mechanisms adopted to improve female representation, the proportion of women increased to around 11.67 per cent in 2016. Although this remains a modest figure, it is nonetheless significant if compared to female representation on the House of Councillors as it was previously composed, which was just 2.2 per cent.

202. The procedures envisaged in laws regulating territorial entities have also led to an increase in female representation on councils, from 12.38 per cent in the 2009 elections to 21 per cent in the 2015 elections to councils of territorial entities.

##### • Promoting gender-based approaches in public service

203. The access of women to posts in the public administration has increased, with the percentage of women passing from 38.5 per cent in 2012 to 40 per cent in 2019. As concerns the distribution of female public officials by qualification, 76 per cent of women are employed at the basic level, 15 per cent at the supervisory level and 19 per cent at the executive level. With regard to management and senior positions, women hold 23.02 per cent of such posts.

204. As a way of overseeing measures intended to increase the number of women in management and senior positions, and in decision-making roles in the public administration, an observatory for gender approaches in public service was brought into being in 2014. It conducts research and gathers and analyses data and indicators concerning the status of women in public service.

##### • Economic empowerment

205. By the end of 2018, one employment stimulation programme, the “integration” programme, had enabled 102,773 persons – 50 per cent of them women – to integrate into the labour market. Also as of December 2018, 27,125 jobseekers had benefited from the “qualification” programme, with 60 per cent of beneficiaries of “contractual formation for employment” being women. As concerns self-employment, where the focus is on stimulating and creating micro-enterprises, 2,785 project builders, 30 per cent of them women, received support in 2018. Despite all this, women’s participation in the labour market remains in need of further support as figures for 2018 shows that activity levels among females stand at 22.2 per cent while among males they are 70.9 per cent. This low level of involvement has led to a decline in levels of activity among women from 28.1 per cent in 2000 to 22.2 per cent in 2018.

- **Right to education**

206. The gender parity index in public primary education has risen significantly at the national level, going from 0.84 in the academic year 2000/01 to 0.95 (i.e., the enrolment of 95 girls per 100 boys) in the academic year 2018/19. As concerns middle and secondary school, the indicator moved from 0.75 to 0.90 over the same period while for higher secondary education it went from 0.85 in the academic year 2000/01 to 1.00 in the academic year 2018/19, at the national level. Despite these positive developments, gender differences still persist vis-à-vis middle, secondary and higher secondary education. The rate of schooling for girls aged between 12 and 14 stands at 86.7 per cent at the national level but at just 72.3 per cent in the rural sector, while the rate of schooling for girls aged between 15 and 17 stands at 63.6 per cent at the national level but at only 33 per cent in the rural sector.

207. Parity has been achieved in access to higher education as evinced by the fact that, in the academic year 2018/19, female students made up 49 per cent of the total number of students in higher education. Mention should also be made of the fact that women account for more than 50 per cent in certain institutions of higher education and, in the academic year 2017/18, for 49.75 per cent of the total number of degree-holders.

- **Access to health services<sup>62</sup>**

208. According to national research data on population and family health, and to indicators on access to care, health services have improved significantly. Prenatal testing has reached 88.5 per cent, 86 per cent of childbirths take place with the assistance of a medical practitioner and women make up 52 per cent of the beneficiaries of the medical assistance system.

- **Combating violence against women**

209. The State has launched its national strategy to eliminate violence against women 2018–2030 using a participatory approach that brings together all stakeholders from the sectors of government, civil society, human rights and development organizations, territorial entities and the media, as well as the target groups of female victims of violence, men and boys. The main objectives of this national strategy are:

- Reviewing government action in the light of a clear strategic vision shared by all stakeholders;
- Reviewing operational concepts and approaches and harmonizing and integrating interventions to ensure that violence against women is successfully eradicated;
- Keeping abreast of legal reforms intended to protect women from violence, discrimination, exploitation, torture and human trafficking;
- Pursuing the objectives of national human rights strategies in general – notably the Government’s Plan for Equality 2017–2021 and the National Action Plan for Democracy and Human Rights 2018–2021 – as well as of other sectoral strategies and of international treaties ratified by Morocco;
- Following a preventive approach and adopting deterrent, social, institutional and cultural measures capable of protecting women from all forms of gender-based violence;
- Contributing to the protection and empowerment of women in situations of difficulty such as working women, refugees, migrants and victims of sexual exploitation and human trafficking, etc.;
- Contributing to the review of cultural references and values that give fuel to instances of violence, as well as discriminatory practices rooted in stereotypical views of the roles of men and women; this is done taking a comprehensive view, combating violence with an approach that embraces prevention and protection, and is rooted in foundations of equality, respect for human rights and a proactive view of social change.

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<sup>62</sup> For health-related digital data, see paragraph 16 above.

210. Act No. 103.13 concerning violence against women is an important weapon in the domestic legal arsenal, having given Morocco a comprehensive legal framework within which to combat violence against women. The purpose of the Act, which came into force in September 2018, is to provide fourfold legal protection to female victims of violence, covering prevention, protection, deterrence and care.

211. As concerns prevention and protection measures to address violence against women, Act No. 103.13 recommended the creation of institutional mechanisms to care for female victims of violence. Thus, on 5 September 2019, a national committee was established to attend to women who have suffered violence. Nineteen government ministries and central departments are represented on the committee in order to ensure convergence between all relevant stakeholders and an integrated approach to tackling the phenomenon of violence against women. At the same time, units for women and child victims of violence have been set up in courts, public hospitals, security centres and the Royal Gendarmerie. This shows that there has been a mobilization at the national level to combat violence and provide care for victims.

212. On a separate front, a national observatory for violence against women was established under Ministerial Decree 2852.14 of 10 Shawwal A.H. 1435 (7 August A.D. 2014) as a specialized national mechanism that brings together institutional partners representing the ministries involved in combating violence against women, as well as representatives of collectives and researchers representing study centres and universities. The mechanism acts as a framework to fortify and consolidate the participatory approach of the various parties involved in combating violence against women. It is a strategic option that serves to monitor and follow up on the various aspects of this phenomenon, to contribute to the development of knowledge in the area of anti-female violence and to help disseminate a culture of respect for women's rights.

213. Beginning in 2015, social care institutions for women in situations of difficulty have been given extra support. As of 2019, there were 40 institutions in the country but, with continuing efforts to promote such structures, an additional 25 centres are to be created covering all regions and provinces. In addition to this, polyvalent spaces providing care for female victims of violence are being set up at the regional level. These are social proximity structures that provide women in situations of difficulty with a number of different services such as support, care, accompaniment, capacity-building and shelter as well as awareness-raising on the subject of women's rights. Morocco is currently working to expand the network of such spaces to cover all prefectures and provinces and to improve and develop the services they offer by adopting a set of rules compliant with relevant international standards to regulate social institutions that provide care and shelter.

214. As part of celebrations for the International Day for the Elimination of Violence against Women (25 November), Morocco organizes an annual national campaign to combat violence against women. The seventeenth campaign was held in 2019 under the banner of "Young people as partners in the fight against violence against women and girls", a choice motivated by various considerations the purpose of which was to change forms of interaction with young persons affected by this phenomenon, whether as victims or as aggressors, involving them and turning them into an effective positive force wherewith to change male mentality and consolidate principles of equality, justice and equity.

215. Despite this, preliminary statistics and figures from a second national research campaign on the prevalence of violence against women in Morocco, which were released in May 2019, show that efforts to curb gender-based violence are still insufficient. In fact, in the 12 months prior to the date of the research, the prevalence of violence against women stood at 54.4 per cent. A disaggregation of that data on the basis of area shows that violence against women is more prevalent in urban areas (55.8 per cent) than in rural areas (51.6 per cent).

- **Improving the image of women in the media**

216. Since adopting its National Charter to Improve the Image of Women in the Media in 2005, Morocco has been making considerable gains in improving the image of women and fighting stereotypes. In that connection, it has:

- Adopted Act No. 83.13 on 4 August 2015, which complements Act No. 77.03 on audiovisual communication. The Act prohibits any publicity that is abusive to women or that contains messages which, by their nature, transmit a stereotyped or negative view of women, suggest their inferiority or promote discrimination on the basis of their sex. The Act also encourages parties involved in audiovisual communications to help combat sexual discrimination including in the form of gender-based stereotypes and to promote a culture of equality between the sexes. It also prohibits any kind of direct or indirect incitement against women or infringements of their dignity;
  - Adopted Act No. 88.13 concerning publishing and the press of 15 August 2016. According to article 64 of that Act: “With due regard for freedom of creativity, it is prohibited to disseminate any kind of publicity in print or online media ... that abuses or disparages persons on the basis of their religion, sex or colour; that abuses or disparages women or that contains messages which, by their nature, transmit a stereotyped or negative view of women, suggest their inferiority or promote discrimination on the basis of their sex; that abuses or disparages children or that contains messages which, by their nature, imply or incite abuse of children or that encourage discrimination between children on the basis of sex”;
  - Adopted Act No. 11.15 regulating the Supreme Council for Audiovisual Communication. Articles 2, 6 and 9 of the Act make it plain that the Council is to strive to create an audiovisual landscape that respects pluralism and human dignity; to combat all forms of discrimination and violence; to help promote a culture of parity and equality between men and women; and to combat all forms of discrimination and stereotypes that are harmful to the dignity of women;
  - Drafted sets of rules for public broadcasting channels, which include provisions to promote the presence of women in the media, to improve their image and to raise their status in the media;
  - Established a national observatory for the image of women in the media, under Ministerial Decree 2852.14 of 10 Shawwal A.H. 1435 (7 August A.D. 2014), as a national mechanism to monitor the image of women across various media outlets (print, audiovisual and online). The observatory is noteworthy for its tripartite structure, which brings together government departments, representatives of civil society and professional organizations, and representatives from research centres in universities;
  - Created a parity and vigilance committee in 2017 as part of the Société nationale de radiodiffusion et de télévision as a way of cementing values of equality and equal opportunity between the sexes.
- **Gender-responsive budgeting**

217. A centre for excellence in gender-sensitive budgeting was established in February 2013 as a platform for partnership, cooperation and knowledge-sharing on gender-responsive budgeting. One of the particular characteristics of gender-based approaches lies in the fact that they use horizontal analytical methodologies that incorporate integrated visions and take account of the principle of the unity and invisibility of human rights. Gender-responsive budgeting, in fact, is part of an approach based on democracy, good governance and the identification of the needs of different social groups (especially children, persons with disabilities and migrants), while taking account of the relationship between gender, climate change and territory.

218. Morocco is continuing to apply gender-responsive budgeting, which it first rolled out in 2002. In that connection, 33 ministries are involved in drafting reports on results-based budgeting while due account of gender is taken in the Finance Act. For its part, the Ministry of the Economy and Finance has written a report on results-based budgeting from a gender perspective since the fiscal year 2011.

219. The efforts Morocco has been making to apply gender-responsive budget programming were further strengthened with the passage of Finance Act No. 130.13 on 1 January 2016, which provided unprecedented opportunities for ministries to develop

budgetary programming based on efficiency and equity. A new report on results-based budgeting from a gender perspective, which has been annexed to the 2020 finance bill, marks the beginning of these positive changes, with the adoption of a new focus that takes account of the economic gains that arise from reducing gender differences.

## **B. Effective remedies**

### **• Judicial redress**

220. Victims of rights violations may have recourse to the courts. Such recourse is equally possible in the event of violation of the rights enshrined in the Constitution, the treaties to which Morocco is a party or those recognized by the law. Cases may be brought before the civil, criminal or administrative courts, depending on the nature of the rights involved.

221. The court system in Morocco is regulated by the Decree-Law of 15 July 1974 on the organization of the national courts, as amended and modified. It consists in the Court of Cassation (formerly the Supreme Council), the courts of appeal, the administrative courts of appeal, the commercial courts of appeal, the courts of first instance, the administrative courts and the commercial courts. As a further accessory in the legal arsenal of the domestic judicial system, bill No. 38.15<sup>63</sup> sets norms for the organization of the judiciary and the administration of justice so as to guarantee effectiveness and ensure that justice remains readily accessible to litigants.

### **• Courts of first instance**

222. Courts of first instance – each of which is composed of a president, judges, prosecutors and a clerk of the court – are competent to consider all cases concerning all litigants except those that are assigned by law to another judicial body. They therefore have general jurisdiction in all civil, property, criminal, social and personal status cases.

223. Under the domestic court system, criminal courts of first instance consider misdemeanours and less serious offences while the family courts consider cases related to marriage, divorce and inheritance. Courts of first instance are also competent in cases involving employment disputes, industrial accidents and occupational diseases. In addition, such courts have jurisdiction over cases concerning civil transactions of sale, purchase, rent and mortgage, except those relating to commercial transactions, which fall under the jurisdiction of the commercial courts. In all, there are 83 courts of first instance.

### **• Courts of appeal**

224. Courts of appeal – each of which is composed of a president, judges, prosecutors and a clerk of the court – are competent to consider appeals in cases for which the first instance courts have jurisdiction and appeals concerning orders issued by the presidents of those courts. In addition, the chambers of first instance and of appeal of such courts consider serious crimes, and hear appeals concerning the decisions of investigating judges and others. There are 22 courts of appeal in the country.

### **• Courts of Cassation**

225. The Court of Cassation stands at the top of the domestic judicial hierarchy, and its jurisdiction covers the whole of national territory. It was established under Act No. 58.11 on the Court of Cassation, issued on 25 October 2011.

226. The Court of Cassation issues its decisions collectively, with rulings being handed down by five judges one of whom is the president of a chamber. In some instances this collective characteristic is reinforced with rulings emanating from two conjoined chambers or from all chambers sitting together in plenary.

227. The primary role of this judicial institution is to monitor the application of the law by trial courts, be it vis-à-vis laws regulating matters of form or of substance. In this connection,

<sup>63</sup> For bill No. 38.15 regarding the organization of the judiciary in Morocco, see footnote 32 above.

the Court hands down rulings on applications for cassation against appeal rulings and on definitive sentences handed down by the courts of appeal and other courts of all degrees. It also rules on applications to overturn decisions made by the administrative authorities in cases concerning abuse of power.

228. In addition to the above, the Court of Cassation also considers the following:

- Appeals in cases where judges exceed their authority;
- Decisions on conflicts of jurisdiction between courts which have no common higher court other than the Court of Cassation;
- Applications to review criminal or disciplinary sentences under the conditions set forth in the law regulating criminal investigations;
- Cases involving litigation against judges and courts other than the Court of Cassation;
- Cases in which the impartiality of a sentence is called into question;
- Withdrawal of a case from the courts for reasons of national security;
- Requests for extradition to other countries.

#### • **Military court**

229. The adoption of Act No. 108.13 concerning the military court, which was issued on 1 January 2015, marks an important milestone on the path of reform of military justice in Morocco. The Act – which was issued in enactment of article 127 of the 2011 Constitution which prohibits the creation of exceptional courts – is, then, a significant step towards reforming the justice system in that it implicates a profound revision of the Military Justice Act of 1956. In particular, it establishes the military court as a specialized judiciary bound by fair trial guarantees as recognized in the international norms that govern military justice.

230. That revision also included a review of the substantive issues and the persons who fall under the jurisdiction of the military court as well as other aspects related to the organization, composition and functioning of the court. The Act envisages the creation of a specialized military court which considers cases in first instance and in appeal. Under article 22 of the Act, judgments of the military court are subject to appeal to the Court of Cassation, while its mandate is limited to military offences, offences committed by prisoners of war and offences committed in the event of war.

231. Its jurisdiction does not cover offences under ordinary law that are committed by military or paramilitary personnel. Nor does it include misdemeanours committed by officers, non-commissioned officers or enlisted personnel of the Royal Gendarmerie while performing their duties as judicial or administrative police. Likewise, the military court does not consider cases involving adolescents who were under the age of 18 at the time the offence was committed or offences committed by civilians working in the service of the Royal Armed Forces.

232. The military court is competent to consider offences committed by military or paramilitary personnel who have been granted that status under a specific law and who are in active service, as well as offences committed by prisoners of war, whatever their status. It also considers offences committed in the event of war and cases for which specific provision has been made in law. Persons in active service include recent recruits to the Royal Armed Forces; enlisted and re-enlisted military personnel; persons temporarily discharged from military service due to illness or physical incapacity; military personnel of various ranks who are on unlimited leave; and personnel who, being in a state of availability or in the reserve, are recalled to serve in the ranks of the Royal Armed Forces (arts. 3 to 6 of the Act).

#### • **Constitutional Court**

233. Following the promulgation of the 2011 Constitution, the institutional structure for the protection of human rights was enhanced. Greater safeguards for rights and freedoms were introduced and the constitutional control of laws was increased. In fact, the idea of a constitutional judiciary was part of the first constitutional experiment in Morocco, which dates from 1962 and involved the establishment of the Constitutional Chamber in the

Supreme Council. In the early 1990s, this was developed in response to the need for constitutional review, becoming the Constitutional Council under chapter VI of the 1992 Constitution. The Council was then upgraded to the rank of Constitutional Court under chapter VIII of the 2011 Constitution.

234. The role of the Constitutional Court to protect rights and freedoms was strengthened by expanding its powers. Thus, in addition to the prerogatives enjoyed by the Constitutional Council (which consisted in examining the constitutionality of regulatory laws prior to the issuance of an order for their enactment; the internal regulations of both Houses of Parliament prior to their application; ordinary laws referred to the Council by their sponsors and prior to the issuance of an order for their enactment; and the validity of the election of members of Parliament, referendums and removals from parliamentary office), the 2011 Constitution gives the Court additional areas in which it can exercise its oversight mandate. That mandate is now applicable a posteriori under conditions set forth in bill No. 86.15<sup>64</sup> regarding conditions and procedures for the implementation of article 133 of the Constitution, which affects constitutional rights and freedoms. In addition, the Constitutional Court has been given the prerogative to oversee the constitutionality of international treaties and of internal regulations of constitutional institutions brought into being by a regulatory law, prior to the enforcement of that law, as well as to monitor the validity of constitutional review procedures.

235. In parallel with the expansion of the areas in which the Constitutional Court can intervene to protect individual and collective rights, procedures whereby ordinary laws, prior to the issuance of an order for their enactment, can be referred to the Court have been simplified under article 132 of the 2011 Constitution.

- **Neighbourhood courts**

236. In 2011 the neighbourhood courts replaced the communal and district courts under Act No. 42.10 organizing the neighbourhood courts and determining their powers. They are one of the divisions of the courts of first instance and have jurisdiction over civil cases up to DH 5,000, with the exception of disputes under the Family Code, the Property Code, social cases and eviction. The neighbourhood courts also have jurisdiction over misdemeanours, but the penalty they impose may not exceed a fine of DH 1,200. The neighbourhood courts hand down final judgment within 30 days; appeal is not admissible unless the judgement is overturned by the president of the first instance court in special cases.

- **Family court divisions**

237. Family court divisions, which are attached to courts of first instance, began to be set up on a gradual basis from 2001 and had become generally established by February 2004 when the Family Code came into force. The Code – which deals with matters concerning families, children and individual personal status – replaced the Personal Status Act which had been in force until then. Under Act No. 73.03 which modifies the judicial system as concerns the prerogatives of family court divisions, “family court divisions consider cases involving personal status, inheritance, civil status, documentation, minors, custody and all matters related to the care and protection of families”.

238. In order to properly furnish family court divisions, which had only 29 dedicated buildings during the period 2013–2014, and in line with the outcomes of the “judicial system reformation charter” regarding the gradual transfer of family court divisions, beginning in 2018 a total of 83 courts of first instance in Morocco also housed a family court division. This came about following the approval by the Government, on 16 November 2017, of Decree No. 2.17.688 amending Decree No. 2.74.498 concerning the domestic justice system, which aimed to increase the number of courts and improve their geographical distribution across all areas of the country.

239. The programme for family court divisions announced by the Government includes the restructuring of the buildings that house the divisions. The aim is to promote counselling and

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<sup>64</sup> The bill is in the process of being approved after some of its provisions were abrogated by Constitutional Court ruling No. 70/18 MD, dossier 18/024, 6 March 2018.

reconciliation initiatives by providing appropriate locations where spouses can come together to reconcile their differences and children can be placed and protected. Training is also provided to persons working in the area of family law and family mediation.

- **Administrative courts**

240. The administrative courts were established in 1993 under Act No. 41.90 in order to consider grievances linked to overturning improper administrative decisions, abuse of authority, requests for compensation for harm caused by the public administration, disputes over administrative contracts, tax disputes, local electoral disputes and disputes arising from the application of provisions on pensions and on compensation for the death of employees of the State, local communities, public institutions and the administration of the House of Representatives. The establishment of these specialized courts is part of a framework intended to enhance rule of law, bring justice closer to litigants and respect human rights. The courts are collegial and are composed of a president, judges, a royal commissioner and a clerk of the court. Each court is divided into specialized divisions. Currently, there are seven administrative courts.

241. Administrative courts of appeal were established in 2007 under Act No. 80.03 with jurisdiction to consider appeals against judgments issued by administrative courts and orders issued by the presidents of such courts. The administrative courts of appeal are made up of a first president, presidents of division, a royal commissioner for the defence of the law and a clerk of the court. The jurisprudence of administrative law has seen positive advances vis-à-vis the application of the international human rights treaties that Morocco has ratified, particularly as regards the arbitrary exercise of power, protection from damages arising from the functioning of the public administration, respect for the legitimacy of administrative decrees concerning public functionaries and the requirement for administrative decrees to be duly justified. The number of administrative courts of appeal has been set at two: one in Rabat and the other in Marrakech.

- **Commercial courts**

242. Commercial courts and commercial courts of appeal were established under Act No. 53.95 of 1997 with jurisdiction to consider commercial disputes. There are eight commercial courts and three commercial courts of appeal, based in Fez, Casablanca and Marrakech.

### **Quasi-judicial appeals**

- **Quasi-judicial powers of the National Human Rights Council**

243. Morocco has chosen to grant this national human rights institution a quasi-judicial mandate. In fact, the law concerning the restructuring of the Council envisages powers to conduct investigations and inquiries into human rights violations, to compile reports summarizing its achievements and to submit these reports, with their accompanying recommendations, to the competent authorities.

244. The Council considers all cases of human rights violations, either ex officio or in response to a complaint. Complaints are examined, addressed and followed up and the parties concerned are informed of the outcome. All authorities, institutions and bodies concerned with the matter raised in a complaint that has been referred to them by the Council are required to inform the latter of measures taken in that regard within a period of 90 days. That period may be reduced to 60 days if the Council considers the case to be urgent. The Council may organize hearings to which it can invite the parties involved in the violation or the complaint, as well as witnesses, experts and any other person whose testimony might be useful. In addition, the Council may request public or private bodies and institutions to submit reports, data or information concerning complaints it is examining or matters that fall under its jurisdiction.

245. If the Council finds that a crime has been committed, it may refer its findings to the competent Office of the Public Prosecution. If, however, it finds that the complaint does not fall under its jurisdiction, it refers the matter to the body or institution with competence over the matter in question and duly informs the complainant of the action it has taken. In



monitoring the outcome of the complaints submitted to it, the Council is responsible for informing, instructing and guiding complainants and for taking all necessary measures to assist them within the limits of its own jurisdiction.<sup>65</sup>

- **Grievances submitted to the Office of the Ombudsman**

246. On the basis of the provisions of the Constitution and bearing in mind the prior experience of the Board of Grievances, and in accordance with its Decree of establishment, the Office of the Ombudsman was created as an independent national institution. It is empowered to receive grievances and complaints concerning all cases in which natural or legal persons, whether Moroccan or foreign, have been harmed by any act of the administration that is contrary to the law, especially acts involving abuse or misuse of power or that are contrary to the principles of justice and equity.

247. The Act regulating the Office of the Ombudsman<sup>66</sup> is particularly attentive to how complaints and grievances are received, processed and investigated, as this constitutes a fundamental right for all aggrieved parties and stakeholders in the relationship between individuals and groups, on the one hand, and public institutions on the other. In this context, the Decree envisages the rights of aggrieved parties to submit complaints, the conditions of admissibility, the authorities responsible and the operational and settlement mechanisms available to the Office of the Ombudsman. In pursuit of a policy of proximity, the Decree has given Office of the Ombudsman a regional and local dimension whereby it is able to deal with complaints and grievances through local ombudsmen. It also included provision for three special units on: access to information; access to public services; and follow-up on the implementation of court rulings against the administration.

- **Reception and treatment of complaints by the public administration**

248. In enactment of article 156 of the Constitution – according to which “the public administration is to receive comments, proposals and grievances from the users of its services” – and acting on directives of His Majesty the King,<sup>67</sup> and in view of the duty to instruct and guide users in the established principles of administrative law, Decree No. 2.17.265 was adopted on 23 June 2013. The Decree, which concerns the reception and handling of comments, proposals and grievances, has the purpose of developing and unifying an integrated system wherewith to submit complaints to the public administration and of involving citizens in improving the quality of public services.

249. In order to simplify the process for receiving comments and complaints – while in no way precluding the right of individuals to have recourse to any other possible remedy or redress – a national portal has been created where complaints can be submitted online. If necessary, complaints can also be submitted through the portal’s call centre or in writing using the traditional postal service or registered mail. Article 13 of the aforementioned decree includes provision for the creation of one or more units to receive and handle complaints in each public institution, in each centralized ministerial department and, as necessary, in decentralized offices. Under that article, 119 such units had been set up as of January 2019.

250. Between 9 January 2018, when the national complaints portal was officially launched, and the end of January 2020, departments of the public administration received 719,185 complaints via the portal. In all, 30.67 per cent of the complaints were addressed while a further 20,738 were reopened. Although the Decree sets a maximum period of 60 days a

<sup>65</sup> [https://cndh.ma/sites/default/files/lnzm\\_ldkhly\\_cndh\\_2.pdf](https://cndh.ma/sites/default/files/lnzm_ldkhly_cndh_2.pdf).

<sup>66</sup> Act No. 16.14 concerning the Office of the Ombudsman of 11 March 2019, published in Official Gazette No. 6765 on 1 April 2019.

<sup>67</sup> “It is unacceptable that the administration should fail to answer people’s queries or complaints, as if citizens did not matter or were simply a minor part of the administrative landscape. Without citizens, there could be no administration. Citizens are therefore entitled to replies to their queries and to solutions to their problems. The administration is duty-bound to explain matters to people and to justify the decisions it makes, which must be founded in law.” Excerpt from the address of His Majesty the King at the opening of Parliament on 14 October 2016.

complaint to be handled and the complainant informed, the average complaint-handling time was 29 days while the rate of satisfaction with the service was estimated at 59.56 per cent.

- **Reception and treatment of complaints by specialized national mechanisms**

251. Account has also been taken of the need to respect the criterion of specialization when handling certain grievances in order to prevent human rights violations, and this has been achieved thanks to the creation of three specialized national mechanisms. Thus, under the regulatory laws establishing them, the Authority for Parity and Fight against Discrimination, the Youth and Collective Action Advisory Council and the Family and Children's Advisory Council are able to receive and handle complaints from individuals, groups or civil society organizations.

- **Acceptance of complaints mechanisms at the level of United Nations human rights mechanisms**

252. Apart from its engagement with special procedures mechanisms with regard to receiving and processing complaints, since 2006 Morocco has begun to recognize the competence of a number of treaty bodies to receive communications from individuals and groups. Thus, on 19 October 2006, Morocco informed the Secretary-General of the United Nations that it accepted the competence in that regard of the Committee against Torture and the Committee on the Elimination of Racial Discrimination. Moreover, on 8 April 2009, Morocco acceded to the Optional Protocol to the Convention on the Rights of Persons with Disabilities. In addition to this, the State has taken steps to accede to four treaty Protocols. They are the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure (accession on 28 February 2012);<sup>68</sup> the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (accession on 24 November 2014),<sup>69</sup> the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the International Covenant on Civil and Political Rights.<sup>70</sup>

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<sup>68</sup> See [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=IV-11-d&chapter=4&clang=\\_fr](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-11-d&chapter=4&clang=_fr).

<sup>69</sup> See [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=IV-9-b&chapter=4&clang=\\_fr](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-9-b&chapter=4&clang=_fr).

<sup>70</sup> Official Gazette No. 6387, 1 Dhu al-Qa'dah A.H. 1436 (17 August A.D. 2015).