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I. General information

1. The Kingdom of Morocco is an Islamic State situated in North Africa between latitudes 21 and 36 degrees North. It has an area of 710,850 square kilometres and is bound by the Mediterranean Sea to the North, the Atlantic Ocean to the West, Algeria to the East and Mauritania to the South. It is distinguished by the diversity of the elements of its national identity, which are unified by the blending of its Arab-Islamic, Amazigh and Sahrawi-Hassaniya components, and the richness of its African, Andalusian, Hebrew and Mediterranean tributaries. Moroccan identity is also distinguished by the prominent position assumed by the Islamic religion, in light of the tenacious attachment of the Moroccan people to the 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.

A. Demographic, economic, social and cultural features

2. According to estimates for 2011, Morocco has a population of around 32.2 million (58.3 per cent urban and 41.7 in rural areas), females accounting for 50.7 per cent and males for 49.3 per cent, while the statistics for 2004 had put the population at 29.7 million. According to the same 2011 estimates, the general rate of demographic growth is 10.9 per cent and the crude birth rate is 18.6 per cent, while the crude death rate is 5.1 per cent. Life expectancy is 74.8 years (73.9 years for men and 75.6 years for women), as against 70 years in 2001 and 65.5 years in 1988. Youth account for a significant proportion of the total population, those under 15 years of age accounting for 27 per cent, compared to about 64.3 per cent of people of working age (between 15 and 59). Again according to the 2011 statistics, 8.1 per cent of the population is aged 60 years and over. According to statistics for 2004, 51,435 foreigners are legally resident in Morocco, 95 per cent of them in urban areas. Moreover, the statistics of the United Nations High Commissioner for Human Rights for 2011 indicate that there are 723 refugees who have been granted refugee status in Morocco, including 189 children and 228 women.

3. According to 2010 estimates, the Moroccan workforce is 11.6 million, about 4.5 per cent of the total active population has the status of unemployed at the national level, while the unemployment rate among the ranks of the active population is 9.1 per cent — 13.7 per cent in urban areas and 3.9 per cent in rural areas — as compared with 11 per cent in 2005.

4. The fertility rate has declined since the implementation of the family planning policy, falling to 2.19 children per woman in 2010, from 2.47 children in 2004 and 4 children in 1990.

5. The country has seen a fall in the maternal mortality ratio, from 227 per 100,000 live births in the period 1994–2003 to 112 per 100,000 live births in 2010, while infant mortality has fallen from 42 per 1000 live births in 2004 to 30.2 per 1000 in 2010, and the mortality rate of children under 5 was estimated at 36.3 per 1000 live births.

6. The State is continuing its efforts to facilitate access of all citizens to health services, its contributions to financing the health sector amounting to 5.5 per cent of the state budget. It has also launched two integrated basic health coverage systems. The first is a compulsory basic sickness insurance launched in 2002, which is based on the principles and techniques of social insurance for the benefit of people who have an income-generating activity, pensioners, former members of the Resistance and the Liberation Army, and students. The second system is medical assistance (RAMED), which became universal in national territory in 2011 and is based on the principles of social assistance and national solidarity.

for the benefit of the needy and is expected to enable 8 million citizens to benefit from the health services available in public hospitals, public health institutions and the health authorities of the State, whether in case of emergency or when receiving treatment in hospital.

7. The education and training sector enjoys special priority in national policies, and in this regard application of the National Education and Training Charter was initiated nine years ago. It has registered marked growth in quantitative terms, but has had a limited qualitative impact in terms of the attendance rate. This is why the State launched an emergency programme in the 2008–2009 school year in order to achieve the goals and objectives of the National Education and Training Charter, as well as to reduce the school dropout rate, bring about universal basic education, increase the proportion of girls in schooling, and schooling in rural areas, during the period 2009–2012.

8. In this regard, 24 per cent of the state budget and 6.4 per cent of GDP were allocated to the education and training sector in 2009, and it is this that has resulted in the schooling rate at national level reaching 90.5 per cent, compared with only 52.4 per cent in 1991. The attendance rate in basic education for children aged 6 to 11, which is compulsory by law, reached about 94.8 per cent in the 2009–2010 school year, up from 85.2 per cent in 2004–2005. The attendance rate is lower in secondary education, for children aged 12 to 14: it was 75.4 per cent in 2009–2010, while it had been 68.2 per cent in 2004–2005. In addition to that, Amazigh has been introduced in the national education system by making its teaching universal at the primary level with a total of 17,360 classes during the 2009–2010 school year, i.e. 15 per cent of pupils.

9. In 2011 the higher education enrolment rate reached about 16 per cent, with a total of some 427,832 students, up from 13 per cent and an estimated total of 318,884 students in 2007.

10. According to 2011 estimates, the illiteracy rate is about 30 per cent, while it was about 32 per cent in 2010 and about 45 per cent in 1994, the reduction being essentially attributable to the national strategy to combat illiteracy. Women accounted for 85.3 per cent of the total beneficiaries of efforts to combat illiteracy in 2010. It should be noted that beneficiaries of the programme to combat illiteracy are evenly divided between urban and rural areas and that civil society organizations are major players in this area, providing for 48 per cent of those enrolled in literacy classes.

11. Despite the global economic crisis and the slowdown in the pace of growth in the economies of most countries, the national economy has been relatively able to overcome the effects of the shrinkage of economies in the euro area, Morocco's main trading partner. Thus, in 2011, the national economy grew by 4.8 per cent, as against 3.7 per cent in 2010. This result is attributable to the measures taken by the public authorities in the first half of 2011, particularly the review of consumer price support expenditure and wage increases, so that the slowdown is not expected to reach certain economic activities, such as metallurgy and the transformation industries, and activity in the tourism sector is reviving. The proportion of people living on less than two dollars a day is falling: it was 8.1 per cent in 2008, as against 20.2 per cent in 2001. This is attributable to public policies in the social and development fields, and especially the efforts made with regard to the National Human Development Initiative, which aims to combat poverty and marginalization and enabled some 23,000 development projects to be completed between 2005 and 2010.

12. In 2010, GDP was US\$ 90.5 billion or US\$ 2,841 per capita.

13. Farming is a major economic activity in Morocco, employing almost 40 per cent of the employed active population, and contributing 14 per cent of GDP in 2011. The Green Morocco Plan for the period 2010–2015 is an integrated national agricultural development project that aims to complete 1,500 investment projects, mobilizing finance estimated at

150 billion dirhams in order to contribute to the fight against poverty and marginalization in isolated areas. The industrial sector, including traditional industry, provides work for around 12 per cent of the total active population employed.

14. Morocco is a culturally diverse country as Moroccan culture is composed of various cultural tributaries, including the Arab, Andalusian, Sahrawi-Hassaniya, Amazigh and Hebrew. Moreover, in addition to the Islamic religion, to which most Moroccans owe allegiance, Judaism and Christianity are freely practised, in accordance with the provisions of the Constitution and the laws in force.

B. Constitutional, political and legal structure

15. The system of government of Morocco is constitutional monarchy, parliamentary and social democracy. The last constitutional amendment was approved by referendum on 1 July 2011. Under this Constitution, the constitutional system of the Kingdom is based on the division, balance and cooperation of powers, democratic and participatory citizenship, and the principles of good governance, linking responsibility with accountability. The territorial organization of the Kingdom is a decentralized system based on advanced regionalization.

16. According to the Constitution, the sovereignty of the people is exercised directly by referendum and indirectly through their representatives; the people choose their representatives in institutions elected through free, fair and orderly ballot. The law is the supreme expression of the will of the people, everyone is equal before the law and obliged to comply with it. Political parties, which may be freely formed and conduct their activities freely, respecting the Constitution and the law, work to instruct and train citizens politically, promote their involvement in political life and the running of public affairs, contribute to the expression of the will of the voters, and participate in the exercise of power on the basis of pluralism and rotation, by democratic means, within the framework of constitutional institutions. Trades unions, professional chambers and professional organizations contribute to the process of the defence and promotion of the rights and interests of the social and economic groups that they represent and may be established and exercise their role freely in their turn, respecting the Constitution and the law. The Constitution also guarantees a status to the parliamentary opposition, bestowing rights on it in order to enable it to discharge its duties in parliamentary work and political life.

17. The King is Commander of the Faithful, Protector of the religious community and religion, and Guarantor of the freedom to exercise religious affairs. He is also Head of State and its supreme representative, the symbol of the unity of the nation, the guarantor of its permanence and continuity, and the supreme arbitrator between its institutions. He ensures respect of the Constitution, the smooth running of the constitutional institutions, the maintenance of democratic choice, the rights and freedoms of citizens and groups, and respect of the Kingdom's international commitments.

18. Parliament exercises legislative power. It consists of two chambers, the House of Representatives and the House of Councillors, and its members derive their representativeness from the people. The members of the House of Representatives are elected by direct universal suffrage for a five-year term, while the members of the House of Councillors are elected by indirect universal suffrage for a six-year term on the basis of three fifths (3/5) representing territorial communities consisting of regional, prefectural, provincial and communal councils, while the remaining two fifths (2/5) of the members are elected in each province by an electoral college consisting of people elected by professional chambers and the most representative workers' organizations, and members elected at the national level by an electoral college consisting of salaried workers' representatives.

19. The Government consists of the Head of Government and the ministers, exercising executive power. To this end, under the authority of the Prime Minister, it works to implement the governmental programme and ensure the implementation of laws, and the administration is placed under its supervision. It also exercises supervision over public institutions and contractors, while the Head of Government exercises regulatory authority and has the right to delegate some of his powers to ministers.

20. The judicial branch is independent of the legislative branch and the executive branch. Judges are appointed by the King on the proposal of the Supreme Council of the Judiciary, which ensures application of the safeguards bestowed upon them. The judges protect the rights, freedoms and judicial security of persons and groups, apply the law, and may be dismissed or transferred only in accordance with the law. Any interference in cases before the courts is prohibited. The Supreme Council of the Judiciary is headed by the King and composed of the Delegated President, who is the President of the Court of Cassation, and twelve judges representing various levels of litigation, in addition to the Ombudsman, the President of the National Human Rights Council and five figures known for their competence, impartiality and commitment to the independence of the judiciary and the rule of law. The ordinary and specialized courts are established under the law, and exceptional courts may not be established. The judicial system also consists of a Constitutional Court composed of twelve members appointed for a non-renewable term of nine years.

21. The territorial authorities of the Kingdom are the regions, prefectures, provinces and communes and any other territorial authority established by law. They are elected legal persons subject to the ordinary law and run their affairs democratically. Regional and communal councils are elected by direct universal suffrage.

22. With a view to the adoption of advanced regionalization, the territorial organization of the Kingdom of Morocco is divided into states composed of provinces and regions, which are in turn divided into administrative districts, divided in turn into subsidiary administrative territories and headmen. In regard to territorial authorities, in 2011, the Kingdom had 16 regions, 75 prefectures and provinces, and 1,503 communes, 221 of which were urban and 1,282 rural.

23. The national Constitution and the Public Freedoms Act of 1958, as supplemented and amended, guarantee the freedom to establish civil society organizations and non-governmental organizations and to exercise their activities freely within the scope of respect for the Constitution and the law. In this domain the Moroccan legal system is based on the declaration system only, so everyone is entitled to form an association freely and without prior permission, provided the declaration establishing the association is submitted to the administrative authority in which the head office of the association is located, enclosing its statute, objectives and address and copies of the identity cards of the members of its operational office.

II. General framework of human rights protection

A. Acceptance of international human rights norms

24. It is useful to recall that, 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 conventions and protocols, as well as by signing and ratifying or acceding to most international conventions and the protocols thereto, and fulfilling the international obligations arising from them by harmonizing national legislation with international standards, submitting reports to treaty bodies and reacting to their recommendations. Moreover, since 1992, the national

Constitution has assured adherence to human rights as they are universally recognized. This trend will be strengthened in the Constitution of 2011, which is a basic document ensuring the protection of comprehensive and integrated protection of human rights and international humanitarian law in accordance with international standards, confirms 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 human rights and international humanitarian law system.

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

<i>International instrument</i>	<i>Date of ratification/accession</i>
Convention relating to the Status of Refugees	7 November 1956
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
International Labour Organization Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	13 June 1956
International Labour Organization Right of Association (Agriculture) Convention, 1921 (No.11)	20 May 1957
International Labour Organization Forced Labour Convention, 1930 (No. 29)	20 May 1957
International Labour Organization Right to Organize and Collective Bargaining Convention, 1949 (No. 98)	20 May 1957
Convention on the Prevention and Punishment of the Crime of Genocide	24 January 1958
International Labour Organization Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	27 March 1963
International Labour Organization Employment Policy Convention, 1964 (No. 122)	11 May 1979
International Labour Organization Abolition of Forced Labour Convention, 1957 (No. 105)	1 December 1966
UNESCO Convention against Discrimination in Education	30 August 1968
International Convention on the Elimination of All Forms of Racial Discrimination	18 December 1970
Protocol relating to the Status of Refugees	20 April 1971

<i>International instrument</i>	<i>Date of ratification/accession</i>
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	19 June 1973
International Labour Organization Equal Remuneration Convention, 1951 (No. 100)	11 May 1979
International Covenant on Economic, Social and Cultural Rights	3 May 1979
International Covenant on Civil and Political Rights	3 May 1979
Convention on the Elimination of all Forms of Discrimination against Women	21 June 1993
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
International Labour Organization Minimum Age Convention, 1973 (No. 138)	19 May 2000
International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182)	26 January 2001
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	2 October 2001
International Labour Organization Workers' Representatives Convention, 1971 (No. 135)	5 April 2002
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	22 May 2002
United Nations Convention against Transnational Organized Crime	19 September 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
Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	5 March 2011
International Labour Organization Maternity Protection Convention, 2000 (No. 183)	27 April 2011

26. In addition to this, Morocco has signed most other human rights-related conventions, such as the Rome Statute of the International Criminal Court, the International Convention for the Protection of All Persons from Enforced Disappearance, and a set of protocols thereto, as well as the first and second protocols to the four Geneva Conventions,

and the third [sic] protocol to the Convention on the Rights of the Child. Since September 2011, the Kingdom of Morocco has introduced procedures for accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the first Optional Protocol to the International Covenant on Civil and Political Rights. The Kingdom is also completing procedures for ratification of the International Convention for the Protection of All Persons from Enforced Disappearances following its approval by Parliament.

27. Moreover, the Kingdom of Morocco has withdrawn its reservations concerning Article 9, paragraph 2, and Article 16 of the International Convention for the Elimination of All Forms of Discrimination against Women, as these reservations have been overtaken by the legislative reforms of the law on citizenship and the Family Code. The Kingdom also works with the United Nations human rights system at the level of promoting implementation of the Convention in relation to constructive and serious dialogue with the Human Rights Council and treaty bodies, by ensuring the submission of periodic reports, through implementation of recommendations made during the examination of those reports, and reacting to the general observations of treaty bodies, as well as by receiving special procedures visits.

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

28. In line with its international obligations in the human rights field, Morocco has witnessed further strengthening of its normative and institutional human rights framework, which began in the 1990s. It has thus accelerated the pace of reform through constitutional amendments, the enactment of new laws, and 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

29. The new 2011 Constitution safeguards the foundations, principles and guarantees of constitutional protection of human rights, the Preamble reaffirming the commitment of the Kingdom of Morocco to human rights as universally recognized, the principles, rights and obligations set out in international conventions, the protection and promotion of human rights and international humanitarian law and contributing to their development, taking into account their indivisibility and universality. It is also committed to prohibiting and combating all forms of discrimination on grounds of sex, colour or creed, culture or social or regional affiliation, language or disability or any personal status whatsoever. The Constitution also establishes the primacy of international conventions ratified by the Kingdom over national legislation immediately they are published, and the need to harmonize such legislation with the requirements of that ratification.

30. Other chapters of the Constitution contain further individual and group rights and freedoms, as is the case with the principles of equality, equal opportunity, non-retroactivity of law, governance, accountability, and freedom of thought, expression, opinion, association and assembly, peaceful demonstration, creativity, publishing and journalism, initiative and entrepreneurship and free competition, and with regard to the right to personal and family safety, protection of property, access to information, the right to strike, to vote and stand for election, to education and training, health, housing and employment, property ownership, and development. The Constitution also prohibits cruel, inhuman or degrading treatment or treatment that is an affront to human dignity; the arrest, detention, prosecution

or conviction of any person other than in the framework of the law; it prohibits discrimination, hatred, racism and violence; criminalizes arbitrary arrest, secret enforced disappearances, torture, the crime of genocide, crimes against humanity, war crimes and gross violations of human rights. It contains the principles of a fair trial, the rights of litigants and the rules of justice. It also enshrines equality between women and men and pursuit of the principle of parity between them through the establishment of an organization for parity and to combat all forms of discrimination, as well as enshrining minority rights in relation to children and young people, the disabled, immigrants and refugees.

Strengthening the institutional framework for the protection of human rights

31. Over the last decade Morocco has reformed and strengthened the institutional framework for the protection and advancement of human rights in line with its international obligations and with international and national developments and changes in human rights-related issues. In this framework, the Royal Institute for Amazigh Culture was created in 2001 and assigned the tasks of expressing opinions on measures to preserve and promote Amazigh culture in all its modes of expression, and to participate, in cooperation with governmental authorities and the institutions concerned, in the implementation of the policies adopted to help to incorporate Amazigh in the education system and ensure its influence in the social and cultural spheres, the national media and at regional and local levels.

32. In the same year (2001), the Competition Council was established under the Freedom of Prices and Competition Act in order to give opinions on freedom of competition, the establishment of monopolies, the rights of monopolization, the imposition of quantitative restrictions on the exercise of professions or entry to the market, and the imposition of standard practices regarding pricing and conditions of sale. Moreover, in 2002 the Supreme Audiovisual Commission was created to contribute to the protection of the rights and freedoms enshrined in the Constitution, in particular the right to information, which is a key element in the free communication of ideas and opinions. In the framework of transitional justice, the Equity and Reconciliation Commission was set up in 2004 with terms of reference relating to past gross violations of human rights and ensuring their non-recurrence. In 2005, the Royal Advisory Council on Saharan Affairs was established to assist in all cases concerning the defence of the territorial integrity of the Kingdom, achieving the economic and social development of the southern provinces and maintaining their cultural identity.

33. In 2007, the Council of the Moroccan Community Residing Abroad was set up to give opinions on migration issues, particularly issues of concern to Moroccans living abroad. The Central Prevention of Bribery Commission was established in the same year and entrusted with the task of coordinating and supervising bribery prevention policies, following up their implementation and gathering and disseminating information in this area. In 2008, the National International Humanitarian Law Committee was established and entrusted with the task of assisting the public authorities with the implementation of international humanitarian law, developing and disseminating information about it, working on the harmonization of national legislation with the provisions of international humanitarian law and acceding to international conventions concerning it. The National Commission for the Control and Protection of Personal Data was established in 2009, entrusted with putting into effect the provisions of Act No. 09/08 on the protection of physical persons in relation to the processing of personal data, and the provisions taken to apply it and ensure its observance. In addition to that, the constitutional requirements

concerning the establishment of the Economic and Social Council¹ have been put into effect through the inauguration in 2011 of the Council, which is constitutionally mandated to provide advice to the Government and Parliament on all economic and social issues.

34. More than 20 years after the creation of the Consultative Council on Human Rights as the national institution with a general mandate in the area of human rights and in order to strengthen the institutional framework for the protection and promotion of human rights, the Consultative Council for Human Rights, which was established in 1990 and reorganized in 2001, was upgraded in accordance with the Paris Principles to become the National Human Rights Council on 1 March 2011, with broader terms of reference in the field of the protection and promotion of human rights, a pluralist composition of civil society associations, representatives of Parliament and the universities, human rights experts and personalities known for their competence, integrity and commitment in the area of human rights. The powers of the Council have been strengthened by the granting of new means of protecting human rights at the level of grievance mechanisms, receiving complaints, preparing reports, making recommendations and giving advisory opinions, proactive interventions and addressing violations. Furthermore, regional committees for the protection of human rights have been set up and promoted under the Council and been given the task of following up and monitoring the human rights situation at the regional level, receiving complaints addressed to them concerning alleged human rights violations, investigating and processing them, and preparing recommendations concerning them. These committees also implement the Council's project programmes at the regional level and are tasked with contributing to promoting and facilitating the establishment of regional human rights observatories to regulate the associations and personalities working in the human rights field. It should be noted that the National Human Rights Council has been accredited with A-status by the International Coordinating Committee of National Human Rights Institutions since 2001, and has obtained a renewal of its accreditation in the same class for 2010–2015.

35. By the same token, on 17 March 2011 the Office of the Ombudsman was established to replace the Board of Grievances, which had been established in December 2001, as a national institution competent to mediate between the administration and users responsible for the task of defending rights, contributing to the consolidation of the rule of law, spreading the principles of justice and equity and disseminating the values of probity transparency in the management of public utilities. It ensures the development of effective communication between the people and the public administrations, local authorities and public institutions and bodies exercising the powers of the public authority and the other establishments and bodies subject to the financial supervision of the State. The Office of the Ombudsman is responsible for considering all the situations in which people have been harmed as a result of any action by the administration that is against the law, particularly if it is characterized by abuse or misuse of power or is contrary to the principles of justice and equity. The Ombudsman therefore makes every endeavour at mediation and conciliation in order to seek fair and balanced solutions to the subject of the dispute between the parties, based on the precepts of the rule of law and the principles of justice and equity.

36. According to the same approach aimed at providing Morocco with a consistent, modern and efficient national rights system, the Inter-ministerial Unit on Human Rights was instituted on 11 April 2011 and made responsible for preparing and coordinating government policies on defending, protecting and promoting human rights and international humanitarian law, proposing measures to guarantee the application of the international conventions on human rights and international humanitarian law to which Morocco is party,

¹ Called the Economic, Social and Environmental Council in the 2011 Constitution.

and undertaking actions and initiatives promoting respect for human rights in the framework of implementation of government policies.

C. National framework for the protection of human rights

Measures and actions to promote human rights

37. In order to put into effect the constitutional principles and norms on human rights in the framework of harmonizing national legislation with international human rights standards, over the last decade Morocco has seen an acceleration of the dedication of the national will to enhancing the protection and promotion of human rights, with the adoption of new legislative provisions and the amendment of provisions in force.

38. In this regard, equality between men and women was enshrined through the Family Code of 2004, the rights of the child were safeguarded through the issuance of the Custody Act of 2002, the protection of migrants and foreigners through issuance of the Entry and Residence of Foreigners Act 2002, the Labour Code of 2003, the Civil Status Act and Community Charter of 2002, the Moroccan Nationality Act 2007, and the protection of individual and collective freedoms was guaranteed through amendment of the Public Freedoms Act 1958, the issuance of the Political Parties Act of 2006, which was amended in 2011 in the light of the contents of the new Constitution, by guaranteeing a fair trial through the enactment of the Code of Criminal Procedure in 2003, as amended and supplemented, the Act Regulating Parliamentary Immunity of 2004, the Act of the same year abolishing the Special Court of Justice, in addition to strengthening the criminal protection of the physical and moral integrity of persons by amending the Criminal Code to criminalize torture in 2006, to combat terrorism in 2003, to combat money laundering in 2007, and to criminalize domestic violence and sexual harassment in 2003, as well as issuing the [disabled] Access Act in 2003.

39. Still within the framework of harmonizing national laws with international standards, several other laws connected with the protection of rights have been issued, on consumer protection, free pricing and competition; the protection of victims, witnesses, experts and whistleblowers regarding bribery and influence peddling; and mandatory declaration of property for certain senior officials and officers in state agencies. It should also be noted that the process of harmonizing legislation with the requirements of the new Constitution and international human rights standards is continuing, in particular through a number of draft laws on the criminal [justice] system, the press, the right to obtain information, domestic services, regulation of the right to strike, etc.

40. The adoption of the transitional justice experiment through the establishment of the Equity and Reconciliation Commission in 2004 is a notable gain in the rights field as this experiment has contributed significantly to strengthening the protection and promotion of human rights, either through individual and collective compensation for harm caused by past gross human rights violations or by uncovering the truth or by the submission of proposals on reform and ensuring that there is no repetition of what has happened.

41. In implementation of the recommendations of the Equity and Reconciliation Commission on promoting a human rights culture, the Citizens' Platform for the Promotion of a Human Rights Culture was prepared in 2007 with the participation of all stakeholders. It is a rights, cultural and pedagogical project that aims to have a positive influence on attitudes and behaviours, and is national in scale and participatory in approach. The Platform has adopted three interdependent and interacting axes: education, training and awareness of professionals as key entry points to creating a community dynamic in which the various components of society possess the values and human rights culture.

42. In line with the strong will of the Kingdom of Morocco to promote human rights as a strategic option of the State, strategic planning has been adopted to frame the human rights field through the launch of the preparation process of the National Action Plan for Democracy and Human Rights in view of the fact that it is workshops framing various national policies, programmes and plans in the area of protecting and promoting human rights in order to provide Morocco with a national strategy to set the promotion and protection of human rights at the centre of public policy through the provision of a coherent framework allowing coordination between the various processes and measures in order to improve knowledge and disseminate a human rights culture and citizenship and promote respect for them. At the end of 2011, this culminated in the preparation of an updated version of the Plan, which will be formally adopted by the Moroccan Government. The draft National Plan includes a number of measures and recommendations covering the four strategic main lines: governance and democracy; economic, social, cultural and environmental rights; rights of specific groups; and the legal and institutional framework. Morocco also has several sectoral plans in the human rights field in its civil, political, economic, social, cultural and environmental dimensions.

43. As for the media and publishing, the Moroccan Government has published in the Official Journal and on official websites the international conventions on human rights and international humanitarian law and the protocols thereto that Morocco has ratified. Administrative structures, centres supervised by governmental sectors and national institutions have also contributed to the dissemination of a range of international conventions on human rights and the protocols thereto, and international declarations and codes of conduct.

44. A number of governmental sectors have distributed manuals, leaflets and documents on human rights in many fields, such as justice, the interior, social development, women, the family, children and youth, education and employment, in paper and electronic form, and have also been working to integrate the principles and culture of human rights into public policies on education, awareness-raising and communications, particularly at the level of the education system, training, continuing training and audiovisual communication. National human rights institutions are also contributing to national efforts to promote a human rights culture and the pursuit of possession of it, whether through their publications, the seminars they organize or the integration of the human rights dimension in the training and continuing training programmes in the implementation of which they participate. This is the case of the National Council for Human Rights, the Royal Institute of Amazigh Culture, the Central Commission for the Prevention of Bribery, the Royal Advisory Council for Saharan Affairs, the Supreme Council of Education, the Economic and Social Council, the Supreme Council for the Moroccan Community Abroad, the National Committee for International Humanitarian Law and other institutions.

45. Civil society organizations contribute in their turn to spreading a human rights culture and awareness of human rights issues and international treaties on human rights, as well as to the preparation of periodic national reports, parallel reporting and following up implementation of the recommendations of treaty bodies. The universities and some schools and public institutions promote training, continuing training and education in the human rights field through special syllabuses and curricula, as well as by concluding and implementing partnership agreements with other actors concerned with the promotion of a human rights culture.

46. The print, audiovisual and electronic media also play a key role in disseminating a cultural of human rights and awareness of human rights issues by preparing programmes on the subject, and giving media coverage to seminars, study days, training workshops and the celebration of international days related to human rights.

The role of the actors involved in the promotion of human rights

47. Human rights issues have become a priority for and of particular concern to all actors concerned at the national level, from the relevant government sectors, Parliament, national human rights institutions, and the judicial authorities, to universities and civil society organizations, and there has been a remarkable development of the interaction between these bodies with regard to protecting and promoting human rights, particularly through the growing scale and nature of partnership agreements between them and the increasing pace of consultation and exchange of views between the parties concerned, as well as a broadening in the scope of application of the participatory approach in the management and processing of files and cases relating to the protection and promotion of human rights.

48. The participatory approach has become central to the management of human rights issues for governmental sectors, especially through the work of the Inter-ministerial Unit on Human Rights in coordinating government human rights policy and particularly the preparation of national reports arising from international commitments regarding human rights, the Unit taking care to involve all the parties concerned in the preparation of such reports and to respond to their opinions and recommendations in this regard. It also contributes to providing support and assistance to projects and programmes to promote human rights whose implementation is supervised by other actors.

49. National institutions contribute in their turn to national efforts to promote human rights, especially through their prerogatives in relation to the protection and promotion of human rights and in prevention, mediation, proactive intervention, and development of thinking and dialogue in this area.

50. Civil society organizations play a pivotal role in the promotion of human rights, both by making appropriate recommendations and proposals and participating in programmes, plans and activities relating to the protection and promotion of human rights. Some organizations also play a leading role in the provision of programmes and activities in relevant fields. The contribution and assistance of international intergovernmental and non-governmental organizations in national efforts to promote human rights should also be recalled.

51. The preparation of the Citizens' Platform for the Promotion of a Culture of Human Rights, the National Action Plan for Democracy and Human Rights project, the implementation of the recommendations of the Equity and Reconciliation Commission concerning collective compensation, are among the best practices regarding the adoption and application of a participatory approach to the preparation and completion of human rights projects, as well as the participation and cooperation of all stakeholders involved in promoting the status of human rights.

D. National reporting

52. The Moroccan Government has worked to fulfil its international obligations regarding the preparation and submission of national reports by assigning to the government sectors concerned the task of preparing reports on the sectoral issues they supervise. However, because of the delays that had occurred in the preparation of some reports and in response to the recommendations of the national human rights institution and the requests of civil society organizations, and in order to put into effect the contents of the National Action Plan for Democracy and Human Rights, the Inter-ministerial Unit on Human Rights was established on 11 April 2011 and given powers to coordinate government policy on human rights and international humanitarian law, and in particular to take actions and initiatives to promote respect for human rights, to propose any measures

aimed at implementing the international conventions on human rights and international humanitarian law to which Morocco is a party through working to promote the ratification of or accession to international treaties on human rights, as well as following up their effective implementation, reviewing reservations, preparing periodic national reports, following up the implementation of recommendations issued by international bodies, and following up communications from governments and international organizations. It has also been assigned responsibility for the development of cooperation with national and international organizations working in the human rights field, contributing to supporting the capacities of national civil society organizations working in that field, and facilitating their participation in international human rights forums, in addition to providing opinions and supporting government action regarding the harmonization of national laws with international standards on human rights, coordinating the work of the government on promoting a human rights culture and education and training in this regard.

53. In the context of the Moroccan Government's determination to fulfil its international obligations, in particular with regard to ending delays in the submission of reports by the end of 2012, it will take care to submit subsequent reports within the deadlines set, in accordance with a participatory and consultative approach based on the involvement of all parties involved in the preparation of national reports — Parliament, government departments, national institutions and non-governmental organizations — and during their submission to and discussion before the National Human Rights Council and treaty bodies, as well as in following up the implementation of recommendations made subsequently.

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

A. Non-discrimination and equality

54. Equality and non-discrimination, especially between men and women, are among the main concerns of public authorities, national institutions and civil society organizations. In this regard, the work of Morocco to issue the new Family Code in 2004 was accompanied by parallel measures to put it into optimal effect through the establishment of family justice departments in first instance courts and by strengthening the capacities of those working in them, appointing specialized judges, adding a specialized branch of study in family law at the Higher Institute for the Judiciary, preparing a practical guide to implementation of the Code, and organizing seminars to assess its application. Moreover, educational materials were prepared in order to spread awareness of equality and the fight against gender-based discrimination. In 2001, the Family Solidarity Fund was set up to assist destitute divorced women. Article 19 of the new Constitution enshrines the principle of equality between men and women, requires the State to pursue the principle of parity and provides for the establishment of a commission on parity and combating all forms of discrimination.

55. [In] the same framework, since 2006 Morocco has been working on the preparation and incorporation of the National Strategy for Parity and Equality between the sexes, through the implementation of a gender approach in development policies and programmes. This strategy has won political support, manifested in 2007 in the issuance of an order by the Prime Minister urging on all sectors of Government the need to integrate the gender approach in plans, work programmes and projects, and resulted in the launch of the process of mainstreaming gender in several government sectors. A network was established for consultation among ministries in order to incorporate the principle of equality in human resources management, and a National Observatory for the Gender Approach in the public service was set up, while plans were crystallized on sectoral work to mainstream

mechanisms to bring about equality in the communications, public service, financial, employment, vocational training, national education and justice sectors.

56. In this regard, as the sector supervising the preparation and coordination of implementation of the National Strategy on Parity and Equality between the Sexes, the Ministry for Solidarity, Women, the Family and Social Development has set up gender focal points at the level of government sectors. It also prepared the first gender survey in 2005 in three governmental sectors, followed by a second survey in 2008 concerning the social pole.

57. The communications sector has engaged in this strategy by contributing to the preparation and implementation of the National Charter to improve the image of women in the media, which was signed by the actors concerned in 2005, enabling the establishment of a National Observatory for improving the image of women in the media, and empowering women to participate in decision-making and to access positions of responsibility in the communications sector.

58. The financial sector has in its turn engaged in the National Strategy for Parity and Equality by taking the gender dimension into account in the budget since 2002 in order to ensure equality and improve the effectiveness and coherence of public policy. This sector has contributed to the preparation of the national report on gender and since 2005 has prepared a gender report which is appended to the Finance Act. With regard to improving the status of women at the economic level, there have been encouraging women's initiatives in the field of entrepreneurship, and improvement in the status of rural women by taking issues concerning them into account in the drawing up and implementation of development programmes in rural areas. Moreover, special attention has been paid to women, the elderly, the disabled and the poor in the programmes of the National Human Development Initiative aimed at fighting poverty, marginalization and social exclusion.

59. Similarly, the national education sector is working to revise school textbooks in accordance with the principles of gender equality, while the employment and vocational training sector has prepared a diagnostic survey by gender in vocational training and has developed a project to mainstream gender in the employment sector. It has also prepared the breakdown by gender of the professional election results of 2009.

60. Several measures have been taken since 2002 to promote women's access to decision-making positions and positions of political responsibility, and to increase the political representation of women including the adoption of the national list in legislative elections in order to improve the representation of women in Parliament, which has enabled the number of seats allocated to women to increase from 35 in 2002 to 34 seats in 2007 and then to 67 in 2011. Furthermore, a set of laws, including the Political Parties Act, the Communal Charter and the Organization of Elections Acts, take into consideration the preparation of a gender approach and have strengthened the position of women in the managerial apparatus of the parties, introduced additional women's lists in communal elections, set up a fund to support women's representation in local authorities, established a consultative committee on equality and equal opportunities in the councils of those communes, and integrated the gender approach in local development schemes. One of the results of these measures is that the number of women elected in local authorities has risen from 127 or 0.56 per cent in 2003 to 3,428 or 12.8 per cent in 2009.

61. With regard to combating violence against women, the Government has adopted several measures, among them, in 2003, the development of a national strategy to combat violence against women. This was accompanied in 2004 by an implementation action plan containing a range of measures, including expanding the network of counselling centres at the national and regional levels, setting up an institutional computerized system in the justice, health, national security, and solidarity, women, the family and social development

sectors and in the Royal Gendarmerie in order to consolidate data and forms of intervention in relation to violence against women, which led to the establishment of 360 cells and reception units. In addition, a telephone number was allocated to serve women and girls who are victims of violence (345), a focal point appointed in the Judicial Police Directorate, and a Judicial Police unit established with the task of combating domestic violence, while officers with the same task were appointed generally in all police departments. Moreover, in 2008 the *Tamkine* (Enable) programme was launched against gender-based violence through the establishment of shelters and multidisciplinary spaces at the regional level, improving the quality of proximity services in the fight against violence against women and care of victims, support for the mainstreaming of gender issues in national policies and development programmes, as well as the formation of a ministerial committee to prepare a specific law to combat violence against women and girls.

B. Effective remedies

Judicial redress

62. Victims whose rights are violated may have recourse to the courts. This is possible in the event of violation of the rights enshrined in the Constitution, the conventions to which Morocco is a party and those recognized by the law in the same manner. Such cases may be taken before the civil, criminal or administrative courts, depending on the nature of the right violated.

63. The organization of the courts in Morocco is regulated by the Decree-Law of 15 July 1974 on the organization of the courts in the Kingdom as amended and modified, and consists of the Court of Cassation (formerly the Supreme Council), the appeal courts, the courts of first instance, the Standing Tribunal of the Royal Armed Forces, the administrative courts, and the neighbourhood courts (formerly community and district courts).

Constitutional jurisdiction

64. The Constitutional Council exercises the powers vested in it under the Constitution and the provisions of the Act establishing the Council. In this regard, it examines the validity of the election of Members of Parliament, the validity of referendums, as well as the constitutionality of regulatory laws and ordinary laws, and the Rules of Procedure of the two Houses of Parliament, pending the establishment of the Constitutional Court provided for in the current Constitution. The constitutional Court will consist of twelve members, including the President, and will rule upon the validity of the election of Members of Parliament, referendums and regulatory laws before the promulgation of their implementing orders, the Rules of Procedure of the House of Representatives and the House of Councillors before they are applied, as well as on the constitutionality of ordinary laws before the promulgation of their implementing orders. It will also consider any defence concerning the unconstitutionality of a law raised during consideration of a case, if one of the parties has argued that the law that is to be applied in the dispute infringes the rights and freedoms guaranteed by the Constitution.

Court of Cassation

65. The Court of Cassation was established by Act No. 58/11 on the Court of Cassation, promulgated under Royal Decree 1.11.170 of 25 October 2011, amending Royal Decree No. 1.57.223 of 27 September 1967 on the Supreme Council. It is the appeal court in relation to decisions of the Courts of Appeal, reviews the lawfulness of the decisions of trial judges, and consolidates the case law emanating from the different courts in the Kingdom. It is composed of a first president, chambers, the Prosecutor-general, assistant prosecutors

and the clerk of the court. The Court of Cassation has replaced the former Supreme Council in the national judicial pyramid.

Courts of first instance

66. Each court of first instance is composed of a president, judges, prosecutors and a clerk of the court. Courts of first instance 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, real estate, criminal, social and personal status cases. In accordance with the national judicial system, these courts consider petty offences and misdemeanours in relation to criminal matters, while the first instance chamber of the court of appeal has jurisdiction over felonies. The first instance courts also consider marriage, divorce and inheritance cases through family justice, are competent in cases involving employment disputes, industrial accidents and occupational diseases in social cases, and have powers to consider cases concerning civil transactions of sale, purchase, rent and mortgage, except those relating to commercial transactions, which are within the jurisdiction of the commercial courts.

Courts of Appeal

67. They are composed of a president, judges, prosecutors and the clerk of the court, and consider appeals in cases for which the first instance courts have jurisdiction and appeals concerning orders issued by the presidents of those courts. Through their first instance chambers, they also consider felonies, and hear appeals concerning the decisions of investigating judges and others.

Standing Military Tribunal

68. This court is competent to rule on crimes committed by members of the military in the course of their duties under the Military Justice Act (desertion, mutiny, etc.) and crimes they have committed under the Criminal Code (murder, theft, etc.), as well as criminal cases perpetrated by civilians against members of the Royal Armed Forces or against the external security of the State.

Administrative courts

69. The administrative courts were established in 1993 under Act No. 41-90 in order to consider grievances concerning the quashing of improper administrative decisions, requests for compensation for harm caused by the public utilities, disputes over administrative contracts, tax disputes, local electoral disputes, and disputes arising from the application of provisions on pensions and compensation for death of employees of the State, local communities, public institutions and the administration of the House of Representatives. The establishment of these specialized courts in the framework of enhancing the rule of law brought justice closer to litigants and respect for human rights. These courts are collegial and composed of a president, judges, the commissioner royal and a clerk of the court. Each court is divided into specialized divisions; there are currently seven administrative courts. In 2007 the administrative courts of appeal were established under Act No. 80-03 and empowered to hear appeals concerning judgements of the administrative courts and the orders of their presidents. The administrative courts of appeal are composed of a first president, the presidents of the chambers, councillors, the commissioner royal to uphold the law, and the clerk of the court. Administrative case law has gained from the application of international conventions on human rights ratified by Morocco, in particular with regard to addressing the phenomenon of abuse of power, protection from harm caused by the operation of public utilities, respect of the legitimacy of administrative decisions concerning civil servants and the requirement to justify administrative decisions.

Neighbourhood courts

70. 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 in civil cases up to 5,000 dirhams, with the exception of disputes under the Family Code and the Real Estate Code, social cases and discharge of rent cases. The neighbourhood courts also have jurisdiction in criminal cases, but the penalty they may impose may not exceed a fine of 1,200 dirhams. The neighbourhood courts hand down final judgment within 30 days; appeal is not admissible unless the judgement is quashed by the president of the first instance court in special cases.

71. It should be pointed out that since 2009 Morocco has been engaged, according to a participatory and integrative approach, in important reform workshops on strengthening remedies. This involves reform of the justice system aimed at strengthening protection and ensuring enjoyment of human rights through working on the promulgation of the law regulating the Supreme Council of the Judiciary and the Statute of Judges, continuing to modernize the legal system and bring it into line with Morocco's international obligations in the human rights field, upgrading infrastructure and judicial, administrative and human resources, firmly establishing probity and transparency, and putting the judiciary at the service of citizens by supporting guarantees of due process, the effectiveness, quality, efficiency and proximity of the judiciary, improving and standardizing judicial procedures, facilitating litigants' access to the courts, improving working and reception conditions, supporting communication, and the good governance approach in the administration of justice, firmly establishing the professionalism and specialization of the judiciary, and the dissemination of legal and judicial information.

Other remedies*Grievances submitted to the National Council for Human Rights*

72. On the basis of the Paris Principles governing the functioning of national human rights institutions, in accordance with the provisions of the national Constitution, on the basis of the Act establishing the National Council for Human Rights, and bearing in mind the best practices of the former Consultative Council for Human Rights regarding protecting human rights, the National Council for Human Rights, as the national pluralistic and independent institution mandated to protect and promote human rights, has powers to receive complaints relating to breaches of human rights and to consider them at the request of those concerned or of its own motion by studying, processing and investigating complaints, following their course and fate, and submitting recommendations concerning them to the competent authorities, as well as through guidance, advice and assistance to complainants. It will be recalled that the former Advisory Council exercised powers in the field of protection, receiving complaints and dealing with their content within its jurisdiction, and presented data and statistics about its work in this regard in its annual reports on the human rights situation. By virtue of its Statute, the National Council is also competent to visit places of detention and penal institutions, monitor the conditions and treatment of prisoners, and to visit child protection and reintegration centres, hospitals for the treatment of mental and psychiatric illnesses, and places in which foreigners in an illegal situation are detained. The National Council for Human Rights is empowered to receive complaints concerning breaches of human rights and all civil, political, economic, social, cultural and environmental violations, with the exception of violations in the administrative field, for which the Ombudsman is competent, and cases before the courts.

73. Taking into account the standard of proximity to citizens, regional human rights protection mechanisms have been established in the form of regional human rights

committees under the authority of the National Council for Human Rights. There are 13 regional committees which, in addition to a chairman and a regional delegate of the Institution for the Development of Communication between the Citizen and the Administration, are composed of members recommended by the regional bodies representing judges, lawyers, doctors, scientists and professional journalists, regional human rights associations and observatories, and prominent people active in the protection and promotion of human rights, be they political, civil, economic, social, cultural or environmental rights or the rights of women, children and people with disabilities or consumers' rights.

Grievances submitted to the Office of the Ombudsman

74. On the basis of the provisions of the Constitution and bearing in mind the prior experience of the Board of Grievances, in accordance with the requirements of the Decree establishing the Office of the Ombudsman 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.

75. The Decree regulating the Office of the Ombudsman pays particular attention to receiving, processing researching and investigating complaints and grievances, as they constitute a fundamental right for all aggrieved parties and stakeholders in the relationship between people and groups, on the one hand, and public institutions on the other. In this context, the Decree provides for the rights of aggrieved parties to submit complaints, the conditions of admissibility, the agencies responsible for them, working mechanisms, and settlement and remedies available before the Office of the Ombudsman. In order to put into effect the policy of proximity, the Decree took care to give the Office of the Ombudsman a regional and local dimension in order to deal with complaints and grievances through local ombudsmen, and also set up three special units on: access to information; access to public services; and following up the implementation of court rulings against the administration.
