



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Concluding observations on the report submitted by Morocco under article 29 (1) of the Convention*

1. The Committee on Enforced Disappearances considered the report submitted by Morocco under article 29 (1) of the Convention¹ at its 495th and 496th meetings,² held on 24 and 25 September 2024. At its 509th and 510th meetings, held on 3 and 4 October 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by Morocco under article 29 (1) of the Convention. Furthermore, the Committee thanks the State party for its written replies³ to the list of issues,⁴ which were submitted in 2023.

3. The Committee also appreciates the constructive dialogue with the high-level delegation of the State party, headed by the Minister of Justice, on the measures taken to implement the Convention and welcomes the openness with which the delegation responded to the questions posed. The Committee thanks the State party for its oral replies and the additional information provided in writing after the dialogue.

B. Positive aspects

4. The Committee notes with satisfaction that the State party has ratified or acceded to a number of international human rights instruments and several of their optional protocols, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.⁵

5. The Committee welcomes the State party's openness to special procedures of the Human Rights Council conducting visits to the country, as well as its cooperation with the Working Group on Enforced or Involuntary Disappearances.

* Adopted by the Committee at its twenty-seventh session (23 September–4 October 2024).

¹ [CED/C/MAR/1](#).

² See [CED/C/SR.495](#) and [CED/C/SR.496](#).

³ [CED/C/MAR/RQ/1](#) and [CED/C/MAR/RQ/1/Corr.1](#).

⁴ [CED/C/MAR/Q/1](#).

⁵ Instruments whose ratification is pending include: the Rome Statute of the International Criminal Court; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; and the International Labour Organization Domestic Workers Convention, 2011 (No. 189).



6. The Committee also welcomes the progress made by the State party in areas relevant to the Convention, including:

- (a) The December 2019 strategic programme aimed at building human rights capacities among investigating judges and trial judges;
- (b) The National Plan for Democracy and Human Rights, December 2017;
- (c) The Charter on the Reform of the Judicial System, adopted in June 2013;
- (d) The Constitution, promulgated by Decree No. 1-11-91 of 29 July 2011, introducing article 23 on arbitrary or secret detention, which establishes that enforced disappearance is an “offence of the utmost gravity” whose “perpetrators are liable to the most severe penalties”;
- (e) The 2011 establishment of the Ministerial Delegation for Human Rights as a national mechanism to report and follow-up on human rights matters. One of the Delegation’s roles is to deal with all individual communications brought before the United Nations human rights mechanisms;
- (f) The establishment of the Equity and Reconciliation Commission in 2004 and its monitoring committee in 2006;
- (g) The establishment, in 1990, of the Advisory Council on Human Rights, which has been granted A status in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and became the National Human Rights Council in 2011.

C. Principal subjects of concern and recommendations

7. In the present concluding observations, the Committee wishes to note its concerns and recommendations to ensure that the legislation in force in the State party to prevent and punish enforced disappearance and to ensure the rights of victims, the implementation of such legislation and the conduct of the competent authorities fully comply with the Convention. The Committee therefore encourages the State party to implement the recommendations, which have been made in a constructive and cooperative spirit, with a view to ensuring that the normative framework and all measures taken by the State authorities are fully consistent with the State party’s treaty obligations.

1. General information

Competence of the Committee under articles 31 and 32 of the Convention

8. While it notes the delegation’s statement during the dialogue that the State party is considering the possibility of recognizing the Committee’s competence to receive individual or inter-State communications, the Committee regrets that the State party has not yet made the necessary declarations (arts. 31 and 32).

9. The Committee encourages the State party to recognize its competence to receive and consider individual and inter-State communications under articles 31 and 32 of the Convention with a view to ensuring the full effectiveness of the Convention and strengthening the protection of victims from enforced disappearance, and invites it to submit information on the measures taken and the time frame set to this end.

Applicability of the Convention

10. The Committee welcomes the information that, under the preamble of the Constitution, international treaties and agreements ratified by the State party rank above national legislation upon their publication. The Committee notes, however, that this applicability must be “within the scope of the provisions of the Constitution and the laws of the Kingdom and respect its established national identity”. It also notes with regret that the provisions of the Convention have not yet been fully applied by the national judicial authorities (arts. 1, 4 and 23).

11. **The Committee recommends that the State party ensure that the provisions of the Convention are directly invoked and applied by national courts or other competent authorities without any qualification or limitation. It also invites the State party to intensify its efforts to systematically provide judges, prosecutors and lawyers with training in the Convention, including its scope and direct applicability.**

National human rights institution

12. The Committee welcomes the adoption in February 2018 of Act No 76-15, on the reorganization of the National Human Rights Council, which broadened the mandate of the National Council by making it responsible for three mechanisms provided for international human rights law, including the national mechanism for the prevention of torture. The Committee also welcomes the fact that the National Council's A status was renewed by the Global Alliance of National Human Rights Institutions in March 2023, that it is empowered to receive complaints relating to obligations under the Convention and that it has set up a mechanism for this purpose. However, the Committee notes that the State party has not provided sufficient information on the measures taken to ensure that the National Council has the financial, technical and human resources necessary to carry out its work effectively throughout the territory of the State party. It also notes the lack of clarity as to the measures taken to ensure that the State party effectively transmits information relating to investigations into the fate of disappeared persons to the National Council (arts. 2, 12 and 24).

13. **The Committee recommends that State party ensure that the National Human Rights Council has the financial, technical and human resources necessary to carry out its work independently throughout the national territory, including in relation to enforced disappearances. It also recommends that the State party promote awareness of the National Council and its jurisdiction, particularly as relates to enforced disappearance, among the national and local authorities and the population at large.**

Stakeholder involvement in the preparation of the report

14. The Committee notes the information according to which the National Human Rights Council and civil society organizations were invited to participate in the preparation of the State party's report. It nevertheless notes with concern reports that certain civil society organizations working specifically on the issue of enforced disappearances were not consulted (art. 24).

15. **The Committee recommends that the State party ensure that civil society organizations, in particular those working on enforced disappearances and human rights protection, participate in the entire cycle of reporting to the Committee and are regularly consulted and informed about all matters relating to the implementation of the Convention.**

2. Definition and criminalization of enforced disappearance (arts. 1–7)

Statistical information and national register

16. The Committee regrets the lack of disaggregated statistical data on disappeared persons in the State party. It is concerned that access to the archives regarding search activities in and documentation of cases of enforced disappearance remains limited, including for the Equity and Reconciliation Commission, and that the information provided did not enable it to clarify how such archives were managed and by what authority (arts. 1–3, 12 and 24).

17. **The Committee calls on the State party to establish a single national register of disappeared persons in order to generate, without delay, accurate and up-to-date statistical information on those persons, disaggregated by sex, sexual orientation, gender identity, age, nationality and ethnic, religious or geographical origin. This information should include the date of disappearance, the number of disappeared persons who have been located, whether alive or deceased, and the number of cases in which there may have been some form of State involvement in the disappearance within the meaning of article 2 of the Convention.**

Offence of enforced disappearance

18. The Committee welcomes the delegation's statement that the State party plans to define the offence of enforced disappearance in accordance with the Convention and to establish penalties for the offence that are proportionate to its extreme seriousness and can be increased in case of aggravating circumstances. While it notes the information provided on the amendments to the Criminal Code, the Code of Criminal Procedure and other related laws that are planned in response to the recommendation made by the Equity and Reconciliation Commission in its 2006 report, the Committee is concerned that there is no stand-alone offence of enforced disappearance in the domestic legal order. The Committee is also concerned at the confusion resulting from the fact that other offences defined in national law that do not fully reflect the definition in article 2 of the Convention or the seriousness and specific nature of enforced disappearances are applied to cases of enforced disappearance (arts. 2, 4, 6, 7 and 8).

19. The Committee recommends that the State party take the following actions without delay:

(a) Incorporate enforced disappearance into national law as a separate offence in line with the definition contained in article 2 of the Convention and as a crime against humanity in accordance with article 5 of the Convention;

(b) Incorporate all the mitigating and aggravating circumstances set out in article 7 (2) of the Convention in its criminal law;

(c) Introduce appropriate penalties for enforced disappearance that take into account the act's extreme seriousness, while excluding the death penalty.

Criminal responsibility of superiors and due obedience

20. The Committee is concerned that, under Moroccan law, including article 225.2 of the Criminal Code and article 7 of Act No. 01-12 on the basic guarantees afforded to members of the Royal Moroccan Armed Forces, the order of a superior officer or a public authority may be invoked as justification for enforced disappearances and other human rights violations. The Committee is further concerned that the Criminal Code does not cover complicity or explicit or tacit consent as a source of potential liability for law enforcement or security personnel or any other person acting in an official capacity (arts. 1, 6 and 23).

21. The Committee recommends that the State party ensure that its legislation explicitly adheres to article 6 of the Convention, which establishes that no order or instruction from any public authority – civilian, military or other – may be invoked to justify an offence of enforced disappearance, and that subordinates who refuse to obey an order to commit enforced disappearance are not punished. It also recommends that the State party ensure that the criminal responsibility of superiors is provided for in national law, in accordance with article 6 (1) (b) of the Convention.

Transitional justice

22. The Committee notes the State party's commitment to establish the Equity and Reconciliation Commission and facilitate its work. It also notes the Commission's valuable work, in particular, as stated during the dialogue, the fact that the Commission has handled the cases of more than 27,000 victims, that it ordered compensation for 20,339 of them and access to medical coverage as reparation for more than 20,000 people, that 13 regions have been covered under the community reparations programme and that the Commission's monitoring committee is currently operating. The Committee regrets, however, that 18 years after the publication of the Commission's report, its recommendations still have not been fully implemented (art. 24).

23. The Committee recommends that the State party ensure without delay that all of the recommendations of the Equity and Reconciliation Commission are implemented and that it publish periodic reports on the progress of the work of the monitoring committee.

24. The Committee notes the information provided during the dialogue regarding the State party's acknowledgment of responsibility for enforced disappearances committed between 1956 and 1999. It also notes the State party's statement that the experience of transitional justice has been based on the acknowledgement of the State's political and moral responsibility for past violations and its decision to espouse the principles of reconciliation, equity, guarantees of non-repetition and solidarity. The Committee regrets, however, that according to the information it has received and verified, enforced disappearances committed between 1956 and 1999 still have not been investigated or prosecuted. In this context, it notes with concern that some alleged perpetrators have been allowed to remain in their functions, including in the security and justice sectors, without being investigated. The Committee is further concerned that the work of the Equity and Reconciliation Commission did not lead to identification of all bodies and remains or include all cases of enforced disappearance and that the fate and whereabouts of many victims remain unknown (arts. 11, 12 and 24).

25. The Committee recommends that the State party intensify its efforts to ensure, without delay, that:

(a) **All cases of enforced disappearance committed between 1956 and 1999 are investigated thoroughly and impartially and investigations continue until the fate of the disappeared persons has been fully clarified;**

(b) **All those involved in the perpetration of an enforced disappearance, including military and civilian superiors, are prosecuted and, if found guilty, punished in accordance with the seriousness of their acts;**

(c) **All disappeared persons whose fate is unknown are searched for and located and, in the event of death, their body or remains are identified, treated respectfully and returned to their families with dignity and in a manner that allows for a dignified burial consistent with the wishes and cultural customs of their families and communities;**

(d) **Those who have suffered direct harm as a result of an enforced disappearance and who have not yet benefited from reparation programmes have access to them without delay and receive prompt, full and adequate reparation through the application of a differential approach that takes into account a gender dimension and the specific requirements of the victims.**

Measures conducive to impunity

26. The Committee is concerned at the State party's statement during the dialogue indicating that the non-prosecution of perpetrators is a deliberate policy aimed at fostering national reconciliation. It is also concerned at the inability of witnesses to name the perpetrators before the Equity and Reconciliation Commission, which has prevented the issue of their individual criminal responsibility from being addressed, and at verified allegations that attempts to initiate criminal proceedings in some cases have proved unsuccessful (art. 7, 11 and 24).

27. The Committee recommends that the State party eliminate any legal provision or practice that could have the effect of exempting perpetrators of acts of enforced disappearance from prosecution or criminal penalties. In particular, it recommends that the State party make it impossible to grant measures that would guarantee impunity for perpetrators of enforced disappearances.

3. Criminal responsibility and judicial cooperation in relation to enforced disappearance (arts. 8–15)

Statute of limitations

28. The Committee notes that article 5 of the Code of Criminal Procedure does not provide for a statute of limitations with regard to offences defined in international treaties ratified by the State party. It also notes the information provided by the delegation of the State party according to which articles of the Criminal Code that could be applied to cases of enforced disappearance provide for a statute of limitations of 15 years from the end of a continuous

crime. It remains concerned, however, that in the absence of a specific offence of enforced disappearance in national legislation, there is no specification of the limitation period applicable to cases of enforced disappearance (art. 8).

29. **The Committee recommends that the State party ensure, in accordance with article 8 of the Convention, that the statute of limitations applied to enforced disappearance is of long duration and proportionate to the extreme seriousness of the offence and that, given the continuous nature of the offence, it commences from the moment when the offence ceases.**

Extraterritorial and universal jurisdiction

30. The Committee notes the information provided by the State party on the legislation relating to the jurisdiction of the national courts and the fact that articles 707 to 712 of the Criminal Code provide for the prosecution of persons who have committed criminal acts outside the country but are on Moroccan soil. Given that enforced disappearance is not a separate criminal offence in the State party, the Committee notes the lack of clarity as to whether the State party is competent under national law to exercise its jurisdiction over the offence of enforced disappearance when the offence occurred abroad and the perpetrator or the victim is a Moroccan national or when the alleged perpetrator is a foreign national or stateless person who does not have permanent resident status in the State party, is present in its territory and is not extradited or surrendered to another State, and the country in which the enforced disappearance was allegedly perpetrated does not specifically criminalize enforced disappearance (arts. 9 and 11).

31. **The Committee recommends that the State party ensure that the national courts can exercise jurisdiction over all acts of enforced disappearance, including those committed abroad by or against Moroccan nationals, in accordance with the obligations under articles 9 and 11 of the Convention and with the principle of *aut dedere aut judicare* set out therein.**

Investigations into cases of enforced disappearance and search for disappeared persons

32. The Committee notes the information provided on the legal and institutional frameworks governing investigations into members of the security forces and State actors, and on the work of the Equity and Reconciliation Commission and the mandate of the Ministerial Delegation for Human Rights in connection with disappearances, including enforced disappearances. It remains concerned, however, that despite allegations of possible enforced disappearances received and verified by the Committee, including under its urgent action procedure or under the procedures of other international human rights mechanisms, no complaints of such cases have been recorded.⁶ The Committee regrets not having received detailed information on the number of complaints received regarding acts defined in article 2 of the Convention, whether committed before or after the entry into force of the Convention, and on how the State party would ensure that any case of enforced disappearance that is registered is investigated *ex officio* in a prompt, thorough, impartial and independent manner and with a differential approach, even in the absence of a formal complaint. The Committee is also concerned by the limited information on the measures taken to process these complaints and to ensure the participation of victims in search and investigation procedures (arts. 2, 12 and 24).

33. **The Committee recommends that State party:**

(a) **Collect, systematize and publish reliable up-to-date statistical data on the number of complaints of enforced disappearance;**

(b) **Ensure that all disappeared persons are searched for, that all reported cases of enforced disappearance are investigated promptly, thoroughly, effectively and impartially, even in the absence of a formal complaint, and that the alleged perpetrators**

⁶ See urgent action requests No. 1010/2021, No. 1534/2022 and No. 1537/2022; see also [A/HRC/57/54](#), p. 11.

are prosecuted and, if found guilty, punished in accordance with the seriousness of the offence;

(c) **Ensure that a differential approach is adopted throughout the search and investigation procedures to satisfy the specific needs of the victims;**

(d) **Ensure that any persons with a legitimate interest, such as relatives, loved ones and legal representatives of disappeared persons, can participate in all stages of an equitably conducted following due process of law and that these persons are regularly informed of the progress and results of investigations.**

Mass graves

34. The Committee is concerned about reports of numerous mass graves in the national territory and about the lack of specific information on efforts to ensure the protection, identification, forensic analysis, respectful treatment and return of the remains of disappeared persons (art. 12 and 24).

35. **The Committee urges the State party to take into consideration the Guiding Principles for the Search for Disappeared Persons⁷ in the development and implementation of a search strategy and recommends that it ensure that each reported mass grave is protected and processed using appropriate forensic methods. It also recommends that the State party ensure that the identification of disappeared persons is effectively carried out by a specialized institution with the requisite specialized human and material resources.**

Suspension from duty of officials suspected of committing offences

36. The Committee regrets that it has not received specific information from the State party on the mechanisms for excluding from an investigation into an enforced disappearance any members of law enforcement or security forces or other public officials suspected of having been involved in the commission of the offence or for suspending them from duty from the outset of the investigation. The Committee is concerned about verified reports that persons suspected of having committed serious human rights violations, including enforced disappearances, continue to perform public functions in the State party, which has the effect of maintaining a climate of impunity (art. 12).

37. **The Committee recommends that State party:**

(a) **Ensure that public officials suspected of involvement in the commission of an offence of enforced disappearance are suspended from their duties from the outset and for the duration of the investigation, without prejudice to the principle of the presumption of innocence, and that law enforcement or security forces whose members are suspected of having participated in an enforced disappearance cannot take part in the investigation;**

(b) **Establish screening procedures to prevent those suspected of violations of the Convention from performing public functions or being promoted.**

Protection of persons who report an enforced disappearance and/or participate in the investigation

38. The Committee regrets not having received sufficient information on the measures taken to protect victims, witnesses and their representatives. It notes with concern repeated reports that Saharawi victims⁸ have been particularly exposed to harassment and intimidation (art. 12).

39. **The Committee recommends that the State party establish mechanisms, including a structured programme, to ensure, in accordance with article 12 (1) of the**

⁷ CED/C/7.

⁸ All references to Saharawis in the present document should be understood to be in full compliance with Security Council resolution 658 (1990) and General Assembly Resolution 35/19, without prejudice to the status of Western Sahara.

Convention, that complainants, witnesses, relatives of the disappeared person and their defenders, as well as all those participating in the investigation, are effectively protected against all acts of reprisal or intimidation resulting from having made a complaint or witness statement, regardless of their ethnic, religious or geographical origin, or the date, place and circumstances of the disappearance.

Extradition

40. The Committee notes the information provided by the State party during the dialogue regarding the legal framework for extradition in cases of offences of enforced disappearance. It remains concerned, however, at the implications of the fact that it is impossible to meet the requirement of dual criminality established in existing extradition treaties given that enforced disappearance is not a separate offence in the Criminal Code (art. 13).

41. The Committee recommends that the State party establish enforced disappearance as a stand-alone offence in national legislation and include the offence among those subject to extradition in any existing or future extradition treaty.

4. Measures to prevent enforced disappearances (arts. 16–23)

Non-refoulement

42. The Committee notes the information provided by the State party on the prohibition of expulsion, return or extradition in cases where the person concerned is at risk of torture or punishment on account of his or her race, colour, origin, religion, sex, sexual orientation, gender identity, nationality or political opinion, and on the extradition procedures set out in articles 719 et seq. of the Code of Criminal Procedure. It nonetheless regrets the lack of detailed information on safeguards against the risk of being subjected to enforced disappearance, and in particular on:

(a) The criteria used to assess this risk and the means of verifying, in practice, the information provided by both the receiving State and the person whose expulsion, return, surrender or extradition is sought;

(b) The conditions under which the State party accepts diplomatic assurances when there are substantial grounds for believing that the person concerned would be in danger of being subjected to enforced disappearance;

(c) The possibility of lodging an appeal against a decision authorizing expulsion, return, surrender or extradition, indicating by whom and before which authorities the appeal is lodged, the steps involved and whether such an appeal has a suspensive effect;

(d) Cases where article 16 of the Convention has been implemented by the State party (art. 16).

43. The Committee recommends that the State party ensure systematic and strict respect for the principle of non-refoulement. In this regard, the Committee recommends that the State party:

(a) **Consider explicitly prohibiting in its domestic legislation any expulsion, refoulement, surrender or extradition when there are substantial grounds for believing that the person concerned may be in danger of being subjected to enforced disappearance;**

(b) **Prescribe clear and specific criteria for expulsion, refoulement, surrender or extradition and ensure that a consistent and thorough individual assessment is conducted to determine and verify the person's risk of being subjected to enforced disappearance in the country of destination, including in countries considered safe;**

(c) **Ensure that diplomatic assurances are effectively assessed with utmost care and that they are not accepted in any case where there are substantial grounds for believing that the person would be in danger of being subjected to enforced disappearance;**

(d) **Provide training on enforced disappearance and the assessment of the related risks to staff involved in asylum, return, surrender or extradition procedures, in particular to border control officials;**

(e) **Ensure that any decision taken in the context of refoulement involving the execution of an expulsion order may be appealed and that such an appeal has a suspensive effect.**

Enforced disappearance in the context of migration

44. In the light of verified reports of disappearances of undocumented migrants and refugees, the Committee is concerned at the lack of detailed information from the State party on the measures taken to prevent the disappearance of migrants and asylum-seekers and on the support services available to migrants, asylum-seekers and their relatives in the event of disappearance (art. 16).

45. **The Committee urges the State party to take all legislative and practical measures necessary to rule out any refoulement or collective expulsion of migrants and to ensure that all allegations of such practices are duly investigated and that those responsible are prosecuted and, if found guilty, punished. In addition, it recommends that the State party actively work to strengthen mutual legal assistance in order to facilitate the exchange of information and evidence and the search for and identification of disappeared migrants. In implementing these recommendations, the Committee encourages the State party to take into account its general comment No. 1 (2023) on enforced disappearance in the context of migration.**

Secret detention and fundamental legal safeguards

46. The Committee notes the limits placed on secret and arbitrary detention by article 23 of the Constitution and articles 608 to 611 of the Code of Criminal Procedure, as well as by Act No. 23-98 of 25 August 1999 on the organization and management of penitentiaries. It also notes the information received regarding the regular and unannounced visits made by the National Human Rights Council to prisons and other places of detention. However, the Committee is concerned by reports that it has received and verified according to which registers of deprivation of liberty do not contain all the information enumerated in article 17 (3) of the Convention. It regrets that the State party did not describe in detail the practical measures taken to ensure that registers are filled in from the outset of a person's deprivation of liberty and are updated whenever necessary. It also regrets the lack of detailed information on the practical application of the safeguards provided for in article 680 of the Criminal Code and article 15 of Act No. 23-98, particularly with regard to persons accused of terrorism (arts. 17 and 18).

47. **The Committee recommends that the State party guarantee that no one is held in secret detention, including by ensuring that all persons deprived of their liberty, whatever the nature of the place of deprivation of liberty, are afforded all the fundamental safeguards set out in articles 17 and 18 of the Convention. In this respect, the State party should:**

(a) **Ensure that persons deprived of their liberty are held solely in officially recognized and supervised places of deprivation of liberty at all stages of proceedings;**

(b) **Guarantee, from the outset of the deprivation of liberty, that all persons, regardless of the offence with which they are charged, have effective access to a lawyer and that their relatives, any other person of their choice and, in the case of a foreign national, the consular authorities of their country, are effectively informed of their deprivation of liberty and their place of detention;**

(c) **Guarantee that any person deprived of liberty, including anyone held in police custody, or, in cases of suspected enforced disappearance, where the person deprived of liberty is unable to exercise this right, any persons with a legitimate interest, such as relatives of the person deprived of liberty, their representatives or their counsel, are entitled to petition the court to rule without delay on the lawfulness of the deprivation of liberty and, where it is found unlawful, order the person's release;**

(d) **Enter all cases of deprivation of liberty, without exception, in up-to-date official registers and/or records that include, at a minimum, the information required under article 17 (3) of the Convention;**

(e) **Ensure that the register is accessible without delay to the authorities in charge of searching for disappeared persons and investigating their disappearance and to any person with a legitimate interest;**

(f) **Punish the failure to comply with the obligation to record all deprivations of liberty, the registration of inaccurate or incorrect information, the refusal to provide information on a deprivation of liberty and the provision of inaccurate information.**

Police custody

48. As emphasized during the dialogue, the Committee shares the concern expressed by the Committee against Torture⁹ regarding the provisions of the Criminal Code and Code of Criminal Procedure relating to the definition of torture and limitations on police custody (art. 17).

49. **The Committee calls on the State party to ensure that all persons deprived of their liberty, regardless of the offence with which they are charged, are afforded in law and in practice all the fundamental legal safeguards set forth in article 17 of the Convention from the outset of the deprivation of liberty. In this respect, it supports the recommendations of the Human Rights Committee and the Committee against Torture¹⁰ and stresses that the State party should take urgent steps to:**

(a) **Amend the provisions of the Code of Criminal Procedure and the laws in the areas of terrorism, corruption and drugs to bring them into line with international standards on fundamental legal safeguards;**

(b) **Ensure that the maximum period of police custody does not exceed 48 hours, including non-working days, irrespective of the charges, and that it is renewable only under exceptional, fully reasoned circumstances, subject to judicial oversight.**

Training

50. The Committee notes the information provided by the State party according to which training in the international human rights treaties ratified by the State party is organized for a wide audience, including civilian and military law enforcement personnel, medical practitioners, public officials and others who may be involved in the custody or treatment of persons deprived of their liberty. The Committee nonetheless notes with concern that there is currently no specific, long-term training programme on the Convention for public officials and other relevant persons (art. 23).

51. **The Committee recommends that the State party ensure that all law enforcement and security personnel, civil and military, medical practitioners, public officials and other persons who may be involved in the custody or treatment of persons deprived of their liberty, including judges, prosecutors and other officials responsible for the administration of justice of all ranks, receive appropriate and regular training in the Convention. The Committee reminds the State party of its willingness to support these efforts.**

5. Measures to protect and ensure the rights of victims of enforced disappearance (art. 24)

Victims' rights

52. The Committee notes the State party's efforts to implement individual and community reparation programmes and to provide financial compensation to victims of enforced

⁹ See CAT/C/MAR/QPR/5 and CAT/C/MAR/CO/4.

¹⁰ See CCPR/C/MAR/CO/6 and CAT/C/MAR/CO/4.

disappearance. The Committee is concerned, however, that national law does not provide for a system of appropriate comprehensive reparation fully in line with article 24 (4) and (5) of the Convention and does not formally recognize the right of all victims to the truth. It is also concerned that, despite the reparation measures mentioned by the State party, it has received multiple reports of unequal access to reparation, truth and justice, particularly for Saharawi victims. The Committee further notes that, while the work of the Equity and Reconciliation Commission has enabled the country to put an end to the frequent past practice of enforced disappearances, it has not yet clarified the fate and whereabouts of all victims, nor identified and prosecuted the perpetrators of these offences. This situation could lead to impunity for the perpetrators and bring an end to victims' demands for justice, owing to the death of either the perpetrators or the victims from old age (arts. 12 and 24).

53. The Committee recommends that the State party adopt a definition of the concept of victim consistent with the definition contained in article 24 (1) of the Convention and ensure that any person who has suffered direct harm as a result of an enforced disappearance has access to the rights enshrined in the Convention, in particular the right to the truth and to comprehensive reparation, including not only compensation but also rehabilitation, satisfaction and guarantees of non-repetition. With this in mind, the Committee recommends that the State party explicitly recognize in national law the right of victims of enforced disappearance to the truth and establish a system of comprehensive reparation fully in line with article 24 (4) and (5) of the Convention and other relevant international standards. It further recommends that the State party ensure that this system is applicable even when no judicial proceedings have been initiated and is based on a differential approach taking into account the specific needs of each victim, including needs related to his or her sex, sexual orientation, gender identity, age, racial, ethnic or geographical origin, social status or disability.

Legal situation of disappeared persons whose fate has not been clarified and that of their relatives

54. The Committee considers that the State party's system governing the legal situation of disappeared persons whose fate has not been clarified and that of their relatives does not accurately reflect the complexity of enforced disappearance. In particular, the Committee notes that access to social services and family and property rights for relatives of a disappeared person is only possible on presentation of a declaration of death, the issuance of which depends on the competent court's assessment of the likelihood of the victim's death based on the "circumstances of his or her disappearance". In this regard, the Committee recalls that, in view of the continuous nature of enforced disappearance, in principle and unless there is concrete evidence to the contrary, there is no reason to presume that a disappeared person has died as long as his or her fate has not been clarified (art. 24).

55. The Committee recommends that the State party take legislative measures to ensure that the legal situation of disappeared persons whose fate has not been clarified and that of their relatives is regulated in accordance with article 24 (6) of the Convention, for instance by not requiring that disappeared persons be declared as presumed dead. To this end, the Committee recommends that the State party provide by law for the issuance of declarations of absence by reason of disappearance, irrespective of its duration.

Situation of women who are loved ones of a disappeared person

56. The Committee recalls the limitations faced by women under the State party's jurisdiction, particularly with regard to child custody, inheritance and access to social benefits, which have been highlighted by the Committee on the Elimination of Discrimination against Women¹¹ and the Committee on Economic, Social and Cultural Rights,¹² and is concerned about the potential negative impact of these limitations on women's full enjoyment of the rights enshrined in the Convention (art. 24).

¹¹ See CEDAW/C/MAR/CO/5-6.

¹² See E/C.12/MAR/CO/4.

57. **The Committee recommends that the State party ensure that all women and girls who are loved ones of disappeared persons are able to exercise all the rights enshrined in the Convention, including in article 24, without restriction.**

Search for disappeared persons, and genetic databases

58. The Committee welcomes the information provided by the State party on the use of DNA analysis to identify victims and on the unified digital database project for disappeared persons and detainees. It regrets, however, that in practice, there is no comprehensive approach to the use of DNA analysis in the identification of victims of disappearance and that its use remains limited to a very small number of cases. The Committee also regrets that the State party did not provide detailed information on the measures and strategies currently in place to search for and identify disappeared persons (arts. 19 and 24).

59. **The Committee invites the State party to develop and carry out comprehensive search strategies in line with the Guiding Principles for the Search for Disappeared Persons and recommends that the State party redouble its efforts to:**

(a) **Search for, locate and release disappeared persons as promptly as possible and, in the event of death, identify and return their remains in a dignified manner and in strict accordance with their customs;**

(b) **Continue to ensure that the search for disappeared persons and, in the event of death, the identification and return of their remains are carried out by State authorities and that the relatives of disappeared persons can take part, as appropriate;**

(c) **Speed up the creation of a genetic database of victims, ensuring that it is interoperable with genetic profile banks in other countries;**

(d) **Ensure that the authorities competent to search for disappeared persons and, in the event of death, to identify their body or remains have appropriate financial and technical resources and the qualified staff necessary to discharge their mandate;**

(e) **Ensure that the search continues until the fate of the disappeared person has been clarified.**

Right to form and freely participate in organizations and associations

60. The Committee notes that, according to the State party, there are currently 279,752 registered non-governmental organizations in Morocco and welcomes the participation of members of civil society in the process of drafting and revising the State party's report. It is nonetheless concerned about reports that associations of relatives of disappeared persons and other organizations that support them see the exercise of their rights under article 24 of the Convention restricted and face obstacles and acts of intimidation or reprisal by the authorities. The Committee is particularly concerned by reports that not all Saharawi victims are able to fully exercise their right to form and participate in organizations or associations (art. 24).

61. **The Committee recommends that the State party respect and promote the right of all persons, irrespective of their ethnic, religious or geographical origin and of the time, place and circumstances of their disappearance, to form and freely participate in organizations and associations whose purpose is to help establish the circumstances of enforced disappearances, clarify the fate of disappeared persons and assist victims of enforced disappearances.**

Measures for the preservation of memory

62. The Committee notes the information provided by the State party, including in writing after the dialogue, on the measures taken to preserve former places of detention and burial. The Committee considers that the preservation of these places of remembrance is essential to guarantee memory, the right to the truth and non-repetition of past human rights violations. It remains concerned, however, by reports that some places where victims of enforced disappearance may have been detained or buried are not protected and that recommendations

and projects aimed at preserving and memorializing such sites have been abandoned or only partially implemented.

63. **The Committee recommends that the State party establish a long-term memory preservation programme, in consultation and coordination with victims, to protect the sites used in enforced disappearances and that it transform appropriate sites into educational and remembrance spaces accessible to the general public.**

6. Measures to protect children against enforced disappearance (art. 25)

Legislation concerning the wrongful removal of children

64. The Committee welcomes the information provided by the State party on the legal safeguards contained in the Criminal Code, the Civil Status Code and the Family Code. In addition, it notes the information on the civil registration campaign currently under way in the State party. However, the Committee regrets that the State party has not provided sufficient information on the legal procedures available under national law for the review and, where appropriate, annulment of any adoption, placement or guardianship, including in the context of kafala, which have their origin in an enforced disappearance (art. 25).

65. **The Committee recommends that the State party:**

(a) **Incorporate as specific offences all the acts described in article 25 (1) of the Convention, providing for appropriate penalties that take into account the extreme seriousness of the offences;**

(b) **Take effective measures to prevent the falsification, concealment or destruction of documents attesting to the true identity of the children referred to in article 25 (1) (a) of the Convention;**

(c) **Prevent the disappearance of children and search for and identify children who may have been victims of wrongful removal within the meaning of article 25 (1) (a) of the Convention, and ensure that information concerning unaccompanied minors is duly recorded.**

D. Dissemination and follow-up

66. The Committee wishes to recall the obligations undertaken by States when becoming parties to the Convention and, in this connection, urges the State party to ensure that all the measures it adopts, irrespective of their nature or the authority from which they emanate, are in full accordance with the Convention and other relevant international instruments.

67. The Committee emphasizes the particularly cruel effect of enforced disappearance on women and children. Women who are subjected to enforced disappearance are particularly vulnerable to sexual and other forms of gender-based violence. Women who are relatives of a disappeared person are also particularly likely to suffer serious social and economic disadvantages and to be subjected to violence, persecution and reprisals as a result of their efforts to locate their loved ones. Children who are victims of enforced disappearance, either because they themselves were subjected to disappearance or because they suffer the consequences of the disappearance of their relatives, are especially vulnerable to numerous human rights violations, including identity substitution. In this context, the Committee places special emphasis on the need for the State party to ensure that gender issues and the specific needs of women and children are systematically taken into account in implementing the recommendations contained in the present concluding observations and all the rights and obligations set out in the Convention.

68. The State party is encouraged to widely disseminate the Convention, its report submitted under article 29 (1) of the Convention, the written replies to the list of issues drawn up by the Committee and the present concluding observations, in order to raise awareness among the judicial, legislative and administrative authorities, civil society

and non-governmental organizations operating in the State party and the general public. The Committee also encourages the State party to promote the participation of civil society, in particular organizations of relatives of victims, in the process of implementing the recommendations contained in the present concluding observations.

69. Under article 29 (3) of the Convention, the Committee requests the State party to submit, by no later than 4 October 2028, specific and updated information on the implementation of all its recommendations and any other new information on the fulfilment of the obligations contained in the Convention. The Committee encourages the State party to consult civil society, in particular organizations of victims, when preparing this information, on the basis of which the Committee will determine whether it will request additional information under article 29 (4) of the Convention.
